

ZONING ORDINANCE 2019-3

TOWN OF ALEXANDRIA, TENNESSEE

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ZONING ORDINANCE FOR THE TOWN OF ALEXANDRIA, TENNESSEE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY SECTIONS 13-701 THROUGH 13-716, TENNESSEE CODE ANNOTATED, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF ALEXANDRIA, TENNESSEE; TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF ALEXANDRIA, TENNESSEE, AS FOLLOWS:

ARTICLE I. TITLE

This ordinance shall be known as the “Municipal Zoning Ordinance of Alexandria, Tennessee,” dated October 15, 2015. Amended December 5, 2019

ARTICLE II PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. These provisions have been designed to lesson congestion in the streets; to secure safety from fires, panic, and other dangers; to allow adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote adequate transportation, water, sewer, school, park, and other public systems; to conserve the value of buildings; and to encourage the most appropriate uses of land.

ARTICLE III DEFINITION OF TERMS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meanings indicated. The present tense includes the future; singular includes the plural, and the plural the singular; “shall” in all cases is mandatory.

1. Abuts or Abutting. Lots or land adjoining but separated by a common property line; also, those lots or lands which adjoin if property lines are extended to the center line of streets.
2. Automobile Graveyard. A yard, field, or other area uses as a space of storage for two (2) or more unserviceable, discarded, worn-out, or junked motor vehicles. A motor vehicle is defined as any self-propelled vehicle not operated on track, including motorcycles.
3. Building. Any structure built for, or occupied by, residence, business, industry, or other use, including a tent, lunch wagon, dining car, mobile home, travel trailer, or a similar structure, whether stationary or moveable.
 - 3.1 Accessory Use or Building. A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with the principal use or building.
 - 3.2 Floor Area Ration (FAR). The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.
 - 3.3 Half Story. A story under a sloping roof, the finished floor area of which does not exceed one-half of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area of the floor immediately above.
 - 3.4 Height of Building. The distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.
 - 3.5 Principal Building. 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 the principal building on any lot on which the same is situated. Carports or garages, if permanently attached to the building, are deemed a part of the principal building. Awning, porches, patios, or similar attachments shall be deemed a part of the principal building with regard to meeting any yard requirement.
 - 3.6 Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.
 - 3.7 Total Floor Area. The area of all floors of a building, including finished attic, finished basement, and enclosed porches used for habitation.
4. Customary Home Occupation. An occupation having acceptance as being one customarily carried on in the home; provided, that such occupation is incidental to the

residential use to the extent that not more than twenty-five (25) percent of the usable floor area is utilized by such occupation; that no article or service is sold or offered for sale on the premise except such as is produced by said occupation; that no more than one (1) person other than residents of that structure is employed; that such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.

5. Dwelling. A house, mobile home, apartment building, boarding house, or other structure designed or used primarily for human habitation. For the purpose of this ordinance the word “dwelling” shall not include a travel trailer, hotel, motel, tourist court, or other structures designed for transient residence.
 - 5.1 Apartment. A housing structure containing four (4) or more separate dwelling units.
 - 5.2 Apartment Complex. Two (2) or more apartment buildings located on the same tract in one ownership and constructed as a planned development.
 - 5.3 Dwelling Unit. That area in a dwelling structure designed and constructed for the occupancy of one family.
 - 5.4 Group Housing Development. Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development.
 - 5.5 Mobile home. Any vehicle or conveyance, not self-propelled, designed for travel upon the public highways, and designed for use as a residence, office, apartment, storehouse, warehouse or any other similar purpose.
 - 5.5 a. House trailer. See mobile home.
 - 5.5 b. Modular home. Factory manufactured housing, not self-propelled, and neither designed nor constructed to allow attachment of wheels to either an axle or its frame, and designed for use as a residence, office, apartment, storehouse, warehouse, or any other similar purpose.
 - 5.5 c. Manufactured home. See mobile home.
 - 5.5 d. Construction trailer. A factory manufactured structure located on an approved construction site, not designed for use as sleeping quarters, in support of construction activities only, and limited to that use for a period of not more than twelve months.
 - 5.6 Mobile Home Space. A well-defined area of sufficient size to accommodate one mobile home within a mobile home park and also to allow for sufficient yard space.
 - 5.7 Mobile Home Park. A place or tract of land upon which twelve (12) or more mobile homes, occupied for dwelling or sleeping purposes, are located on a single lot or tract of land not subdivided.
 - 5.8 Travel Trailer. A vehicular portable structure having a body width not exceeding eight (8) feet (pick-up, piggy back, or motorized camper, converted bus, tent-trailer, or trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes only.
6. Emergency Shelter. A structure or portion of a structure intended to provide protection to

- human life during periods of danger from nuclear fallout, air raids, storms, and other emergencies.
7. Family. One or more persons living as a single housekeeping unit.
 8. Home Occupation. See customary home occupation.
 9. Landscape Treatment. The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.
 10. Loading and Unloading Space. An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, with an overhead clearance of not less than fourteen (14) feet exclusive of access, platform, or maneuvering area.
 11. Lot. A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied by one or more principal structures and accessory structures and including the open spaces required under this ordinance.
 - 11.1 Coverage. The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.
 - 11.2 Lot Lines. The boundaries dividing a given lot from the street, an ally, or adjacent lots.
 - 11.3 Lot of Record. A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record, prior to January, 1975. All lots created after this date are legal lots if they were created in a manner established by law.
 12. Nonconforming Structure or Use. The use of a structure or of land, lawful at the time of enactment of this ordinance that does not conform to the provisions of this ordinance for the district in which it is located.
 13. Parking Space. One vehicular parking space at least two hundred and forty (240) square feet in area and, at least, ten (10) feet in width.
 - 13.1 Automobile Storage Area. An off-street area reserved and suitable for automobile storage or parking, providing safe vehicular access to a public street or alley. See definition of Parking Space.
 - 13.2 Gross Parking Area. An amount of land at least three hundred (300) square feet in area, to provide parking and driveway space adequate to accommodate one (1) automobile in a parking area. The total land area required per automobile in a parking area.
 14. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
 15. Shopping Center. A group of compatible commercial establishments planned, developed, and managed as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shops to its trade area.
 16. Sign. See Article IV Section Eleven
 17. Special Exception. A special exception in a zoning ordinance is one allowable where

facts and conditions detailed in the ordinance, as those upon which an exception may be permitted, are found to exist. Special exceptions may be granted by the Planning and Zoning Board only in those districts where special exceptions are permitted, such as uses permitted on appeal, and where the proposed use would, in the opinion of the Board, not be detrimental to the character, pattern, and general welfare of the area or neighborhood.

18. Street. Any public way set aside for public travel which is fifty (50) feet or more in width. The word “street” shall include the words “road”, “highway”, and “thoroughfare”.
 - 18.1 Alley. Any public or private way less than thirty (30) feet in width set aside for public travel.
 - 18.2 Arterial Street or System. A continuous highway or system of highways which connect cities and concurrently absorb collector traffic.
 - 18.3 Center Line of Street. That line surveyed and monumented by the Town of Alexandria, Tennessee, as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs, ditches, or accepted boundaries of such street.
 - 18.4 Circulation. The flow of traffic, goods, or people within and through an area.
 - 18.5 Collector Street. An urban street which collects traffic from minor streets and feeds it into the arterial system.
 - 18.6 Curb Line. The line formed by a curb extending along its roadbed.
 - 18.7 Point of Access. On a public street, a driveway cut not exceeding twenty-five (25) feet in width, except as otherwise provided in this ordinance.
 - 18.8 Right of way Line of Street. That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as “street line”.
 - 18.9 Minor Street. A street used primarily for access to abutting properties and are not meant to carry through traffic.
19. Structure. Any constructed or erected material or combination of materials, requiring space, including, but not limited to, buildings, stadiums, radio towers, sheds, storage dens, emergency shelters, swimming pools, fences, signs, patios, tennis courts, but not including driveways.
 - 19.1 Accessory Structure. A sub ordinance structure including emergency shelters, the use of which is incidental to that of a principal structure on the same lot.
 - 19.2 Principal Structure. A structure in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which it is situated. Carports and garages, if permanently attached to the principal structure, shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with regard to meeting any yard requirements.
20. Yard. Open space on the same lot with one or more principal structures occupied, and unobstructed by buildings from the ground to the sky, except as otherwise

provided in this ordinance.

- 20.1 Front Yard. The yard extending across the entire width of a lot between the right-of-way line of a street and the nearest part of a principal structure. In the case of a corner lot, the Town building inspector shall identify the front yard for the purpose of compliance with this ordinance.
- 20.2 Rear Yard. The yard extending across the entire width of a lot between the rear lot line and the nearest part of a principal structure.
- 20.3 Side Yard. The yard extending along a side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of a principal structure.
- 20.4 Yard Depth. The shortest distance between the right-of-way line of a street and the nearest part of a principal structure on a lot.

ARTICLE IV. GENERAL PROVISIONS

For the purposes of this ordinance there shall be certain general provisions which shall apply to the Town as a whole. Except as herein provided, no structure or land shall be used and no structure or parts thereof shall be erected, moved or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located.

1. Continuancy of Nonconforming Uses and/or Structures.

Any existing structure or use which does not conform to the provisions of this ordinance or subsequent amendment thereto may be continued with these limitations. Cases of nonconforming uses or structures as outline in TCA 13-708 shall abide by the limitations set forth in TCA 13-708. TCA 13-708 is made a part of this ordinance and is included in the Appendix.

1.1 Residential Nonconforming Uses and/or Structures.

- 1.1 (1) A nonconforming use shall not be changed to another nonconforming use.
- 1.1 (2) A nonconforming use shall not be re-established after discontinuance of one year.
- 1.1 (3) A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this ordinance, or the effective date of any amendment which creates a nonconforming use.
- 1.1 (4) A nonconforming use of a structure shall not be enlarged to include either additional land or structures.
- 1.1 (5) A nonconforming use may be extended throughout those parts of a structure which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance, but shall not be extended to additional structures on the same lot or another lot.
- 1.1 (6) A nonconforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance required for structural safety, nor shall it prohibit a structural alteration which will have effect of making a nonconforming structure conform.

1.1 (7) A nonconforming use shall not be rebuilt or repaired after damage exceeding fifty (50) percent of the fair sales value of the structure immediately prior to damage; unless such a structure can be rebuilt or repaired in such a way that it will conform to the terms of this ordinance.

1.1(8) Deleted December 5, 2019

1.2 Business or Industrial Nonconforming Uses and/or Structures.

All business or industrial nonconforming uses and/or structures shall abide by the limitations as set forth in TCA 13-708. (See Appendix.)

2. Number of Structures and Uses Associated with a Lot.

2.1 No part of a yard or other open space, or automobile storage area, or loading and unloading space, required in connection with any structure, shall be included as part of a yard, or other open space, or automobile storage area, or loading or unloading space for any other structure.

2.2 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any lot in a residential district.

2.3 No building shall be erected on a lot which does not abut at least one public street for at least forty (40) feet, except for lots abutting a cul-de-sac, which shall abut it for thirty (30) feet.

2.4 The equipment of an accessory building, such as sink, cook stove, or other kitchen facilities for the independent occupancy thereof, shall be prima facie evidence that such building is not an accessory building but a separate dwelling and must meet all minimum standards of lot area and yard requirements of the district in which it is located.

3. Emergency Shelter.

Emergency shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

4. Minimum Lot Area.

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yard or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

5. Rear Yard Abutting a Public Street.

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

6. Obstruction to Vision at Street Intersection.

In all districts, except Central Business, on a corner lot within the area formed by the center lines of intersecting streets and a line joining points on such center lines at a distance of one-hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three-and-one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

7. Automobile Storage.

An automobile storage area shall be provided on each lot in which any of the following uses are hereafter established. Such parking area shall meet the minimum requirements set forth below:

7.1 Amusement Places (Auditoriums, Stadiums, Theaters, or Similar Uses)

One parking space for each employee; plus the number of patron seats divided by three (3).

7.2 Churches. Five (5) parking spaces for the first thirty (30) individual seating spaces, plus five (5) parking spaces for every twenty individual seating spaces thereafter.

7.3 Dining Places (Restaurants, Tea Rooms, Night Clubs, Coffee Shops, or Similar Uses).

Three (3) square feet of automobile storage area for every square foot of customer service area.

