

SUB-CHAPTER 2.21
GENERAL PROVISIONS

SECTION

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14-2.2101. Zoning affects every structure and use. No building or structure shall be erected or altered, or shall any building or premises be used for any purposes, other than a use permitted in the district in which such building or premises is located. No building or premises shall be used so as to produce greater heights, smaller yards, or less unoccupied area and no building shall be occupied by more families than herein prescribed for such building for the district in which it is located. No lot which is now or may be hereafter built upon as hereby required, may be so reduced in area so that the yards and open spaces will be smaller than prescribed by this ordinance, and no yard, court, or open space provided about any building for the purpose of complying with the provisions hereof, shall again be used as a yard, court, or other open space for any other building. (Ord. No. 338, Sec. 13 (A))

14-2.2102. Continuance of non-conforming uses.

(1) Except as provided herein, any structure or use existing at the time of enactment of this ordinance, or at the time this ordinance is changed by amendment hereafter, may continue even though such structure or use is not in conformity with the provisions of this ordinance.

(2) No non-conforming use or structure shall hereafter be extended unless such extensions conform with the use and other provisions of this ordinance for the district in which it is located.

(3) Any non-conforming structure which has been damaged by fire or other causes to the extent of 75% of its full value above the foundation shall not be repaired or reconstructed except in conformity with the provisions of this ordinance for the district in which it is located.

(4) Whenever a non-conforming use of any structure or land has been discontinued for a period of thirty (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.

(5) Any nonconformity with the provisions of the Unified Business District classification, shall be subject to the following requirements:

- a. Any use that does not conform to the permitted use provisions of the district and which is conducted in a building of a type of construction not suitable for the permitted uses of the district may be continued as provided in (1) through (4)

above, but upon cessation of such use or conversion of the property to a permitted use, such nonconforming unsuitable building may not be converted to be so used. For the purpose of application of this provision, those types of construction classified by the Building Code of the City of Alcoa as Fireproof, Fire Resistant, Heavy Timber, or Non-Combustible Frame are considered suitable for business purposes.

b. Any other use that does not conform with permitted use provisions of the district and is conducted in a building of a type of construction suitable for permitted uses may be continued as provided in (1) through (4) above, and may be converted to a permitted use if in accord with the plans and specifications of the district.

c. Any use that does not conform with the provisions of the district and is located or conducted on open land may be continued for a period not to exceed two (2) years from the date of establishment of the Unified Business District in which located.

d. Any nonconformity with the provisions of Section 14-2.1006, "Development Standards and Requirements", of the Unified Business District zoning classification shall be developed in a manner to conform with those provisions and with the City plan for access and traffic control within not less than five (5) years from the establishment of the district in which located or, in the case of stage development, as stipulated in the plans for the district as approved by the City. Any other nonconformity with the provisions of the Unified Business District or with the plans and specifications of a given district as mapped may be continued for a period not to exceed five (5) years from the date of enactment or amendment of such provisions or establishment of such district. (Ord. No. 338, Sec. 13 (B) as amended by Ord. No. 546, Sec. 3)

14-2.2103. Rear dwelling prohibited.

(1) No dwelling shall be erected on a lot, which does not abut on at least one street for at least forty (40) feet.

(2) No building in the rear of a main building on the same lot may be used for residential purposes. (Ord. No. 338, Sec. 13 (C))

14-2.2104. Corner visibility. In all districts except the General Business District on a corner lot, within the area formed by the centerline of the intersecting streets and a line joining points on such centerlines at a distance of seventy-five (75) feet from their intersection, there shall be no obstructions to vision between a height of three and one-half (3 ½) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirement of this section shall not be deemed to prohibit any necessary retaining wall. (Ord. No. 338, Sec 13 (D))

14-2.2105. Location of accessory structures on residential lots. Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

(1) No accessory structure shall:

a. Exceed thirty-five (35) percent of the gross floor area of any primary structure;

b. Project above the average height of the primary structure on the lot on which located;

c. Exceed the height requirement of the zoning district in which located;

d. Be erected in any required front yard, even though the primary structure may have multiple front yards (such as in the case of a corner lot);

e. Exceed one to one and one-half story in a side yard and two stories in a rear yard;

- f. Exceed the percentage lot coverage requirements;
- g. Be erected closer than:
 - 1. Five (5) feet from any side lot line (unless within a recorded easement and the width of that easement must then apply);
 - 2. Ten (10) feet from any rear lot line or lot exterior to the subdivision (unless within a recorded easement and the width of that easement must then apply); and,
 - 3. Five (5) feet from any other structures on the same lot (unless said structure is open on at least two sides, in which case said five (5) feet requirement does not apply); and,
- h. Be used for the purpose of storage, unless such storage is enclosed and out of the public view.

If located within a Limited Restriction "I" zoning district, parcels of more than two (2) acres may apply for a special exception to allow an accessory structure to be greater than thirty-five (35) percent of the primary structure. Such structure shall be a minimum distance of twenty (20) feet from any other structure(s) on the same lot.

(2) Construction, installation or placement of any fence, regardless of building material, shall require a building permit and proof of property lines. Fences may be erected in a side or rear of a property (behind a line extended from and along the front wall of a house), on the property owner's side of the property line; however, fences will be allowed within the required front yard on corner lots when that elevation does not serve as the main entrance to the home (actual front of the house) and where driver's visibility will not be obscured. No fence shall exceed eight (8) feet in height. Existing pins shall not be removed and measures must be taken in layout of the fence to ensure they remain. No fence shall restrict the vision of drivers turning on streets or from driveways. There shall be no obstruction to vision. No fence shall be installed or built so as to prevent the natural flow of water or to cause the damming of storm water due to the accumulation of debris. No fence shall be installed or built so as to hinder the operation of a fire hydrant or to prevent access by meter readers and emergency personnel. No fence shall require a vehicle be parked in any street or alley for the purpose of opening a gate before the vehicle can be driven off the street or alley.

(3) Uncovered patios or decks may be constructed in the side or rear yard, provided they are constructed no closer than five (5) feet to a rear or side property line (unless within a recorded easement of greater depth). (Ord. No. 338, Sec 13 (E), as amended by Ord. No. 11-249, Jan. 2011, 11-251, March 2011 and 11-256, June 2011).

14-2.2106. Dumpster Screening Required. The construction of a dumpster pad shall conform to the following screening regulations:

(1) The dumpster area shall be screened on 3 sides using material consisting of stone, brick, block, wood, chain link with slats and/or a combination of each. If desired, landscaping material may be used to soften the exterior walls of the dumpster enclosure.

(2) The front opening (the opening for dumpster collection removal) is also to be screened and shall have a minimum width of clearance equal to eleven (11) feet per dumpster. This clearance is to allow for proper access when servicing the dumpster. For every dumpster added, an additional 10 feet in width of concrete pad is needed.

(3) The front opening shall be open and accessible to City vehicles during normally scheduled pick up times.

(4) A minimum of two (2) fixed barrier postguards or other approved barrier shall be installed between the rear of the dumpster and the rear screening to protect the screening from damage should the dumpster slide or be pushed to the rear.

(5) The front opening shall have two (2) fixed barrier postguards placed at each

corner. The postguards shall meet the minimum width of clearance. All dumpster pads shall be approved by the City of Alcoa Public Works and Engineering Department prior to construction (See Dumpster Pad Specifications).

14-2.2107. Future street lines.

(1) For the purpose of providing adequate open space between buildings on lots located on major streets, future street lines are hereby established as shown on the Zone Map of Alcoa and are adopted as part of this ordinance.

(2) On any lot which would be reduced in area by widening a public street to a future street line shown on the Zone Map of Alcoa, the minimum required yards, the minimum required lot area, and the minimum required lot width, and the maximum building area shall be measured by considering the future street lines as the lot lines of such lot. (Ord. No. 338, Sec. 13 (G), as amended by Ord. No. 09-189).

14-2.2108. Driveway entrances.