7.4 Dwellings. Two parking spaces for every family.

7.4 (1) One-and Two-family Dwellings. Two parking spaces for each family.

7.4 (2) Three-family Dwellings, Apartments, and Group Housing Developments. Two (2) parking spaces for each dwelling unit.

7.4 (3) Boarding Houses or Tourist Homes. One parking space for every two hundred (200) square feet of sleeping room area.

7.5 Funeral Homes or Mortuaries. One parking space for every six (6) seats; or in the case of no fixed seats, one parking space for every one hundred (100) square feet of chapel area; plus one parking space for every funeral vehicle and one for every resident family.

7.6 Deleted December 5, 2019 Revision

7.7 Deleted December 5, 2019 Revision

7.8 Industrial or Manufacturing Establishments. One parking space for every three (3) employees; plus one parking space for every business vehicle.

7.9 Deleted December 5, 2019 Revision

7.10 Medical or Dental Clinics. Three (3) parking spaces for every doctor; plus one parking space for every two (2) employees.

7.11 Office, Professional, or Public Buildings. Four (4) square feet of automobile storage area for every square foot of office space.

- 7.12 Deleted December 5, 2019 Revision
- 7.13 Recreational Areas (Bowling Alleys, Swimming Pools, Skating Rinks, or Similar Uses.) Four (4) square feet of automobile storage area for every square foot of floor area devoted to recreational use.
- 7.14 Retail Business or Personal Service Establishments. Four (4) square feet of automobile storage for every square foot of customer service area.
- 7.15 Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses). One parking space for every gasoline pump; plus one parking space for every carwash room, every grease rack, every mechanic's stall, or similar area; plus one parking space for every two (2) employees.
- 7.16 Shopping Centers. Four (4) square feet of automobile storage area for every square foot of building area.
- 7.17 Wholesale Businesses or Warehousing. One parking space for every three (3) employees; plus one parking space for every business vehicle.
- 7.18 Other Structures or Uses Customarily Requiring Automobile Storage Areas. One parking space for every one hundred (100) square feet of floor area occupied.
- 7.19 Parking Angle. Where ninety (90) degree parking is planned or required, a width of sixty-five (65) lineal feet shall be provided for two (2) tiers of automobiles separated by a two-way aisle.
- 8. Deleted December 5, 2019 Revision
- 9. Deleted December 5, 2019 Revision
- 10. Vehicular Access Control.
 - 10.1 In a residential or industrial district, a point of access shall not be permitted within thirty (30) feet of the curb line (or street line where there is no curb) of any public street intersection.
 - 10.2 In business districts, a point of access shall not be permitted within twenty (20) feet of the curb line (or street line when there is no curb) of any public street intersection.
 - 10.3 In nonresidential districts, vehicular service uses may be permitted points of access exceeding twenty-five (25) feet but not exceeding thirty-five (35) feet in width; provided, they do not exceed fifty (50) percent of their respective street frontage.
 - 10.4 In residential districts, a driveway cut may not exceed twenty-five (25) feet in width.
 - 10.5 On lots with less than one-hundred (100) feet of street frontage, there shall be only one point of access per adjoining street; however, on lots with more than one-hundred (100) feet, there shall be not more than two (2) points of access per adjoining street.
 - 10.6 The distance between any two (2) points of access shall not be less than twenty-five (25) feet.

11. **Sign Regulations**

04.11.010 **Purpose and Intent**

- A. **Safety** Construct and display signs in a manner that allows pedestrians and motorists to identify, interpret, and respond in an efficient and discerning manner to the following:
 - 1. Information related to public traffic control, directions, and conditions.
 - 2. Movement of all other pedestrians and vehicles that impact traffic on a given travel way; and
 - 3. Information other than public traffic related when displayed in a manner which is clear, concise, and non-competing with public traffic information.
- B. **Protection of Minors**. Prohibit the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks, and/or breasts.
- C. **Graphic Continuity and Aesthetics**. Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs by limiting the size, location, and design of signs so that pedestrians and motorists have an equal right to view buildings, structures, and natural features in the foreground and background.
- D. **Protection of Future Public Right-of-Way**. Limit the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the capital improvements program and without disturbance of existing conforming signs.
- E. **Activities and Services Identification**. Based on a community's need to know, provide for signs that identifies the market place and the opportunities provided by the community.

04.11.020 **General Provisions**

- A. **Interpretation**. These sign regulations are intended to complement the various codes and ordinances of the Town of Alexandria. Wherever there is inconsistency between these sign regulations and other regulations of the Town of Alexandria, the more stringent shall apply. Reference is made, but not limited, to the following regulations:
 - 1. Official Street Map;
 - 2. Zoning Ordinance and Performance Standards;
 - 3. Historic District Regulations;
 - 4. State of Tennessee Outdoor Advertising Regulations;
 - 5. Alexandria Municipal Code.

- B. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:
1. Permanency Required. All signs shall be constructed of permanent materials and shall be permanently affixed to the ground or building unless otherwise exempted herein.
 2. Maintenance. All signs shall be maintained in good surface and structural condition and in compliance with all building and electrical codes.

04.11.030 Rationale, Definition, System for Regulation, and Overall Use

- A. Rationale. The word "sign" is chosen to signify all non-verbalized communication in public viewed areas because of its traditional use. The word "graphic" is synonymous with sign and the two may be used interchangeably within the context of this sign code. An on-premises sign shall not be a principal use.
- B. Definition. The definition of "sign" as provided hereinafter is all-inclusive. A sign is any writing (including letter, work, or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure of similar character, which is:
1. A structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and
 2. Used to announce, direct attention to, or advertise.
- C. System for Regulation. Before erecting, altering or relocating any signage, the owner or his agent shall obtain a sign permit from the Planning and Zoning Board, except as otherwise exempted herein. If any person, company, or facility violates the provisions of this Ordinance, the Zoning Administrator, or his designee, shall take any or all of the enforcement actions prescribed in the Zoning Ordinance to ensure compliance with, and/or remedy a violation of this Ordinance.

04.11.040 Exempt Signs

The following on-premises signs are exempt from the operation of these sign regulations provided they are not placed or constructed to be in violation of **Article IV, Section 6 (Obstruction to Vision standards)**, or so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians. The Zoning Administrator may determine whether an exempt sign's placement is hazardous or vision is obstructed. A sign permit shall not be required for the following exempt signs:

- A. Within non-residential districts, signs that are displayed for the direction or convenience of the public, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed six (6) square feet in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited by this section.

- B. Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property with permission from the appropriate governmental entity/agency.
- C. Legal notices and official instruments.
- D. Holiday lights and decorations with no commercial message.
- E. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards for non-residential uses.
- F. Official government, fraternal, religious, or civic flags when mounted individually on permanent poles attached to the ground or building.
- G. In commercial and industrial districts decorative flags of eight (8) square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five (25) feet, except that four poles may be clustered at one location per street frontage. If the option to cluster is exercised, no other poles shall be erected along that street frontage. The flags may contain a logo and shall be subject to the height and front yard setback requirements for the respective district.
- H. Temporary signs for political purposes. Political signs shall follow the requirements outlined in the Alexandria Municipal Code.
- I. Decorative flags and bunting for a celebration, convention, or commemoration, subject to removal within seven (7) days following the event.
- J. Temporary merchandise displays and temporary window signs located behind storefront windows, provided that the placement of the windows signs do not constitute a public safety hazard as determined by the Zoning Administrator or the Alexandria Police Department.
- K. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, fee collection boxes, and gasoline pumps.
- L. In residential districts, any sign of a type described below which does not exceed three (3) square feet in area:
 - 1. A sign giving a property identification name or number or name(s) of occupant, one (1) sign per lot,
 - 2. A mailbox sign [one (1) sign per dwelling unit], and
 - 3. A sign(s) posted on property relating to private parking, trespassing, or dangerous animals [limited to one (1) sign per zone lot if less than one (1) acre in size].

4. Signs for permitted use or uses on appeal as which use has been specifically permitted by the Town of Alexandria.
- M. Temporary or permanent signs identifying traffic control measures on private property, such as stop, yield, and similar signs, the face of which meet the Manual for Uniform Traffic Control Devices and which contain no logo or commercial message of any sort and which do not exceed six (6) square feet in area per sign.
- N. Temporary signs announcing yard sales which do not exceed six (6) square feet in area, are limited to one (1) per lot, which are erected no sooner than four (4) days before the event, and are removed within two (2) days after the event.
- O. Temporary signs announcing construction in residential districts which do not exceed six (6) square feet in area and six (6) feet in height, which are limited to one (1) per lot, and which are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty (60) days, the message shall be removed pending continuation of construction activities.
- P. Temporary signs announcing construction in non-residential districts provided that they are less than thirty-two (32) square feet in area and ten (10) feet in height, and must be spaced at least one hundred (100) feet apart, and are installed after issuance of a building permit and removed prior to the issuance of a certificate of compliance. If a sign is displayed pursuant to this section, but construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending continuation of construction activities.
- Q. Temporary signs announcing real estate availability in residential districts which do not exceed six (6) square feet in area per sign, which do not exceed six (6) feet in height for freestanding signs, and which are limited to one (1) freestanding sign per street frontage and one (1) wall-mounted sign per dwelling unit. Temporary off-premises directional signs for open houses shall be allowed three (3) days prior to the open house and must be removed the day after the open house. Off-premises directional signs are only allowed for the advertising of an open house and not for the sale of the house. Temporary off-premises directional signs shall not be located in the public right-of-way.
- R. Temporary signs announcing real estate availability in non-residential districts which are less than thirty-two (32) square feet in area per sign, which do not exceed ten (10) feet in height for freestanding signs and which are limited to one (1) freestanding sign per street frontage and one (1) wall-mounted sign per building facade if the entire building is for sale or lease or one (1) wall-mounted per leasable area if subunits of the building are for lease or rent.
- S. Temporary signs to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public,

charitable, educational, or religious event or function. Such message shall be erected no sooner than fourteen (14) days before the event, and removed within three (3) days after the event. Temporary on-premises and off-premises freestanding signs are permitted in this section. Off-premises signs shall not be placed within any public rights-of-way unless permission is granted by the Town and shall be removed the day following the scheduled event.

- T. Temporary signs, off-premises, announcing real estate availability, by auction, including date, time and directions, in any district, which do not exceed twenty-four (24) square feet in area and do not exceed six (6) feet in height and are erected no sooner than seventeen (17) days before the event, and are removed within three (3) days after the event. Temporary off-premises auction signs shall not be located in the public right-of-way.

04.11.050 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this title. Any prohibited sign(s) may be removed by the zoning administrator or his designee after notice to the property owner or occupant to remove said sign(s) within three (3) days. The following signs are expressly prohibited:

- A. Signs that are in violation of any other code or regulation adopted by the Town of Alexandria.
- B. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- C. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- D. Portable signs whether temporary or permanent.
- E. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise by the Mayor and Aldermen.
- F. Billboards in the Town of Alexandria must be approved by the Zoning Board and Town Council.
- G. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- H. Signs, within ten (10) feet of public rights-of-way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- I. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist. The Zoning Administrator shall determine whether

the intensity or brilliance causes glare or impedes vision according to performance standards, see 4.11.130.

- J. See 04.11.040 Exempt Signs; section Q-T temporary signs.
- K. Strings of incandescent light bulbs with wattage in excess of fifteen (15) watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations.
- L. Signs attached to, suspended from, or painted on any motor vehicle, trailer, or other equipment in:
 - 1. Residential Districts. Signs attached to, suspended from, or painted on any motor vehicle, trailer, and other equipment, including but not limited to trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implants, implements of husbandry, etc., parked on any street or on an private or public property and which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or other similar purposes are prohibited.
 - 2. Non-residential Districts. All motor vehicle, trucks, trailers, and other type of equipment which have company logos or business signs attached to, suspended from, or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the front line of the building except while being actively loaded or unloaded, unless parking on the property behind the front line is not possible, in which event said vehicles, trailers, and equipment shall be parked in as remote a location as possible away from the public streets and public view. The parking of said vehicles with signs to augment tenant identification or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or for any other purpose related to the promotion of business or other activity on the premises is prohibited.
- N. Signs, commonly referred to as wind signs, consisting of one (1) or more flags which are not otherwise exempted, pennants, ribbons, spinners, streamers, or captive balloons which are less than ten (10) square feet in their greatest dimension, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- O. Signs displaying copy that is harmful to minors as defined by this section.
- P. Flashing signs.