(1) General provisions. It shall be unlawful for any person to cut, break out or remove any curb along a street or to construct a driveway onto a street except as authorized by this ordinance and by obtaining a building permit to do the same. No driveway approach shall interfere with municipal facilities such as street lighting poles, traffic signals standards, sign, catch basins, hydrants, crosswalks, bus loading platforms, utility poles or other necessary street structures. Where curbing is removed for the construction of a driveway, it shall be repaired at the gutter lines and edges of exposed curbing shall be returned to a smooth finish. Where no curbing exists a drain pipe of a size approved by the Building Inspector shall be installed at the ditch line. This pipe shall be furnished and installed by the person constructing the driveway. For driveway entrances to residences the width of the driveway shall not be less than ten (10) feet on minor and local roads and 15 feet on collector and arterial roads. The maximum width shall not be more than 20 feet. This width shall be measured along the outside sidewalk line, or where no sidewalk exists, a line in the street right-of-way parallel to and four (4) feet from the line of the property. Residential driveways shall be a minimum distance of five (5) feet from the property line and all residential driveways accessing a collector or arterial road shall have included as a part of the overall design an area sufficient to allow a passenger vehicle to turn around in order to eliminate the need to back from the driveway onto the roadway. For driveway entrances to business or industrial establishments, the width of the driveway shall meet a minimum width of 36 feet, unless approved by the planning commission. This width shall be determined by measuring along the outside sidewalk line, or where no sidewalk exists, a line in the street right-of-way line parallel to and four (4) feet from the line of the property. The maximum allowable grade for any driveway shall be eight (8) percent, unless otherwise approved by the City Engineer. Where more than one driveway approach on a street front serves a residential property (i.e., circular drives), the planning commission must approve the distance between approaches. The sides, edges, or curbs of driveway approaches shall be at right angles to the street. The radius of curvature of the curb return shall not exceed the distance between the curb and outside sidewalk line; or, if no sidewalk exists, a line in the right-of-way parallel to and four (4) feet from the property line. No portion of a driveway approach, except the curb return, shall be constructed within 18 feet from the point of intersection of the lines of the two street curb faces extended into the street intersection. No part of the driveway, including curb returns, shall extend beyond the property line projected.

(2) Access control standards in commercial districts.

a. In all commercial districts the distance between access points to a public street shall be no less as set forth in the following table:

Classification of Street	Distance between
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Of Access*	Access Points (in ft)
1. Principal Arterial (A-1)	1,000
Classification of Street Of Access*	Distance between Access Points (in ft)
2. Minor Arterial (A-2)	600
3. Major Collector (C)	300
4. Local Street (L-1)	200
5. Cul-de-sac (L-2)	200

*Based on the Functional Road Classifications System prepared by the State Department of Transportation. Where there is a disagreement as to the classification of the street, the Board of Zoning Appeals shall make the determination.

No access point shall be established to any public street nearer that one-half (1/2) the above cited respective distances from the nearest point of intersection of the centerline of public street, measured from centerline of access point along the edge of the right-of-way of the street intersected to the centerline of the intersecting street. Paved acceleration and deceleration lanes are required along any Principal Arterial and may be required along any other public street.

b. In all commercial districts where a lot abuts more than one street affording opportunity for access, that lot and all uses thereon shall be served from the street with the lowest classification (No. 1 being the highest classification); however, alternate or supplemental means of access may be allowed from any street if, upon approval by the Planning Commission, such an arrangement accords with the intent of this section.

c. Temporary access ways may be granted by the Planning Commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall cease to exist at such time that any other means of access to a property occurs.

d. Circulation drives (drives which interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures) or frontage roads (roads which parallel the public streets giving access and which extend along the entire frontage of a particular property) shall be constructed in order to provide safe and efficient vehicular movement between specified access points. All commercial development which occurs adjacent to a principal arterial highway, shall be required to provide a frontage road. The location, width, and design of all circulation drives and frontage roads shall be approved by the City Engineer. All frontage roads shall be dedicated as public streets and shall be maintained by the public.

e. Between the public street giving access to the property and the circulation drives or frontage roads, an area of land not less than five (5) feet deep shall be provided; however, in case where sidewalks are required by the City's sidewalk plan and policies, an area of land of not less than ten (10) feet shall be provided. Such an area shall be landscaped and grassed provided, however; that no planting shall interfere with corner visibility at intersections as described in Section 14-2.1804. All circulation drives shall be clearly defined and marked appropriately with

arrows and the like to assist public circulation into, on, and out of the property and through parking lot areas.

f. Where, in the opinion of the Planning Commission, topographical or other physical features make the construction of circulation drives and/or frontage roads infeasible, the Planning Commission may determine the number and width of access points to a particular property in accordance with the following table:

Lot Frontage	Maximum Number of Access Points	Maximum Width of Access Points
Less than 75 ft.	1	30 ft.
75 ft. – 149 ft.	1a	30 ft. a
150 ft. – 299 ft.	2	30 ft.
Each additional 300 ft.	1b	30 ft.

(a.) Gasoline service stations may have 2 access points.

(b.) Or as determined by the Planning Commission.

g. A building permit for any property in a commercial district shall not be issued until the Planning Commission for the City has reviewed and approved all plans and specifications for proposed access points. Said plans and specifications shall include site plans, construction plans, and elevations drawn to a scale of not less than one (1) inch equals fifty (50) feet, showing proposed access points, drives, walks, circulation, parking spaces, loading facilities, landscaping, planting materials, structures, buildings, uses, heights, setbacks, and any additional information required by the City. Such plans shall conform to the City Plan for access and traffic control. No regular certificate of occupancy shall be issued for any use or activity within a commercial district until all access control provisions, as outlined in this section, have been met. (Ord. No. 338, Sec.13, as amended by Ord. No. 365, Sec. 2, and Ord. No. 643)

14-2.2109. Sidewalks and other pedestrian facilities. To promote alternative modes of transportation and contribute to a safe, healthy and viable city environment, pedestrian access shall be provided to and from all lots developed for both non-residential and residential multi-family uses. Provisions are as follows:

(1) Sidewalks: Where new construction or the redevelopment of a site necessitates a site plan review by the Planning Commission, sidewalks shall be constructed within the right-of way of all public street frontages where pedestrian traffic is permissible, except as follows:

a. In instances where the construction of sidewalks is inappropriate or otherwise unfeasible at the time of development or redevelopment, as determined by the Planning Commission, a contribution to the City sidewalk fund in an amount equivalent to the cost of sidewalk construction shall be required; and,

b. In instances where the development is adjacent to an existing greenway or has the potential for a connection to an existing or planned greenway, the Planning Commission at their discretion may require the construction of a greenway or other appropriate pedestrian facility on either right-of-way or easement granted to the City in lieu of sidewalk construction.

Sidewalks shall be a minimum of five-5 feet in width, designed in conformity to city specifications, and meet ADA standards for accessible design. When subdividing, **Standards for Land Subdivision** shall apply.

(2) **Pedestrian circulation:** Where new construction or the redevelopment of a site necessitates a site plan review by the Planning Commission, and a public/private sidewalk or similar type of pedestrian path is present or planned to be constructed, connectivity between main building entrances, parking areas and public/private sidewalks shall be provided. Connections shall be incorporated onto a site, as follows:

a. A minimum of one (1) connection shall be provided. An additional connection shall be provided for every 400 linear feet of property frontage, unless otherwise approved by the Planning Commission;

b. Multiple connections shall be placed to maximize pedestrian movement, as determined necessary by the Planning Commission, and shall include consideration for parking areas otherwise secondary to connectivity between main building entrances and public/private sidewalks; and,

c. Connections shall be clear for pedestrian traffic, which may be elevated above the existing parking grade (when site conditions allow), and include pedestrian crosswalks if traversing travel lanes.

Connections shall be a minimum of five (5) feet in width, designed in conformity to city specifications, and meet ADA standards for accessible design. Although the above paragraphs specifically address single lot development, to comply with community open space, public use, and service areas, subdivision design within all zoning districts shall incorporate pedestrian connections to present or planned adjacent public/private sidewalks or similar type of pedestrian paths (**see Standards for Land Subdivision**). (Added by Ord. #06-102, as amended by Ord. #14-342, Dec. 2014 and Ord. #16-381, May 2016)

14-2.2110. Exterior building design. To promote the health, safety and well-being of City's residents, these provisions are intended to direct development patterns that create attractive, permanent building improvements that are harmonious in appearance, enhancing the community's character through high quality urban design, to further the likelihood that such improvements continue to be long term community assets.