04.11.060

- A. Removal of Illegal On-Premises Signs Any sign not complying with the requirements of this section is illegal and subject to immediate removal.
- B. On-Premises Temporary Signs On-premises temporary sign will be allowed and may display any message so long as it is:
 - 1. Not harmful to minors as defined by this sub-section;

2. For the following purposes:
 - (a) To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent, or lease the property on which the sign is located.
 - (b) In non-residential districts to indicate temporary special events. Special events shall include, but are not limited to, grand openings; business closings; and special promotional events such as seasonal sales, and special product promotions. Such message may be displayed for a period not exceeding twenty-one (21) consecutive days. Only one (1) permit shall be issued for a given place of business during any three (3) month period. It is permissible to change the message displayed on the temporary special event sign during the display period authorized by the sign permit.
 - (c) In non-residential districts to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than twenty-one (21) consecutive days or until installation of permanent signs, whichever shall occur first.
 - (d) To indicate the availability of goods for sale, either on a vacant lot, or within a temporary structure, such as a tent in a non-residential district. Such message may be displayed for a period not exceeding twenty one (21) days, and not more than once a quarter on a yearly basis.

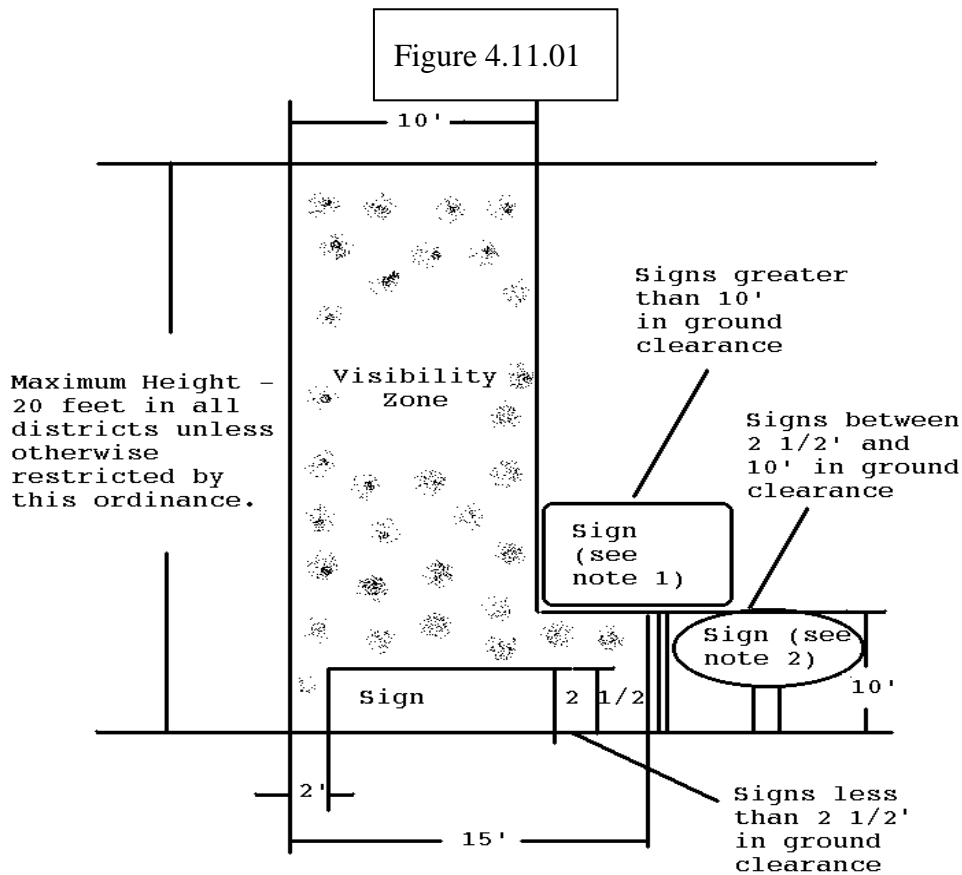
04.11.070 Permanent On-Premises Signs

- A. Sign Types Allowed. A permanent on-premises sign may be permitted as a freestanding or wall-mounted sign subject to the restrictions imposed by this section and other relevant restrictions imposed by this Article.
- B. Setback and Height Restrictions. The maximum height and street setback requirements for signs in non-residential and mixed-use districts shall be as established in **Figure 04.11.01.**
- C. Guidance for the Use of Signs
 1. An on-premises sign is for the purpose of conveying information in clear, concise, safe, and compatible units to general motorists and pedestrians on travelways and within each site.
 2. All Permanent Site Signage for individual establishments within Non Residential Districts Shall be Ground Mounted and no more than 10 feet Tall. Said site Signage shall not be mounted visibly on a pole or poles but should be constructed as a panel or wall of compatible materials that complement the buildings on site and/or the Town of Alexandria as a whole. **(See 04.11.070, sub-section C, paragraph number 5 for multi-tenant sign requirements).**

3. On-premises wall-mounted signs shall not extend above the roof line or top of parapet/wall of the structure.
4. No permanent on-premises freestanding sign may be located in a required rear setback.
5. A multi-tenant sign may be allowed to be constructed of a height between 15 and 20 feet. However, multi-tenant signs will only be allowed within the confines of an SC Shopping Center District or B-3 General Commercial Zone District. Said signs must advertise a minimum of three establishments, as well as, the name of the overall development. Furthermore, only one site sign (excepting development entrance signs) will be allowed on sites which take advantage of this multi-tenant provision.
6. Overall development entrance signs may be erected in all districts in accordance with ground mounted sign provisions listed above and in accordance with criteria listed in **Section 04.11.040**.
7. Material and Style
 - (a) Signs shall not have light reflecting backgrounds but may use light reflecting lettering.
 - (b) The various parts of a sign shall be compatible.
 - (c) All signs shall be of standard geometric shapes.

6. Illumination

- (a) All electrical service to freestanding signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.



NOTES:

1. There is a minimum 10 foot setback for signs with more than 10 feet of ground clearance in all districts which require a front setback.
2. There is a minimum 15 foot setback for signs with more than 2-1/2 feet but less than 10 feet of ground clearance in all districts require a front setback.
 - (b) If illuminated, signs shall be illuminated only by the following means:
 - (i) A steady, stationary light of reasonable intensity in accordance with performance standards, shielded and directed solely at the sign;
 - (ii) Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent residential districts, in accordance with performance standards; and
 - (iii) Internal illumination, steady, and stationary through translucent materials. This section includes steady, non-flashing neon lighting. (See Section 13.07.140.)

7. Maintenance

All signs shall be maintained in good condition at all times. Signs which are obsolete in information, defaced, missing some or all illumination, and whose finishes are chipping, peeling, or cracking shall be deemed in disrepair by the zoning administrator. The Town shall give thirty (30) days written notice for the owner to comply with maintenance requirements. Should the owner and/or property occupant fail to comply within the prescribed period, the Town may remove (or cause to be removed) the sign with the cost of removal charged to the owner.

04.11.080 Permissible Number, Area, and Height of On-Premises Signs in Residential Districts

Permanent on-premises freestanding and on-premises wall-mounted signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

- A. Each major residential development shall provide development signage locations and easements for such on subdivision plats here preliminary and final plat approvals are required. Site plans shall be approved by the Alexandria Regional Planning Commission for a residential subdivision development sign.

The on-premises signage at each development entry may be one of the following:

1. A double-sided sign located perpendicular to the public street and containing up to thirty-two (32) square feet for the one (1) sign face;
2. A single-sided sign located parallel to the public street and containing up to thirty-two (32) square feet for the one (1) sign face. Displaying a sign on the opposite face, if the total number permits, will be counted as one (1) additional sign;
3. A flared wall, or similar, to which two (2) single-sided signs are attached or imbedded and each sign does not exceed sixteen (16) square feet. This includes two (2) one-sided signs located on each side of a subdivision entrance.
4. The leading edge or face of the sign or any building or other structure to which the sign is attached must be set back from the public right-of-way a minimum of fifteen (15) feet;
5. No residential identification sign may exceed six (8) feet in height;
6. All residential identification signs may be illuminated by direct and steady means only.
7. Each residential identification sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

04.11.090 Community Facility On-Premises Signs

- A. Signs for Community Facilities shall conform to the following provisions:

Each service/institution/public facility shall be permitted one (1) on-premise sign. The sign shall not exceed sixty (60) square feet in area, equally divided between not more than two (2) sign faces.

The maximum height of a freestanding sign shall be eight (8) feet. The minimum street setback shall be fifteen (15) feet. The sign shall not encroach required side setbacks of the district and only one such ground sign shall be permitted per street frontage.

04.11.100 Permissible Number, Area, Spacing, and Height of On-Premises Signs in the Non-Residential Districts

- A. Freestanding and Wall-Mounted Signage for Commercial Developments.

Freestanding Signs: Within Commercial and Industrial Developments, in no case shall a single sign face exceed two hundred fifty (250) square feet.

Wall-Mounted Signs: In all commercial developments, whether the development has a single or multiple occupant(s), each independent business or use having an outside public entrance may have wall-mounted signage in an amount equal to one (1) square foot per one (1) linear foot of the front face of the business. Each retail use or office use, or multiple retail and office uses sharing a common entrance, shall be allowed to have at least one (1) wall sign not to exceed thirty (30) square feet. In no case shall signage for any one (1) facade be greater than one hundred eighty (180) square feet.

In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one (1) additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

04.11.110 Billboards

- A. Definition: For purposes of this Section, a billboard is defined an off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- B. Districts Permitting Billboards: Billboards are permitted in the I1 and I2 districts subject to the provisions of this Article.

- C. Regulations: Billboards are permitted in addition to other signs authorized by this section, subject to the following restrictions:
1. There shall be two (2) types of billboards based on the display surface area of any one side of the billboard:
 - (a) Type I with a display surface area of seventy-five (75) square feet or less; and,
 - (b) Type II with a display surface area of more than seventy-five (75) square feet and less than two hundred (200) square feet.
 2. A billboard face shall consist of a single panel. Multiple panel faces, such as stacked or side-by-side, are not permitted.
 3. Proposed billboard signs shall be set back from existing public or private rights-of way and/or property lines in accordance with:

	Type I	Type II
Front Yard	20 feet	30 feet
Rear Yard	20 feet	30 feet
Side Yard	10 feet	15 feet

4. The bottom edge of the display surface area of all billboards shall be a minimum of ten (10) feet above grade, with a maximum height of twenty (20) feet, whether at the base of the billboard or the nearest curb level of the surface street to which the billboard is oriented, whichever provides the greatest height. There is established a maximum height limit of twenty (20) feet above grade whether at the base of the billboard or the nearest curb level of the surface street to which the billboard is oriented, whichever provides the greatest height.
5. Spacing between billboards located on the same side of a public street or controlled access highway shall be as indicated in the following table:

	Type I (free standing)	Type II (free standing)
Type I (free standing)	1,000 feet	1,000 feet
Type II (free standing)	1,000 feet	1,000 feet

Note: The spacing between any Type I (freestanding) or Type II (freestanding) billboard and an existing Type II (wall mounted) billboard shall be one thousand (1,000) feet.

- (a) The spacing requirements shall be applied separately to each side of a public street but continuously along the side of a street to all signs oriented toward that street in either direction

whether the signs are in the same block or are in different blocks separated by an intersecting side street.

- (b) No billboard shall be closer than four hundred fifty (450) feet from any other billboard regardless of location.
 - (c) Type I billboards shall not be located within twenty (20) feet of an on-premises freestanding sign on the same lot.
6. No Type II billboard located along a particular street shall be closer than five hundred (500) feet from the nearest property line of any property that is zoned residential and has frontage on either side of said street. The distance for Type I billboards shall be two hundred fifty (250) feet.
 7. No billboard located along a particular street shall be closer than two hundred fifty (250) feet from the nearest property line of any property zoned residential that does not front on said street.
 8. No billboard shall be permitted whenever property zoned residential would be between the billboard and the roadway toward which it is oriented.
 9. Type II billboards shall be located on lots that have frontage on a public street with four (4) or more travel lanes or that are located within three hundred (300) feet and oriented to a limited access highway. Paired one-way streets with a minimum of two (2) travel lanes in each direction shall be considered a four (4)-lane road in applying this provision.
 10. All billboards shall be of monopole type construction. No billboards shall be attached to the walls of buildings. No billboards shall be located on the roofs of buildings.
 11. The brightness and surface illumination shall not exceed two hundred (200) foot lamberts for a billboard having internal illumination or seventy-five (75) foot candles for a billboard having indirect illumination. Billboards located within five hundred (500) feet of property zoned residential shall not be illuminated between the hours of twelve a.m. and six a.m.