Before a building permit may be issued, the planning commission (designated as the design review commission), shall review and either approve or disapprove exterior building elevations in compliance with minimum standards. These standards apply to the design of principal buildings and accessory structures constructed for all uses except for single-family detached, including any entrances to developments of the same, where said buildings are visible from a public roadway. While the overall intent of these standards shall be maintained, flexibility in their application will be necessary to facilitate and ensure development appropriately responds to changing market trends. All uses permitted within industrial or mixed industrial zones are exempt, as well as those for the principle purpose of conducting agricultural and livestock activities. For uses within zones otherwise not exempt, the below criteria shall be met:

(1) Wall planes shall be staggered by occasional changes in surface planes or changes of materials or architectural accents to reduce a monolithic "box" appearance. Walls and roof planes shall be proportionally scaled to have a 12 to 36 inch projection or recess every 30 to 60 feet, at a minimum, both horizontally and vertically. Flat roofs shall have projecting parapet walls constructed at a sufficient height to properly screen mechanical equipment. To reduce the repetitive use of architectural accents and broader features, three (3) or more of following shall be integrated onto walls:

a. porches and columns;

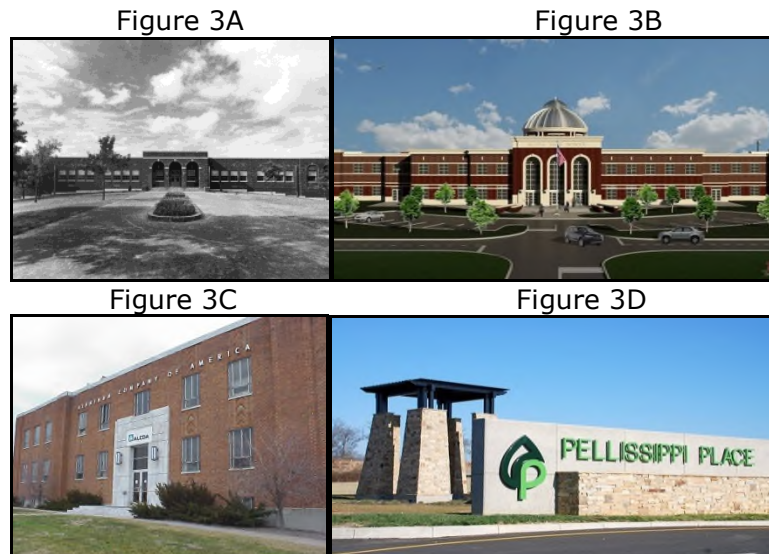
b. sun-shading devices (awnings, canopies and/or trellises, with a minimum ground clearance of eight (8) feet);

- c. cornices and moldings;
- d. wall arches;
- e. wall and structural columns and/or pilasters;
- f. enhanced entry doorways, projected or recessed;
- g. enhanced window treatments;
- h. distinct textural changes in construction materials (integrating a combination of brick, stone, cast stone, stucco and wood or wood substitute are preferred); and,
- i. any other similar decorative accent or broader feature that may be reviewed for consideration.

(2) The glass area of all exterior windows shall be calculated to total a minimum of five percent (5%) of the total wall area visible from a public roadway.

(3) Designers shall incorporate notable architecture accents and broader features in their overall building design, providing for compatibility with surrounding structures and thematic expression. Visual cues may include the combined use of brick, corncing and arch work found in many of the City's past and present institutional buildings, which nod subtly to the historical role of Alcoa, Inc. Stacked stone, trellises, tapered columns and other rustic accents found in public spaces of Pellissippi Place are other visual cues to consider. A few prominent examples have been included below (see figures 3A-3D).