04.11.120 Awnings

In all districts, non-illuminated signs may be displayed on awnings with a display surface area (lettering) not exceeding six (6) square feet and with the height of letters not exceeding one (1) foot, provided that such signs shall be limited to identification of the name and/or address of the buildings or establishment contained therein and such awning may not extend to within two feet of any public vehicular travel way.

04.11.130 Performance Standards Regulating Glare and Illuminated Sign Brightness

A. Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

B. Limitation of Glare

In all districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in a residential district.

C. Illuminated Sign Brightness

The brightness and surface illumination of all illuminated signs shall not exceed the provisions below in the district indicated:

<u>Luminous</u>	<u>Indirect</u>	<u>Districts</u>
<u>Background</u>	<u>Illumination</u>	
200 Foot-Lamberts	75 Foot Candles	B1, B2, B3, SC, I1, I2,

D. Site Sign Illumination is prohibited within Residential Zone Districts.

04.11.140.1 Exemptions and conditions of exemption.

Sign structures that were in existence prior to the passage of the above outlined sign regulations; **approved 10/15/2015** Alexandria Town Council. However, these pre-existing sign structures will be required to come into general compliance with the above stated regulations should comprehensive sign replacement be deemed necessary by the property owner at any point after the above listed approval date.

SECTION 3: Severability Clause

If any part of this ordinance is deemed 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 regulation which is not of itself invalid or unconstitutional.

4.12.10 Landscaping

- A. All proposed commercial developments shall meet landscaping requirements listed elsewhere within this zoning ordinance as they are applicable.
- B. Any proposed commercial or industrial use of property within a commercial or industrial zone district will meet the following requirements:
 - 1. Street tree plantings shall be planted in the front 10' of the property at no more than 40' centers (60' Centers in Industrial Districts). Species considered may include

but not be limited to Sugar Maples, Red Maples, and Willow Oaks. Other Species will be given consideration for special circumstance.

2. Shrubs shall be incorporated at 5' centers between street tree plantings. In front of parking areas and outdoor display or sales areas.
3. Where a commercial or industrial use of property abuts a residential or agricultural zone district; a landscaped buffer area with a minimum width of 10' shall be incorporated along the edges of the property adjacent to the agricultural/residential zone district. This buffer shall be planted entirely within the confines of the commercial industrial parcel. Furthermore, this buffer shall include broadleaf and coniferous evergreen and semi-evergreen species. Evergreen trees shall be planted at 30' centers with a 5' offset. Said trees shall be tall enough in height at time of planting to provide an effective screen. Other evergreen/semi-evergreen shrubs and/or small deciduous ornamental trees shall be planted in the buffer between each of the evergreen trees planted. Cedar trees should not be used unless they already exist on site due to their difficulty establishing through transplant. The Planning Commission may allow existing vegetation to meet or partially meet this requirement if it is deemed that the existing vegetation meets the intent of this part.
4. Dumpster Areas, Outdoor Storage Areas (not including sales display areas of new retail/wholesale products, car sales, boat sales), and inventory/distribution/stock loading areas shall be screened from public view. Each of these uses should be designed in such a way as to minimize their visual impact from the road. Dumpster areas and outdoor storage areas shall be screened from public view by a wood, stone, split face block, or brick privacy fence/wall at least 6' high. A 5' wide landscape area shall be placed along each side of these proposed site elements (accepting areas for doors). This landscape area shall include shrubs.

If loading/distribution/stock loading areas are to be visible from the road, a landscape area at least 10' wide shall be installed along the viewable sides of the loading dock and shall include trees and shrubs planted at 20' centers.
5. In order to protect safe sight visibility lines for street intersections, do not locate screens within 25' of a street corner or a driveway entrance.
6. All species and planting methods shall meet the *American Standard for Nursery Stock* developed by the American Association of Nurserymen, Inc.
7. The planning commission may accept site specific landscape plans which vary from the provisions of these landscaping requirements upon reaching a determination that said plans reach the intent of this section.

4.12.20 Deleted December 5, 2019 Revision

4.12.30 Deleted December 5, 2019 Revision

12. Site Drains and Manhole Casings:

All site drains and manhole casings shall be cast, prior to installation, with a label indicating the following or something similar in intent: "Do Not Dump, Drains To River"

13. Plot Plan Requirements.

This purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings, according to the particular types of development proposals, to the Alexandria Municipal-Regional Planning Commission (hereafter referred to as the planning commission), in accordance with the following procedures.

- 13.1 Proposals for the construction or location of one or more principal structures on a lot (with the exception of single-family, two-family, and three-family dwellings) shall be submitted at a scale of no smaller than 1"=100', and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment, in accordance with General Provisions previously outlined in this ordinance.
- 13.2 Proposals for group housing developments, including mobile home parks and for planned shopping centers shall follow separate provisions subsequently outlined in this ordinance.
- 13.3 The above applications must be supported by any other information or data as might be deemed necessary by the planning commission

14. Mobile homes to be located in approved mobile home parks only.

ARTICLE V. ESTABLISHMENT OF DISTRICTS

1. Classification of Districts.

1.1 For the purpose of this ordinance, the Town of Alexandria, Tennessee, is hereby divided into ten (10) districts as follows:

Residential-Low Density	R-1
Residential-Medium/High Density	R-2/RM-2
Central Business	B-1
Local Business	B-2
Highway Business	B-3
Shopping Center	S C
Light Industrial	I-1
Heavy Industrial	I-2
Agricultural	A
Public Open Space	POS
Floodway	F

1.2 The boundaries of these districts are hereby established as shown on the “Municipal Zoning Map of Alexandria, Tennessee”, (hereafter referred to as the municipal zoning map), which is on file in the office of the Town Recorder.

1.3 Unless otherwise indicated on the zoning map, the district boundaries follow lot lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this ordinance.

1.4 Where a district boundary divides an existing lot, and the major portion of said lot is in a less restricted district, the regulations pertaining to that district may apply twenty (20) feet within the more restricted district.

2. Zoning of Annexed Lands.

Upon annexation of land by the Town of Alexandria, said land shall be zoned automatically “Residential –R-1”, until such time as all or any portion of such land is rezoned by amendment (ARTICLE XIV).

ARTICLE VI. PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

1. R-1 Residential Districts.

Intent: To provide a low density residential environment having good access to schools, public water, sewer, and other community services, but well separated from heavy traffic and other incompatible activities.

Within the R-1 Residential Districts, as shown on the municipal zoning map, the following regulations shall apply.

1.1 Uses Permitted.

1.1(1) Single family and two family dwellings.

1.1(2) deleted October 15, 2015

1.1(3) The taking of boarders or the renting or leasing of rooms by the family resident the premise; provided, that not over fifty (50) percent of the floor area is used for such purpose.

1.1(4) Within a residential structure the following may be conducted: Customary home occupation, professional offices (except medical clinics accepting bed patients), or studios. These uses can be conducted by a person resident of the premises and by one additional employee not a resident as long as not more than twenty-five (25) percent of the total floor area is utilized for this use.

1.1(5) One unilluminated temporary on-site sign not exceeding twenty five (25) square feet in area, with no dimension exceeding six (6) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the Town at the expense of the owner.

1.1(6) One unilluminated temporary on-site sign, not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.

1.1(7) Customary general farming uses, gardens, and building incidental thereto, except commercial animal or poultry farms and kennels.

1.1(8) Accessory uses or structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal.

Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, governmental uses except general office buildings or supply and storage yards, public utilities except storage and warehousing facilities, cemeteries, hospitals for human care except primarily for mental care, and philanthropic institutions and clubs; provided that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Planning and Zoning Board

may require in order to preserve and protect the character of the district in which the proposed use is located.

1.3 Uses Prohibited.

- (1) Uses not specifically permitted, permitted on appeal, or permitted by implication.
- (2) Deleted December 5, 2019 Revision

1.4 Lot Area, Lot Width, Rear and Side Yards. The principal structure shall be located to comply with the following requirements:

1.4(4) Lot Area, Lot Width, Rear and Side Yards.

Minimum lot area for single family 7,500 sq. ft.

Each additional dwelling unit 3,000 sq. ft.

Minimum lot width at building line:

For residences 75 feet

For uses permitted on appeal 100 feet

Minimum rear yard 30 feet

Minimum side yard:

For one-or two-story buildings 10 feet

For street side portions of corner lots Maximum plus fifty (50) percent.

For house front, it must set faced to the paved street.

House front must be faced toward the street.

1.4(2) Setbacks.

All principal and accessory structures shall be setback from the right-of-way lines of streets the minimum distance shown below according to their classification as indicated on the latest official municipal regional thoroughfare plan:

1.4 (2.1) Residential Uses:

Arterial Streets 60 feet

Collector Streets 40 feet

Minor Streets 30 feet

1.4 (2.2) Other Permitted Uses:

Arterial Streets 65 feet

Collector Streets 45 feet

Minor Streets 35 feet

1.4(3) Building Area. On any lot no more than forty (40) percent of the total area shall be covered by principal or accessory structure. Accessory structures shall not cover

more than thirty (30) percent of any required rear yard.

1.5 Height. Principal structures shall not exceed two (2) stories nor twenty-seven (27) feet in height. No accessory structure shall exceed two (2) stories.

1.6 Location of Accessory Structures.

1.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yard.

1.6(2) Accessory structures shall be located at least five (5) feet from all lot lines and from any building on the same lot.

2. **R-2 Residential District. (Medium-High Density).**

Intent: To provide a medium-high density residential environment having good access to schools, public water, sewer, and other community services, but well separated from heavy traffic and other incompatible activities .

Within the R-2 Residential Districts, as shown on the municipal zoning map, the following regulations shall apply:

2.1 Uses Permitted.

- 2.1(1) Single, two-family, and three-family dwellings.
- 2.1(2) Apartments.
- 2.1(3) The taking of boarders or the renting or leasing of rooms by the family resident on the premise, provided, that not over fifty (50) percent of the total floor area is used for such purpose.
- 2.1(4) Mobile home parks, in accordance with provisions set forth in Section 3, this Article.
- 2.1(5) Within a residential structure, the following may be conducted:
Customary home occupation, professional offices (except medical clinics accepting bed patients), or studios. These uses can be conducted by a person resident of the premises and by one additional employee not a resident as long as not more than twenty-five (25) percent of the total floor area is utilized for this use.
- 2.1(6) One unilluminated temporary on-site sign not exceeding twenty-five (25) square feet in area, with no dimension exceeding six (6) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the Town at the expense of the owner.
- 2.1(7) One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
- 2.1(8) Customary general farming uses, gardens, and buildings incidental thereto, except commercial animal or poultry farms and kennels.
- 2.1(9) Accessory uses or structures customarily incidental to the above permitted uses.

2.2 Uses Permissible on Appeal.

Churches and other places of worship, parish houses, public libraries, funeral homes, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, governmental uses except general office building or supply and storage yards, public utilities except storage and warehousing facilities; cemeteries, hospitals for human care except primarily for mental care; and philanthropic institutions and clubs; provided that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Planning and Zoning Board may require in order to preserve and protect the character of the district in which the proposed use is located.

2.3 Uses Prohibited.

Uses not specifically permitted, permitted on appeal, or permitted by implication.

2.4 Required Lot Area, Lot Width, and Yards.

The principal structure shall be located to comply with the following requirements:

2.4 (1) Lot Area, Lot Width, Rear and Side yards.

For single family, two- and three-family dwelling:

Minimum lot area for single family 6000 sq. ft.

Minimum lot area for each additional family 3000 sq. ft.

Minimum lot width at building line 60 feet

Minimum rear yard 30 feet

Minimum side yards:

For one- or two-story buildings 10 feet

For street side portions of corner lots Minimum plus fifty (50) percent

2.4 (2) Setbacks.

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

2.4(2.1) Residential Uses.

Arterial Streets 60 feet

Collector Streets 40 feet

Minor Streets 30 feet

2.4(2.2) Other Permitted Uses.

Arterial Streets 65 feet

Collector Streets 45 feet

Minor Streets 35 feet

2.4(3) Building Area.

The area occupied by all principal or accessory structures shall not exceed forty (40) percent of the total lot area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.

2.5 Height.

Principal structures shall not exceed two (2) stories nor twenty-seven (27) feet in height. No accessory structure shall exceed two (2) stories in height.

2.6 Location of Accessory Structures.

2.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yard.

2.6(2) Accessory structures shall be located at least five (5) feet from all lot lines and from any building on the same lot.

3. **Group Housing Developments and Mobile Home Parks.**

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing, mobile home parks, or other projects involving the location of two or more residential structures on a single lot or tract of land, not subdivided.

- 3.1 **General Location Map.** Before an application is filed for a building permit, a sketch map, at a scale no smaller than 1"= 2000' encompassing the proposed site, shall be submitted to the Planning and Zoning Board for its consideration. Such map shall exhibit the following:
- 3.1 (1) The approximate boundaries of the site.
 - 3.1 (2) External (public) access streets or roads in relation to site.
 - 3.1 (3) Surrounding development (i.e. general residential, commercial, and industrial areas) within one (1) mile of site.
 - 3.1 (4) Any public water and sewer systems in relation to site.
- 3.2 **Site Plan.** Subject to the planning commission's recommendation regarding the general location, a site plan, at a scale no smaller than 1"= 200', also shall be submitted to the planning commission. Such site plan shall exhibit the following:
- 3.2(1) Topographic contours at five (5) foot intervals, and drainage ways.
 - 3.2(2) The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces.
 - 3.2(3) Points of access to public streets.
 - 3.2(4) The location and size of available and proposed water and sewer lines and fire hydrants.
 - 3.2(5) The location and dimensions of any easements.
- 3.3 **Required Development Standards.** The following shall apply:
- 3.3(1) **Density.** The maximum number of dwelling units per acre of total site shall not exceed sixteen (16).
 - 3.3(2) **Location.**
 - 3.3(2.1) The site shall comprise a single lot or tract of land except where divided by public streets.
 - 3.3(2.2) The site shall abut a public street.
 - 3.3(2.3) Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile home park.
 - 3.3(3) **Dimensions.**
 - 3.3(3.1) The minimum front yards on a public street shall be thirty (30) feet.
 - 3.3(3.2) The minimum side or rear yards on a public street shall be fifteen (15) feet.
 - 3.3(3.3) The minimum yards adjoining another zoning district shall be

twenty-five (25) feet.

3.3(4) Design.

Internal Streets.

3.3(4.1) The minimum right-of-way width of streets exceeding five-hundred (500) feet in length, or serving more than fifty (50) dwelling units, shall be sixty (60) feet and shall be known as collector streets.

3.3(4.2) The minimum right-of-way width of minor streets shall be fifty (50) feet.

3.3(4.3) The maximum grade on any street shall be ten (10) percent.

3.3(4.4) Where feasible, all street intersections shall be at right angles.

Public Street Access.

3.3(4.5) The minimum distance between access points along public street frontage, centerline to centerline, shall be two-hundred (200) feet.

3.3(4.6) The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

Mobile Home Spacing.

3.3(4.7) The minimum length of each mobile home space shall be one-hundred (100) feet.

3.3(4.8) The minimum width of each mobile home space shall be fifty (50) feet.

3.3(4.9) The minimum depth of yards on a mobile home space shall be ten (10) feet.

3.4 Required Improvements. The following shall be required:

3.4(1) Internal Streets.

3.4(1.1) Streets shall be privately constructed and maintained.

3.4(1.2) The base of streets shall consist of crushed stone or gravel, six (6) inches in depth compacted.

3.4(1.3) The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.

3.4(1.4) The minimum pavement width of collector streets shall be twenty-four (24) feet.

3.4(1.5) The minimum pavement width of minor streets shall be twenty (20) feet.

3.4(1.6) Closed ends of dead-end streets shall provide a vehicular turn-around at least eighty (80) feet in diameter.

3.4(2) Mobile Home Stands.

Mobile home stands shall be constructed of concrete and shall have sufficient area to accommodate appurtenances, such as canopies, patios, and porches.

3.4(3) Utilities.

The development shall be serviced with sanitary sewers and public water on trunk lines not less than eight (8) inches and six (6) inches, respectively.

3.4(4) Storage Waste.

Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

3.4(5) Service Building.

3.4(5.1) Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

3.4(5.2) There shall be at least twenty-five (25) feet separating permanent buildings on the site from any mobile home space.

4. MEDIUM/HIGH DENSITY DISTRICT (RM-2)

Intent: to provide a medium/high density residential environment having good access to schools, public water, sewer, and other community services, but will be separated from heavy traffic and other incompatible activities.

With the RM-2 Residential Districts, as shown on the municipal zoning map, the following regulations shall apply:

4.1. Uses Permitted.

4.1.1. Single-family dwellings.

4.1.2. Two-family, three-family, and four-family dwellings – Must also meet the Standards set forth in Article VI –Section 3 For Group Housing Developments unless this section expressly outlines a different standard of development for these uses.

4.1.3. Apartments – Must also meet the Standards set forth in Article VI –Section 3 For Group Housing Developments unless this section expressly outlines a different standard of development for these uses.

4.1.4. The taking of boarders or the renting or leasing of rooms by the family resident on the premise; provided, that not over fifty (50) percent of the floor area is used for such purpose.

4.1.5. Within a residential structure the following may be conducted: Customary home occupation, professions offices (except medical clinics accepting bed patients), or studios. These uses can be conducted by a person resident of the premises and by one additional employee not a resident as long as not more than twenty-five (25) percent of the total floor area is utilized for this use.

4.1.6. One un-illuminated temporary on-site sign not exceeding twenty-five (25) square feet in area, with no dimension exceeding six (6) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year: any remaining nonconforming sign may be removed by the Town at the expense of the owner.

4.1.7. One un-illuminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.

4.1.8. Customary general farming uses, gardens, and buildings incidental thereto, except commercial animal or poultry farms and kennels.

4.1.9. Accessory uses or structures customarily incidental to the above permitted uses.

4.2. Uses Permissible on Appeal.

Churches and other places of worship, parish houses, public libraries, funeral homes, schools offering general education courses, public parks and public recreational facilities, governmental uses except general office building or supply and storage yards, public utilities except primarily for mental care; and philanthropic institutions and clubs; provided that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Planning and Zoning Board may require in order to preserve and protect the character of the district in which the proposed use is located.

4.3. Uses Prohibited

- (1) Uses not specifically permitted, permitted on appeal, or permitted by implication.
- (2) Deleted December 5, 2019 Revision.

4.4. Require Lot Area, Lot Width, and Yards.

The principal structure shall be located to comply with the following requirements:

4.4.1. Lot Area, Lot Width, Rear and Side yards.

For single family, two-, three-, and four family dwelling:

Minimum lot area for single family 6000 sq. ft.

Minimum lot area for each additional family 3000 sq. ft.

Apartments shall meet density requirements outlined in Article VI –Section 3 For Group Housing Developments.

Minimum lot width at building line 60 feet

Minimum rear yard for all listed permissible uses 30 feet

Minimum side yards:

For one- or two-story single family buildings 10 feet

For Two-Family, Three-Family, Four-Family Dwellings and Apartments, follow setback criterion outlined in Article VI –Section 3 For Group Housing Developments.

For street side portions of corner lots Minimum plus fifty (50) percent

4.1.2. Setbacks

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

4.1.3. Residential Uses

Arterial Streets	60 feet
Collector Streets	40 feet
Minor Streets	30 feet

4.1.4. Other Permitted Uses

Arterial Streets	65 feet
Collector Streets	45 feet
Minor Streets	35 feet

4.1.5. Building Area

The area occupied by all principal or accessory structures shall not exceed forty (40) percent of the total lot area. Accessory structures shall not cover more than thirty (30) percent of any required rear yard.

4.5. Height

Principal structures shall not exceed two (2) stories or twenty-seven (27) feet in height. No accessory structure shall exceed two (2) stories in height.

4.6. Location of Accessory Structures.

4.6.1. With the exception of signs, accessory structures shall not be erected in any required front or side yard.

4.6.2. Accessory structures shall be located at least five (5) feet from all lot lines and from any building on the same lot.

VII. PROVISIONS GOVERNING BUSINESS DISTRICTS

1. B-1 Central Business District.

Within the Central Business District (B-1), as shown on the municipal zoning map, the following regulations shall apply:

1.1 Uses Permitted.

1.1(1) Any retail or wholesale business or service use, except as specifically indicated or implied below under Uses Prohibited.

1.1(2) Manufacturing incidental to retail business or service establishments where products are sold on the premise by producers.

1.1(3) Printing and publishing establishments.

1.1(4) Accessory uses or structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal.

1.2(1) Any residential use.

1.2(2) Warehousing and storage facilities.

1.2(3) Uses or structures permitted on appeal in R-1 or R-2 residential districts; provided, that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions as the Planning and Zoning Board may require in order to preserve and protect the character of the district in which the proposed use is located.

1.3 Uses Prohibited.

1.3(1) Industrial uses.

1.3(2) Traffic and/or noise generating uses not dependent upon a central location such as truck terminals, service stations, drive-in restaurants, motels, or similar uses.

1.4 Required Yards and Setbacks.

On lots adjacent to residential districts, all buildings shall have to conform to the side yard of not less than fifteen (15) feet and shall be located to conform to the side yard requirements for the adjacent residential district.

1.5 Height.

Buildings shall not exceed twenty-seven (27) feet in height.

2 B-2 Local Business District.

Local business districts are established on the municipal zoning map to accommodate businesses which do not require a central location, but are primarily concerned with the serving the local market and residents. Within the B-2 districts the following regulations shall apply.

2.1 Uses Permitted.

- 2.1(1) Convenience stores, such as drug, grocery, hardware, and apparel; beauty and barber shops; and similar uses.
- 2.1(2) Laundry, self-service laundry, dry cleaning establishments, restaurant (except drive-in), variety store, food market, professional offices; similar uses.
- 2.1(3) Funeral homes.

2.2 Uses Permitted on Appeal.

- 2.2(1) Any residential use.
- 2.2(2) Warehousing, above ground.
- 2.2(3) Uses or structures permitted on appeal in R-1 or R-2 residential districts; provided, that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning, and subject to such conditions as the municipal Planning and Zoning may require in order to preserve and protect the character of the district in which the proposed use is located.

2.3 Uses Prohibited.

- 2.3(1) Industrial uses.
- 2.3(2) Storage above ground consisting of inflammable liquids in excess of seven hundred (700) gallons.
- 2.3(3) Storage of explosives.
- 2.3(4) Truck terminals, junkyards, automobile graveyards, specialized recreational facilities, motels.

2.4 Required Lot Area, Yards, and Setbacks.

2.4(1) All principal or accessory structures shall be located so as to conform to the following minimum requirements:

Minimum setback from street right-of-way	25 feet
Minimum side yard	15 feet
Minimum rear yard	10 feet

- 2.4(2) Any building use in whole or in part for residence shall comply with the minimum lot area requirements for R-2 Residential District.
- 2.4(3) On all lots adjacent to a residential zone, all buildings shall be located so as to conform to side yard requirements of the adjacent residential zone.

2.5 Height.

Buildings shall not exceed two (2) stories or twenty-seven (27) feet in height.

2.6 Landscaping and Screenings.

2.6(1) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

2.6(2) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property; an appropriate landscape screening device shall consist of at least one (1) row of evergreen trees, spaced not more than thirty (30) feet apart, and/or two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart which grow to a height of five (5) feet or more after one (1) full growing season and which will eventually grow to not less than ten (10) feet.

2.6(3) Signs painted on, or attached to, fence posts, trees, rocks, canopy posts, utility poles, light poles, or placed by, on, or above the green planting area between the structure and the thoroughfare are prohibited.

3. **B-3 Highway Business Districts (Highway 53 and 70).**

Highway business districts are established on the municipal zoning primarily to serve automobile shoppers along the highways in and around the Town. Within the B-3 Districts, the following regulations shall apply:

3.1 Permitted Uses.

- 3.1(1) Gasoline and service station, restaurant, food store, drive-in restaurant, motel, similar uses, truck terminal, automobile dealers and similar uses.
- 3.1(2) Manufacturing incidental to retail business or service establishments where products are sold on the premise by producers.
- 3.1(3) Accessory uses or structures customarily incidental to the above permitted uses.