Exterior walls visible from a public roadway shall not be comprised of exposed metal or flat-faced concrete block. However, metal accents or broader features of the same may be considered. Note that changes in paint color, color bands, flat tiles, narrow trim accents (less than 12 inches) and shutters shall not be considered architectural accents or broader features.



(As added by Ord. #15-355, Sept. 2015)

14-2.2111. Exterior lighting. To reduce the production of light pollution that may encroach onto adjacent properties, pole lighting and other related fixtures shall be designed to project light downward. Accent lighting fixtures that may be used on a building, sign structure or within the landscape shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated. (As added by Ord. #15-356, Sept. 2015)

14-2.2112. Underground utilities. All utilities including, but not limited to, electrical power, telephone, television and internet cable, fiber optics and other such facilities shall be installed underground, unless, in the opinion of the planning commission, special conditions require otherwise. (As added by Ord. #15-356, Sept. 2015)

14-2.2113. Flood damage prevention regulations.

(1) Statutory Authorization, Findings of Fact, Purpose and Objectives:

a. Statutory Authorization.

The Legislature of the State of Tennessee has in Tennessee Code Annotated, Sections 13-7-201 through 13-7-210, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Alcoa, Tennessee Mayor and Board of Commissioners, does ordain as follows:

b. Findings of Fact.

1. The Alcoa Mayor and Board of Commissioners wishes to establish 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) and subsequent amendments;

2. Areas of Alcoa 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; and,

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and 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.

c. Statement of Purpose.

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community 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 of flood waters;

4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards, to other lands.

d. Objectives.

The objectives of this Ordinance 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, street 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 buyers are notified that property is in a floodable area; and,
8. To establish/maintain eligibility for participation in the National Flood Insurance Program.

(2) Definitions:

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance 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:

- a. Accessory structures shall not be used for human habitation;
- b. Accessory structures shall be designed to have low flood damage potential;
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; and,
- d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- e. 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 Ordinance 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 and/or or two tenths percent or greater chance of flooding in any given year. The area may be designated as Zone A (100 year flood) and Zone X (shaded area, 500 year flood) on the FIRM. 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 two tenths (.2) percent (500 year flood) 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 flood water, 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 land masses. This peril is not per se covered under the Program.

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

"Existing Construction" means any structure for which the "Start of Construction" commenced before the effective date of the first floodplain management code or ordinance 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, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance 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).

"500 Year Flood" see "Base Flood"

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

- a. The overflow of inland or tidal waters; and,
- b. 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 two tenths percent (500 year flood elevation) 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 examina-

tion, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), 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 (FEMA) 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 (FEMA), 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 an abnormal tidal surge, 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, next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

a. 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;

b. 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;

c. 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 Interior; or,

d. Individually listed on a local inventory of historic place and determined as eligible by communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or,

2. 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 basement). An unfinished or flood resistant enclosure, usable 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 Ordinance.

"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 transportation 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 purposes of this Ordinance, 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 (FIRM) 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" any structure for which the "Start of Construction" commenced on or after the effective date of this Ordinance or the effective date of the first floodplain management ordinance 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 Ordinance or the effective date of the first floodplain management ordinance 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" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

"Recreational Vehicle" any self-propelled motor vehicle licensed for on street use, non-motorized vehicle, or those vehicles towed by a motor vehicle, which may include but not be limited to: traveling trailers, including those with telescope or fold down; chassis-mounted campers; motor homes; tent trailers; sleeping campers; converted buses that provide temporary human living quarters; jet skis; waverunners; boats; ATVs; motocross bikes; and the like. Any recreational vehicle stored and/or parked on a trailer is considered a recreational vehicle. Class I recreational vehicles measure less than eight feet (8') in overall height and twenty-two feet (22') in overall length, with class II recreational vehicles measuring eight feet (8') or greater in overall height and/or twenty-two feet (22') or greater in overall length. Those recreational vehicles with the ability (or having the ability) to be used as a temporary dwelling, shall not be used 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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include 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" means the agency of the state government (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that 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 Ordinance which permits construction in a manner otherwise prohibited by this Ordinance 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 Ordinance 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 flood plains of coastal or riverine areas.