3.2 Uses Permitted on Appeal.

Public uses except major warehousing and storage uses and public office structures; semi-public uses; provided, that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Alexandria Planning and Zoning Board may require in order to preserve the character of the district in which the proposed use is located.

3.3 Uses Prohibited.

Uses not specifically permitted, permitted on appeal, or permitted by implication.

3.4 Required Lot Area, Lot Width, Lot Depth, and Yards.

3.4(1) Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be setback from the right-of-way lines of streets the minimum distance shown below, according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Streets	50 feet
Collector Streets	40 feet

- 3.4(2) Minimum lot area shall be 10,000 square feet.
- 3.4(3) Minimum lot width at building line shall be one-hundred (100) feet.
- 3.4(4) Minimum rear yard shall be twenty-five (25) feet.
- 3.4(5) The minimum side yard shall be ten (10) feet, except such side yard abutting arterials or collectors shall be fifty (50) and forty (40) feet, respectively. The minimum side yard abutting minor streets shall be twenty-five (25) feet.

3.5 Height.

Buildings shall not exceed two (2) stories nor twenty-seven (27) feet in height.

3.6 Off Street Parking.

Off street parking must be provided as under ARTICLE IV, Section 7, 8.

3.7 Off Street Loading and Unloading Space.

Behind every building or structure used for business or trade, there shall be a rear yard not less than twenty-five (25) feet in depth to provide for loading and unloading of vehicles.

3.8 Landscaping and Screenings.

3.8 (1) Each site shall be developed with ten (10) percent of its area landscaped with green treatment.

3.8 (2) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line; an appropriate landscape screening device shall consist of at least one (1) row of evergreen trees, spaced not more than thirty (30) feet apart, and/or two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart which grow to a height of five (5) feet or more after one (1) full growing season and which will eventually grow to not less than ten (10) feet.

3.8 (3) Signs painted on, or attached to, fence posts, trees, rocks, canopy posts, utility poles, light poles, or placed on, by, or above the green planting area between the structure and the thoroughfare are prohibited.

3.9 Access Control.

3.9 (1) Access Barrier. Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings used for commercial purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip or other suitable barrier against un-channeled motor vehicle ingress and egress, except for accessways as authorized in 3.9(2) below:

3.9 (2) Accessways. Each separate use, grouping of attached buildings or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any highway or street. Insofar as practicable, the use of common accessways by two (2) or more permitted uses shall be provided in order to reduce the number and closeness of access points along the highway, and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway.

3.9 (3) Access Regulations. The following regulations concerning accessways shall apply:

3.9 (3.1) A point of access shall be no closer than fifty (50) feet to any point of controlled access, provided however, that in a case hardship caused by the narrowness or shape of any particular lot, the Planning and Zoning may issue a variance when such hardship is proven; nor within thirty (30) feet of the curb line of any public street intersection.

3.9(3.2) A point of access shall not exceed thirty-five (35) feet in width.

3.9 (3.3) The distance between any two (2) points of access shall be no less than twenty-five (25) feet.

4. **Shopping Centers.**

As Alexandria grows, so will the need for planned shopping centers. Because of the difficulty in pinpointing locations to meet future requirements of community retailing, no effort has been made to district these shopping areas on the zoning map in advance of actual development proposals. This is termed the “floating zone” approach, which permits optimum flexibility in planning and design as related to specific economic and physical characteristics of both site and environment. The planning requirements for future shopping centers shall be as follows:

4.1 **Location Requirements.** A shopping center district shall:

- 4.1(1) Be located next to an arterial or collector street, or in a location where in the opinion of the planning commission the street is of sufficient width and the traffic volume would warrant the development as long as the development would not be detrimental to the neighborhood nor create a hazardous situation.
- 4.1(2) Have a site of not less than one-and-one-half (1½) acres.
- 4.1(3) Provide not less than six thousand (6,000) square feet of actual floor space.
- 4.1(4) Follow a site plan prepared by the property owner or his agents and approved by the planning commission.

4.2 **Petition and Site Plan.**

Before any shopping center district shall be officially designated on the zoning map, a petition shall be filed with the planning commission. This petition shall be signed by all legal owners of the properties included in such district, with the legal description of each owner’s property following his signature. This petition shall request that the planning commission approve for recommendation to the Town council the establishment of a shopping center district to include the properties of such signers as set forth in the petition. This petition shall be accompanied by certification by a title company that the signers of the properties as presented are the legal owners.

There shall be filed concurrently with the commission, by or on behalf of such property owners, a preliminary site plan of the development contemplated for the combined properties of such owners within the proposed district. Such site plan shall bear the signatures of the owners, and shall provide the following data.

- 4.2(1) The location, arrangement, and dimensions of automobile storage areas, and parking aisles, bays, and angles.
- 4.2(2) The location, arrangement, and dimensions of loading and unloading space and docks.
- 4.2(3) The location, arrangement, and dimensions of vehicular entrances, exits, and driveways.
- 4.2(4) The location, arrangement, and dimensions of pedestrian entrances, exits, and walkways.

- 4.2(5) The basic layout of water, sewer, and storm drainage systems.
- 4.2(6) The type of construction materials for walkways, drives, fences, and other accessory structures.
- 4.2(7) A topographic overlay or separate map when the elevation exceeds five (5) feet per one-hundred (100) lineal feet.
- 4.2(8) The location and exterior dimensions of all structures.
- 4.2(9) The location, size, height, and orientation of signs.
- 4.3 Procedure for Approval. The following procedure shall establish a tract as a shopping center district:
 - 4.3(1) Submission to the planning commission of a letter of application with a preliminary site plan and supporting data; these data shall include a time schedule for construction, as a minimum. Other data, such as a market analysis, a financial report, and a traffic study may be additionally required.
 - 4.3(2) Review of the application and data by the planning commission.
 - 4.3(3) Recommendation of any approved plan by the planning commission to the Town council.
 - 4.3(4) Action by the Town council on the proposed zoning map amendment, following a public hearing.
 - 4.3(5) Should the zoning map amendment be approved by the Town council, the applicant must submit a final site plan to the planning commission. A performance bond covering public improvements may be required by the planning commission before final approval, and before referral to the building inspector for the issuance of a building permit. The developer shall adhere to the approved schedule for beginning and completing construction.
- 4.4 Dimensional Standards. The following dimensional standards shall be maintained by the developer:
 - 4.4(1) For one-story structures, the FAR shall not exceed 0.25 (twenty-five (25) square feet of floor space for each one-hundred (100) square feet of lot space); this figure may be increased to 0.50 for multi-storied structures.
 - 4.4(2) Coverage of the tract shall not exceed twenty-five (25) percent.
 - 4.4(3) The height of any structure shall not exceed twenty-seven (27) feet.
 - 4.4(5) The principal structure or structures shall be not less than fifty (50) feet from a property line, including automobile storage area, loading and unloading space, circulation space, and space for landscaping, lighting, and signs.
- 4.5 Design Standards. The following design standards shall be maintained by the developer:
 - 4.5(1) Landscape Treatment. The shopping center shall be permanently screened from any adjoining residential district by a wall, fence, evergreen hedge,

or any combination of landscaping. The screening shall have a minimum height of four-and-one-half (4½) feet, a maximum height of seven (7) feet, and shall be placed at least ten (10) feet inside the property line. The area between such screening and the property line shall be additionally landscaped. A landscaped area at least five (5) feet in depth shall be provided along any non-arterial street frontage occupied by a shopping center, and shall be located between the street curb line and a line parallel to and five (5) feet inside the shopping center property line. Signs shall not be permitted within a landscaped area. The planning commission may waive all or part of any landscaping requirement, provided that it is demonstrably shown that existing natural or artificial conditions serve such purpose.

4.5(2) Signs. Each shop may have a wall sign and a projecting sign advertising the name of the store and the type of products sold therein. Also, a shopping center may have two (2) ground signs advertising the center, but not the businesses therein.

4.5(2.1) Wall signs shall not extend above or beyond a building wall, nor project more than one foot from the face of the structure.

4.5(2.2) Projecting signs shall be of one size.

4.5(2.3) Ground signs shall be of permanent construction and shall not exceed six (6) feet in height. The area of each exposed face shall not exceed sixty (60) square feet.

4.5(2.4) To avoid excessive advertising and to insure a harmonious appearance to the center, the composition and size of shop signs shall be controlled by written agreement between the owner and tenants.

4.5(3) Access and Traffic Control. To control the traffic generated, the developer may be required to pay the cost of installing or constructing any of the following facilities on the streets providing access to a shopping center: (a) street widening; (b) ingress and egress driveways; (c) acceleration and deceleration lanes; and (d) traffic control devices and signs, including channelization. When the developer is held responsible for traffic control construction, such responsibility and subsequent liability shall constitute a contractual agreement between the developer and the Town.

4.5(4) Circulation and Parking Layout. An automobile storage area and adequate servicing driveways shall be provided within the boundaries of a shopping center. Space to the rear of shops shall not be considered usable by the public and shall be creditable to fifty (50) percent of the number of required parking spaces for employees. An exception to this requirement may be made by the planning commission, if a shopping center is the central mall type. In such case, all sections of the required automobile storage area shall be provided with adequate connecting internal driveways and means of ingress, egress to the public streets.

4.5(5) Off-Street Loading. Each shop shall be provided with a rear or side

entrance that is accessible to a servicing driveway and not a part of the circulation system used by the vehicles of shoppers. Loading and unloading facilities shall be arranged so that trucks will not block the passage of other vehicles on servicing driveway, nor extend into other private or public driveways, or streets for vehicular circulation.

4.5(6) Storage of Waste. The refuse disposal area storage containers shall be maintained in such manner as to meet local health requirements, and shall be screened from view.

4.6(7) Lighting. Lighting facilities shall be installed in a manner which will protect adjoining streets and neighboring properties from direct glare and from hazardous interference.

ARTICLE VIII. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

1. I-1 Light Industrial Districts

Within the Light Industrial Districts, as shown on the municipal zoning map, the following regulations shall apply:

1.1 Uses Permitted.

- 1.1(1) Industrial uses, such as the manufacture of textiles and apparel; fabrication and assembly of machinery and other products of metal, wood, or other materials; and similar uses.
- 1.1(2) Wholesaling, warehousing, and storage uses; heavy commercial uses; truck terminals.
- 1.1(3) Accessory uses or structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal.

Public and semipublic uses, except educational, cultural, medical, and recreational facilities; provided, that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board, and subject to such conditions as the Alexandria Planning and Zoning Board may require in order to preserve and protect the character of the district in which the proposed use is located.

1.3 Uses Prohibited.

- 1.3(1) Residential uses; commercial uses not requiring major warehousing or storage facilities; and similar uses.
- 1.3(2) Industrial uses considered dangerous or unsafe, such as the manufacture of explosives; industrial uses considered objectionable or noxious by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, or water-carried waste; and uses considered objectionable due to adverse effect on adjoining uses, such as junkyards.

1.4 Yards.

- 1.4(1) Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way line of streets the minimum distance shown below, according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Streets	50 feet
Collector Streets	35 feet

- 1.4(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.
- 1.4(3) The minimum side yards and rear yards shall be twenty (20) feet and twenty-five (25) feet, respectively.
- 1.4(4) The minimum yard adjoining non-industrial districts shall be thirty-five

(35) feet.

1.4(5) No yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

1.5 Off-Street Loading and Unloading Space.

Behind every building or structure used for business or trade there shall be a rear yard not less than twenty-five (25) feet in depth to provide for loading and unloading of vehicles.

2. **I-2 Heavy Industrial Districts.**

Within the Heavy Industrial Districts, as shown on the municipal zoning map, the following regulations shall apply:

2.1 Uses Permitted.

All uses as permitted in I-1 Light Industrial Districts.

(ARTICLE VIII, 1.1)

2.2 Uses Permitted on Appeal.

Uses considered noxious such as fat rendering, inflammable liquids storage, automobile salvage yard, slaughter houses, junkyards, stockyards, smelting plants, and manufacturing of acids; public uses; adult-oriented business establishments; and similar uses; provided that no permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board and subject to such conditions as the Alexandria Planning and Zoning Board may require in order to preserve and protect the character of the district in which the proposed use is located.

2.3 Uses Prohibited.

2.3(1) Residential and commercial uses; semipublic uses; and similar uses.

2.3(2) Industrial uses considered dangerous or unsafe.

2.4 Yards.

2.4(1) Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way line of streets the minimum distance shown below, according to their classifications as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Streets	60 feet
Collector Streets	45 feet

2.4(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.

2.4(3) The minimum side yards and rear yards shall be thirty (30) feet and thirty-five (35) feet respectively.

2.4(4) The minimum yard adjoining non-industrial districts shall be forty-five (45) feet.

2.4(5) No yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

2.4(6) Yards between separate structures shall be no less than forty (40) feet.

2.5 Off-Street Loading and Unloading.

Behind every building or structure used for business or trade there shall be a rear yard not less than twenty-five (25) feet in depth to provide for loading and unloading of vehicles.

ARTICLE IX. PROVISIONS GOVERNING AGRICULTURAL DISTRICTS

1. Within the Agricultural Districts, as shown on the zoning map, the following regulations shall apply:

1.1 Uses Permitted.

1.1(1) Agricultural uses and structures except commercial animal or poultry farms, feed lots and kennels.

1.1(2) Single family dwellings.

1.1(3) Accessory uses or structures customarily incidental to above permitted uses.

1.2 Uses Permitted on Appeal.

Churches and other places of worship, parish houses, public libraries, schools offering general education courses, public parks and public recreational facilities, governmental uses except general office buildings or supply and storage yards, cemeteries, philanthropic institutions and clubs in keeping with the character of this district. Use of any inhabited building shall be allowed only when connected to the public sewer system. No permit shall be issued except with the written approval of the Alexandria Planning and Zoning Board and subject to such conditions (normally involving the possible prevention of traffic, parking, health, and aesthetic problems) as the Planning and Zoning Board may require in order to preserve and protect the character of the district.

1.3 Uses Prohibited.

Uses not specifically permitted nor permitted on appeal.

1.4 Lot Area, Lot Width, Rear and Side Yards. The principal structure shall be located to comply with the following requirements:

1.4(1) Lot area, Lot Width, Rear and Side Yards

A. For residential uses:

B. Minimum lot area with public sewer 12,000 sq. ft.

Minimum lot area without public sewer 13,000 sq. ft.

Minimum lot width at building line with public sewer 85'

Minimum lot width at building line without public sewer 100'

Minimum rear yard 35'

Minimum side yard

for one or two story buildings 15'

B. For parks playgrounds: Conform with minimum requirements for residential uses.

C. For all other uses:

Minimum lot area 40,000 sq. ft.

Minimum lot width at building line	125'
Minimum side yard	20'
Minimum rear yard	40'

1.4(2) Setbacks. All principal and accessory structures shall be setback from the right-of-way lines of streets the minimum distance shown below according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

1.4(2.1) Residential uses:

Arterial Streets	60'
Collector Streets	40'
Minor Streets	30'

1.4(2.2) Other uses:

Arterial Streets	65'
Collector Streets	45'
Minor Streets	35'

1.4(2.3) Building Area. On any lot no more than forty (40) percent of the total area shall be covered by principal or accessory structures. Accessory structures shall not cover more than twenty (20) percent of any required rear yard.

1.5 Height. Principal structures shall not exceed two (2) stories nor twenty-seven (27) feet in height. No accessory structure shall exceed two (2) stories.

1.6 Location of Accessory Structures.

1.6 (1) Accessory structures shall not be erected in any required front or side yard.

1.6(2) Accessory structures shall be located at least ten (10) feet from all lot lines and at least five (5) feet from any building on the same lot.

Section 2.

Public Open Space District.

This district is intended to preserve and protect municipally owned, leased and maintained park land including both active and passive recreation areas. Only those uses directly associated with public recreation, including, but not limited to, organized field sports, municipal festivals, public golf courses, hiking trails and the structures intended to support those uses.

ARTICLE X. PROVISIONS GOVERNING FLOODWAY DISTRICTS.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the Town legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Alexandria Town Council of Alexandria, Tennessee, does resolve as follows:

Section B. Findings of Fact

1. The Town of Alexandria Town Council wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of the Town of Alexandria Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including Town facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
1. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Resolution are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered **"New Construction"**.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and

floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
4. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Resolution shall apply to all areas within the unincorporated area of Alexandria, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the DeKalb County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 470042, Index # 0033C, 0034C, 0045C dated October 19, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Alexandria, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Alexandria, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

The (Building Official/Other Official) is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.
 - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.
 - c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article IV. Section B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5 Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. Information shall be submitted to administrator by applicant for review.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article IV. Section B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Article IV. Section B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article IV. Section B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.
10. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). Requestor is required to submit flood data from a professional engineer or other individual licensed to perform such work in State of Tennessee with any request for interpretation. All applicable data including

elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

11. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.

Section B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. **Residential Construction.** Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than two (2) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article V. Section B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Article IV. Section B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or flood proofed no lower than two (2) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article II of this Resolution). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Article IV. Section B.

Buildings located in all A-zones may be flood proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV. Section B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article V. Section B. of this Resolution.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home which has incurred "substantial damage" as the result of a flood or that has substantially improved must meet the standards of Article V. Section B. 4 of this Resolution.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

Section C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article V.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Article III. Section B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article V. Section B.

Section E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or (25) twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when

combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article V, Section B, and “Elevated Buildings”.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article V, Section B, and “Elevated Buildings”.
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article III. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article IV. and Article V. Section A. shall apply.

Section H. Standards for Unmapped Streams

Located within Alexandria, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, or (25) twenty-five feet, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Article IV.

ARTICLE VI. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to **Areas of Special Flood Hazard** within the unincorporated areas of Alexandria, Tennessee.

Section A. Planning and Zoning Board

1. Appeals: How Taken

An appeal to the Planning and Zoning Board may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Planning and Zoning Board a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of **\$ 75.00** dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Planning and Zoning Board all papers constituting the record upon which the appeal action was taken. The Planning and Zoning Board shall fix a reasonable time for the hearing of the appeal, and give public notice thereof, as well as due notice to parties in interest. Not more than 10 days prior to date of hearing. The Planning and Zoning Board shall decide the same within a reasonable time which shall not be more than 60 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

2. Powers

The Planning and Zoning Board shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Alexandria Planning and Zoning Board shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Planning and Zoning Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the Town;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Planning and Zoning Board may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS.

1. Lot of Record.

1.1 Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Alexandria Planning and Zoning Board for a variance from the terms of this ordinance, in accordance with ARTICLE XIII. Section 4. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as, in the opinion of the Planning and Zoning Board, is possible.

1.2 No lot shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance; and no yard, court or open space provided around any building for the purpose of complying with these provisions shall again be considered as a yard, court, or other open space for another building.

2. Front Yards.

The front yard requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two-hundred (200) feet of each side of such lot and within the same block and zoning district and fronting on the same streets as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths on the developed lots.

3. Adjoining Substandard Lots of Record.

Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a large 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.

4. Exception on Height Limits.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, silos, smoke stack, derricks, conveyors, flag poles, radio towers, masts, aerials, and the like.

ARTICLE XII. ENFORCEMENT

1. Enforcing Officer.

The provisions of this ordinance shall be administered and enforced by a building inspector appointed by the Alexandria Mayor and approved by the Alexandria Board of Mayor and Aldermen, and he shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

2. Building Permit.

2.1 Building Permit Required.

It shall be unlawful to commence excavation for 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.

2.2 Issuance of a Building Permit.

In applying to the building inspector for a building permit the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, and location of all buildings already on the lot. He shall also state the existing and intended use of all such buildings, 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 ordinance and other ordinance of the Town of Alexandria then in force, the building inspector shall, after at least three (3) days, issue a building permit for such excavation and/or construction. If a building permit is refused the building inspector shall state such refusal in writing with the cause.

2.2(1) The issuance of a building permit shall in no case be construed as waiving any provision of this ordinance.

2.2(2) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

3. Issuance of Certificate of Occupancy.

No land or building, or part thereof, hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, the building inspector shall state refusal in writing with the cause.

4. Records.

A complete record of such applications, sketches, and plans shall be maintained in the office of the building inspector, based in whole or in part upon the provisions of this

ordinance.

5. **Penalties.**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense, payment of fine shall not constitute compliance.

6. **Remedies.**

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

7. **Historic Preservation Commission**

- i) STATEMENT OF INTENT- Preservation activities will promote and protect the health, safety, prosperity, education and welfare. The intent of this ordinance is aimed to:
1. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the Town's historical, cultural, social, economic, political archaeological and architectural identity;
 2. Insure the harmonious, orderly and efficient growth and development of the Town;
 3. Strengthen civic pride and cultural stability through neighborhood conservation;
 4. Stabilize the economy of the Town through the continued use, preservation and revitalization of its resources;
 5. Promote the use of resources for the education, pleasure and welfare of the people of the Town of Alexandria;
 6. Provide a review process for the preservation and development of the Town's resources.

ii) Creation of the Historic Preservation Commission

The Town of Alexandria is authorized to establish a historic preservation commission to preserve; promote and develop the Town's historical resources and to advise the Town on the designation of preservation districts, landmarks and landmark site and to perform such other functions as may be provided by law.

The Historical Commission shall consist of five (5) members and which shall consist of a representative of a local patriotic or historical organization; an architect or engineer (if available); a member of the local planning commission; the remainder shall consist of members of the local community.

All members of the Commission are appointed by the Town Commission and shall serve for designated terms and may be re-appointed. All Commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic, to the extent available in the community. The Town should appoint professional

members from the primary historic preservation-related disciplines of architecture, history, architectural history or a related field. The Commission shall document a “good faith effort” to locate professionals to serve on the Commission before appointing lay members. The Commission shall also seek advice, as needed, of professionals not serving on the board.

iii) Rules of Order (By-Laws)

To fulfill the intent of this ordinance and carry out the provisions contained herein:

- i. The Commission shall elect from its membership a Chairman and Vice-Chairman annually. It shall select a Secretary from its membership or its staff. If neither the Chairman nor the Vice-Chairman is present at the meeting, the remaining members shall select an acting Chairman from the members present.
- ii. The Commission shall develop design review guidelines for determining appropriateness as generally set forth in Section 6 of this ordinance.
- iii. The Chairman shall have the privilege of discussing all matters before the historic commission. The Chairman shall vote on all matters before the historic commission. In the situation of a tie vote, the Chairman shall not vote pass. The Chairman shall not be a member of the Town legislative body.
- iv. The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be a matter of public record.
- v. The Commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days after its membership has been approved by the Town Council. Thereafter, regular meetings shall be scheduled at least once every three (3) months. The Chairman or any two (2) members may call a special meeting to consider an urgent matter.
- vi. A majority of the membership of the planning commissions shall constitute a quorum. A quorum shall be present before any formal business is transacted.
- vii. All meetings at which official business action is taken shall be open to the general public.
- viii. All items must be approved by a majority of the Historic Preservation Commission.
- ix. For matters not covered by these By-Laws, “Robert Rules of Order” shall be the guide.

iv) Creation of the H-D, Historical District

The Town of Alexandria may establish landmarks, landmark sites, and preservation districts within the area of jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified In Section 6 of this provision.