(3) General Provisions:

a. Application.

This Ordinance shall apply to all areas within the incorporated area of Alcoa, Tennessee.

b. Basis for Establishing the Areas of Special Flood Hazard.

The 500 year flood elevation data shall be used to determine Base Flood Elevations for Areas of Special Flood Hazard in all areas of the City of Alcoa where said elevation data is available. Areas of special flood hazard identified on the Alcoa, Tennessee, Federal Emergency Management Agency (FEMA), Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers (47009C) 0025C, 0050C, 0110C, 0115C, 0117C, 0119C, 0120C, 0128C, 0129C, 0130C, 0133C, 0136, 0137C, 0138C, 0139C, 0141C and 0142C, dated September 19, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

c. Requirement for Development Permit.

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

d. Compliance.

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

e. Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

f. Interpretation.

In the interpretation and application of this Ordinance, 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 state statutes.

g. Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance 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 Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Alcoa, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

h. Penalties for Violation.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, 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 the City of Alcoa, Tennessee from taking such other lawful actions to prevent or remedy any violation.

(4) Administration:

a. Designation of City Manager as Flood Plain Administrator.

The City Manager, or his/her designee, is hereby appointed to administer and implement the provisions of this Ordinance.

b. Permit Procedures.

Application for a development permit shall be made to the Administrator on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, 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 Ordinance;

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 grad when applicable under this Ordinance;

c. Design certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in 14-2.2110, (4), b, where base flood elevation data is available; and,

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage.

Within unnumbered A and X (shaded) zones, where flood elevation data is 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.

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 and X (shaded) 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.

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 requirements of this Ordinance 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 (FEMA);

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency (FEMA) 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 actual elevation (in relation to mean sea level or

highest adjacent grade, where applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with 14-2.2110, (4), b;

6. Record the actual elevation (in relation to mean sea level or highest adjacent grade, where applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with 14-2.2110, (4), b;

7. When flood-proofing is utilized, the Administrator shall obtain certification from a registered professional engineer or architect, in accordance with 14-2.2110, (4), 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 14-2.2110, (6);

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency (FEMA) then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that "New Construction", "Substantial Improvements", or other development in Zones A and X (shaded) on the community FIRM meet the requirements of this Ordinance;

10. Within unnumbered A and X (shaded) 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 14-2.2110, (2), of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-2.2110, (4), b;

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

12. Assure that permitted development is in accordance with the development requirements for the underlying zoning classification.

(5) Provisions for Flood Hazard Reduction:

a. General Standards.

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements 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 shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements 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 which is in compliance with the provisions of this Ordinance, shall meet the requirements of "New Construction" as contained in this Ordinance; and,

10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

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 one (1) 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 14-2.2110, (5), b.

Within unnumbered A and X (shaded) 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 14-2.2110, (2) of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-2.2110, (4), b; and,

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 floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A and X (shaded) 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 14-2.2110, (2) of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in 14-2.2110, (4), b.

Buildings located in all A and X (shaded) 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 capa-

bility 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 14-2.2110, (4), b.

3. Elevated Building.

All "New Construction" or "Substantial Improvements" of elevated 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above the finished 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 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 14-2.2110, (5), b. of this Ordinance.

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 im-

proved, must meet the standards of 14-2.2110, (5), b, 4 of this Ordinance;

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; and,

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; and,

e. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions).

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 14-2.2111, (3), 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; and,

2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 14-2.2110, (5).

d. Standards for Areas 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 14-2.2111, (3), 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; and,

2. "New construction" or "Substantial Improvements" of buildings shall be elevated or flood-proofed to elevations established in accordance with 14-2.2110, (5), b.

e. Standards for Streams without Established Base Flood Elevations or Floodways (A and X (shaded) Zones).

Located within the Areas of Special Flood Hazard established in 14-2.2111, (3), where streams exist, but no base flood data has been provided (A and X (shaded) 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 14-2.2110, (3), 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 14-2.2110, (5). 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 twenty 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 14-2.2110, (5), b, and "Elevated Buildings".

f. Standards for Areas of Shallow Flooding (AO and AH Zones).