- (a) The Commission shall initiate a continuing and thorough investigation of the archeological, architectural, cultural and historic significance of the Town's resources. The findings shall be collected and made available to the public.
- (b) The designated Historic District, H-D, shall be composed based on materially sound evidence and historical significance to the area. The Historic District shall be recommended to the Alexandria Regional Planning Commission and then to the Alexandria Town Council for adoption. This shall also apply to the designation of historic landmarks and landmark sites. All documentation shall be presented to the Planning Commission and Town Council upon a recommendation. In the case of a preservation district, a map shall be provided within distinct boundaries.
- (c) The Commission shall hold a public hearing on the proposed H-D District, landmark or landmark site.
- (d) Upon approval of the H-D, landmark or landmark site, the Commission shall notify the appropriate state, county and municipal agencies of the official designation of all landmarks, landmark sites and preservation districts. All effected property owner shall also be notified of this designation. An updated list and map shall be maintained by the Commission and made available to the public.

v) Procedure

- (a) No building permit for construction, major alteration or rehabilitation, moving or demolition to be carried on within the H-D, Historical District, shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical Commission. *Review by the Historic Preservation Commission shall occur prior to Review and action by the Alexandria Planning Commission.*
- (b) Administration shall be by the office of the Building Inspector and the Historic Commission and all items regulated within the H-D shall be submitted to the Historic Commission, through the office of the Building Inspector, for its review.
- (c) Applications for building permits within the Historic District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic Commission. The Historic Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
- (d) Upon receiving an application for a building permit, the Historic Commission shall within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a letter in writing stating its approval with or without attached conditions or disapproval with the grounds for disapproval.
- (e) The office of the Building Inspector shall additionally review applications outside of the Historic District and final issuance or rejection shall conditionally be based upon the adopted building codes of the Town. The fee charged for building permits within Historic District shall conform to existing fee schedules for building permits in any other zoning district within the Town.

b) Criteria for Issuance of Permit within the Historical District

The Commission shall use the Secretary of the Interior's Standards for Rehabilitation, as the basics for Design Guidelines created for each district or landmark and the following criteria in granting or denying permits within the Historical District:

i) General Factors:

1. Architectural design of existing building, structure or appurtenance and proposed alteration.
2. Historical significance of the resource;
3. Materials composing the resource;
4. Size of the resource;
5. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural and historical character and integrity.

ii) New Construction:

1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height of spaces, the gross volume, the proportion between width and height of the façade(s), the proportion and relationship between doors and windows, the rhythm of solids to voids created by openings in the façade, the materials, the textures, the patterns, the trims and the design of the roof.
2. Existing rhythm created by existing building masses and spaces between them shall be preserved.
3. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
4. No specific architectural style shall be required.

C. Exterior Alteration

1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in Section 5, and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.
2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance or landmark sites.

D. In considering an application for the *designation, demolition or modification* of a landmark or a resource within a designated historic district, the following shall be considered:

1. The Commission shall consider the individual architectural, cultural, and/or historical significance of the resource.

2. The Commission shall consider the importance or contribution of the resource to the architectural character of the district.
3. The Commission shall consider the importance or contribution of the resource to neighboring property values.
4. The Commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.
5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in *Article 4, section 13 of the Zoning Ordinance and Section 5 of this provision*, prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. *Replacement Plans shall additionally meet all other applicable requirements of the zoning ordinance regarding zone specific development criteria.*
6. Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as a building permit for new construction. Permits for demolition and construction shall not be issued simultaneously.
7. When the Commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate Town boards, commissions, departments and agencies.

7. Grievances and Appeals

Anyone aggrieved by the provisions of this ordinance or a decision made by the Historic Preservation Commission may appeal to the Alexandria Town Council. Appeals of Historic Preservation Commission Decisions must be requested with the Building Inspector's office within ten days of said decision. Any Appeal request must also be advertised in a local publication of general distribution no less than 15 days prior to the date set for hearing of the appeal by the Town Council.

ARTICLE XIII. Adult-Oriented Establishments

Section A. Definitions. For the purposes of this ordinance, the following definitions shall be used:

- (1) “Adult bookstore” means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities: or “specified anatomical areas” as defined below, and/or have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein;
- (2) “Adult cabaret” means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers;
- (3) “Adult entertainment” means any exhibition on any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance or specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, or any other personal service offered customers;
- (4) “Adult mini-motion picture theater” means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below, for observation by patrons therein;
- (5) “Adult motion picture theater” means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as described below, for observation by patrons therein;
- (6) “Adult oriented establishment includes”, but is not limited to, “adult bookstores,” “adult motion picture theaters”, “adult mini-motion picture establishment”, “escort service”, or “adult cabarets” and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An “adult-oriented establishment” further includes any premises that is physically arranged and used for adult entertainment; or any activity or business which has “adult entertainment” for charge or profit;
- (7) “Employee” means any and all persons, including independent contractors,

who work in or at or render any services directly related to the operation of an adult-oriented establishment;

- (8) “Entertainer” means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor;
- (9) “Escort” means a person who, for monetary consideration in the form of a fee, commission, salary or tip, dates, socializes, visits, consorts with, accompanies, or offers to date, socialize, visit, consort with or accompany to social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort;
- (10) “Escort service” means a person as defined herein, who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;
- (11) “Nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
- (12) “Open office” means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working, which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints;
- (13) “Operator” means any person, partnership, limited partnership, limited liability company or corporation operating, conducting or maintaining an adult-oriented establishment;
- (14) “Person” means an individual, partnership, limited partnership, limited liability company, firm, corporation or association;
- (15) “Specified anatomical areas” means:
 - (a) less than completely and opaquely covered:
 - (i) human genitals
 - (ii) pubic region
 - (iii) buttocks; and
 - (iv) female breasts below a point immediately above the top of the areola; and
 - (b) human male genitals in discernibly turgid state, even if completely opaquely covered; and
- (16) “Specific sexual activities” means:
 - (a) human genitals in a state of sexual stimulation or arousal;
 - (b) acts of human masturbation, sexual intercourse or sodomy or
 - (c) fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Section B. General Provisions

- 2) All persons operating an adult-oriented establishment within the Town limits of Alexandria, Tennessee shall obey and follow all State statutes, including but not limited to all statutes

concerning nudity and shall also comply with any licensing requirements which may be required under State, County or Town law.

- 3) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable State law, shall comply to the requirements of T. C. A. Section 39-17-901 through Section 39-17-908, Section 39-17-911, Section 39-17-914, and Section 39-17-918 through Section 39-17-920 or be subject to prosecution under said State law.
- 4) All persons, operators or owners of an adult-oriented establishment, as defined herein, or by applicable State law, shall comply with the requirements of T. C. A. Section 39-13-511 or be subject to prosecution under the provisions of said State law.
- 5) It shall be unlawful for any person maintaining, owning or operating an adult cabaret or an adult-oriented establishment located within the Town of Alexandria, Tennessee:
 - (a) to permit any dancer to fondle or caress any patron or to permit any patron to fondle or caress any dancer; or
 - (b) to permit dancing at any location which shall encourage the patrons to fondle or caress a dancer; or
 - (c) to permit any dancer to solicit any pay or gratuity from any patron; or
 - (d) to permit any dancer to perform off of the permanent stage; or
 - (e) to permit any patron to be seated or to stand closer than four (4) feet to the edge of the permanent stage.
- 6) No person who maintains, owns or operates an adult-oriented establishment shall permit specified sexual activities to occur on the premises, nor shall permit any viewing of specified anatomical areas to occur on the premises.
- 7) No adult-oriented establishment shall be operated or maintained within one thousand (1,000) feet of a residentially zoned district, the property line of a lot devoted to residential use, a church, a State licensed daycare facility, public library, or private/public education facility which serves persons ages 17 years or younger, and elementary school, a high school, funeral parlor/home, a public park, a place of assembly of fifty people or more, or another adult-oriented establishment as defined herein. To determine the distance requirements under this section, said distance limitation shall be measured in a straight line from and to the nearest lot lines of the premises for the adult-oriented establishment and the lot lines of the above defined areas.
- 8) No commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be so constructed, used, or operated for the purposes of high-risk sexual conduct as defined by “specified sexual activities”, and no commercial building, structure, premises or subdivision, or part thereof, or facilities therein, shall be designed for or used to promote high-risk sexual conduct which could be conducive to the spread of Acquired Immune Deficiency Syndrome (AIDS), and any commercial building or structure which is constructed or used for such activities shall be in violation of this ordinance.
- 9) To promote the health, safety and welfare of all persons in the Town of Alexandria, no person shall occupy any commercial building, structure, or premises, or portion or part thereof which fails to comply with the following requirements:
 - (a) For the prevention of the spread of sexually-transmitted disease, no partitions between subdivision of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activities or contact between persons on either side of the partition.
 - (b) No booths, stalls, or partition portions of a room, or individual rooms used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partition portions of a

room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of adult-oriented entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered adult-oriented entertainment.

- (c) No commercial building, structure or premises shall be so constructed that private rooms or accommodations can be offered to patrons of that business operated therein if: (i) the building structure or premises is in violation of this ordinance; and (ii) the building, structure or premises is not a validly operating hotel, motel, apartment complex or condominium.

10) During the operation of an adult-oriented establishment, where booths or cubicles are employed, only one individual shall occupy a booth, room or cubical at any one time. No occupant of a booth, room or cubical shall engage in any type of specified sexual activity or any sexual activity which may cause any bodily discharge or litter while in the booth. The owner and operator of the adult-oriented establishment shall maintain the premises in a clean and sanitary manner at all times.

Section C. Violations

- 1) Any person violating this ordinance shall commit an offense against the Town of Alexandria, Tennessee, and upon conviction shall be fined under appropriate State law, or shall be fined for a conviction within the Town Court of Alexandria, Tennessee, with a fine of up to fifty (\$50.00) Dollars per day per violation. This ordinance does not apply to any theatrical production which is performed in a theater by a professional or amateur theatrical or musical company and which has serious artistic merit, or to any other actions which are construed to have serious artistic merit.
- 2) Any real property found to be in violation of the requirements stated in this ordinance may also be subject to an order of closure, and/or cease and desist, by Chancery Court action seeking injunctive relief to enforce the provisions of this law.

ARTICLE XIV. AMENDMENTS

1. Introduction of Amendments.

The Alexandria Board of Mayor and Aldermen (hereafter referred to as the board) may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the board may present a petition to the board requesting an amendment or amendments to this ordinance.

2. Review by the Planning and Zoning Board

No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the regional planning commission. If the planning commission, within sixty (60 days) of such submission, disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the Town board to become effective. Failure of the planning commission to either approve or disapprove the amendment within ninety (90) days of its submission shall be deemed approval.

3. Notice of Public Hearing.

Upon the introduction of an amendment to this ordinance, or upon the receipt of a petition to amend this ordinance, the board shall publish a notice of such request for an amendment together with the notice of time set for a public hearing by the Town board on the requested change. Said notice shall be published one time in a newspaper of general circulation in the Town of Alexandria, Tennessee. Said hearing by the board shall take place not sooner than fifteen (15) days after the publication of any notice.

At the time and place signified in the above notice, the board shall meet; and all persons affected by such amendment or change may appear in person, by agent, or by attorney to petition against the making of such amendment.

4. Fee.

A fee of one hundred fifty (\$ 150.00) dollars due and payable at the time of filing of petition shall be posted with request to amend the zoning ordinance and/or zoning atlas; said fee to be used by the Town of Alexandria to defray cost resulting from such petition and any subsequent amendment of the zoning ordinance and/or zoning atlas.

ARTICLE XV. LEGAL STATUS PROVISIONS.

1. Conflict with Other Ordinances.

In case of conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinance of the Town of Alexandria, the most restrictive provisions shall in all cases apply.

2. Validity.

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

3. Effective Date.

This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Approved and Certified by Planning Commission:	<u>Kim Boss & Pat Parkerson</u>	<u>10-27-15</u>
	Co - Chairpersons	Date

Passed by Board of Mayor and Alderman on Final Reading	<u>Bennett Armstrong</u>	<u>11-24-2015</u>
	Mayor	Date

4. Effective Date of Amendment.

This Amendment shall take effect and be in force fifteen (15) days from and after its passage;

Approved and Certified by the Planning and Zoning Board

<u>Donna Jackson</u>	<u>December 5, 2019</u>
Chairperson	Date

Passed on final reading by Board of Mayor and Aldermen:

<u>Bennett Armstrong</u>	<u>February 25, 2020</u>
Mayor	Date

APPENDIX

TENNESSEE CODE ANNOTATED

13-7-208

13-7-208. Enforcement of ordinances - - Remedies - - (a) (1) The chief legislative body may provide for the enforcement of any ordinance enacted under this part and part 3 of this chapter. A violation of any such ordinance is a Class C misdemeanor.

- (2.) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance enacted under this part and part 3 of this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.
- (b) In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivision, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions, and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.
- (c) Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
- (d) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or

business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

- (e) The provisions of subsections (b)-(d) apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.
- (f) The provisions of subsections (b)-(e) do not apply to any municipality defined as a premier type tourist resort according to § 67-6-103(a)(3)(B)(i). [Acts 1935, ch. 44, § 6; C. Supp. 1950, § 3407.6; Acts 1973, ch. 279, § 1; T.C.A. (orig. ed.), § 13-708; Acts 1988, ch. 539, § 1; 1989, ch. 591, § 113.]