Located within the Areas of Special Flood Hazard established in 14-2.2110, (3), 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 14-2.2110, (5), b, and "Elevated Buildings";

2. All "New Construction" and "Substantial Improvements" of non-residential 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 Ordinance and shall provide such certification to the Administrator as set forth above and as required in 14-2.2110, (4), b;

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures; and,

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.

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

Located within the areas of special flood hazard, established in 14-2.2110, (3), 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 14-2.2110, (4) and (5), a, shall apply.

h. Standards for Unmapped Streams.

Located within Alcoa, 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, 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; and,

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 14-2.2110, (4).

(6) Variance Procedures:

The provisions of this section shall apply exclusively to areas of special flood hazard within Alcoa, Tennessee.

a. Board of Zoning Appeals.

1. The Alcoa Board of Zoning Appeals 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 Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, 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 community;

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 flood plain 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 Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance; and,

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship; and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public

safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances;

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; and,

4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

(7) Legal Status Provisions:

a. 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 Alcoa, Tennessee, the most restrictive shall in all cases apply.

b. Validity.

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

c. Effective Date.

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Alcoa, Tennessee, and the public welfare demanding it.

14-2.2114. The Mobile homes and modular building units. Within the corporate limits of City of Alcoa, mobile homes as defined in this ordinance may not be used for single-family dwelling units in that such do not meet the standards of construction set forth in the city Building Code. Both within the corporate limits and within the limits of the extra-territorial planning region adopted Urban Growth Boundary of the City of Alcoa, the replacement of any such mobile home units must be with those displaying a seal of approval (only on units constructed after 1977). Such seal of approval mandates fire marshall inspection. Additionally, the replacement of a mobile home with another will be allowed only under the following conditions:

(1) That said structure have the seal of approval by the state fire marshall;

(2) That said replacement structure be an upgrade, meaning that the replacement be a newer model than its predecessor, and that it meet the applicable setbacks; and,

(3) That each time a lot has a new occupant, or a structure is replaced, the health department will be required to re-inspect the site and provide approval for up to three bedrooms.

Modular building units, as defined in this ordinance, may be used for single-family residential dwelling units, provided the following criteria has been met:

(1) Such dwellings are built on a permanent foundation, such as concrete block or poured concrete: (tied/anchored);

(2) Such dwellings shall meet all HUD, safety and fire codes (including stairs, porches, entrances, platforms and/or decks, and all required means of egress);

(3) All wheels, tongues and other appurtenances used for towing are removed prior to the issuance of a Certificate of Occupancy;

(4) Such dwellings have the same general appearance as site-built homes, including veneers and roof coverings; and,

(5) The spacing of such structures shall meet all applicable requirements of the zoning district in which located, with imaginary property lines being assumed for the consideration of spacing between units where property lines do not exist;

(6) Such dwellings are connected to the appropriate utilities.

Modular building units, for use other than residential, may be used for permanent buildings, provided the following development criteria are met:

- (1) Such units are built on a permanent foundation, such as concrete block or poured concrete;
- (2) All appurtenances used for towing are removed prior to the issuance of a Certificate of Occupancy;
- (3) Such units shall meet all HUD, safety, and fire codes (including codes related to all uses other than residential in a fire district. These requirements shall also include stairs, porches, entrances, platforms and/or decks, and all required means of egress);
- (4) Such units shall have the same general appearance as a site-built building, including veneers and roof coverings;
- (5) The spacing of such structures shall meet all applicable requirements of the zoning district in which located, with imaginary property lines being assumed for the consideration of spacing between units where property lines do not exist;
- (6) Such units shall be connected to the appropriate utilities; and,
- (7) Such units shall meet all handicapped requirements. (Ord. #338, as amended by Ord. #12-283, May 2012)

¹See also section 7-101 of this code and the footnote thereto.

Construction trailers may be used for the purpose of a construction office during the duration of a construction project in all zoning districts. Such trailers shall not be placed on a site prior to the issuance of a building permit and shall be removed prior to the issuance of a Certificate of Occupancy, or the expiration of a building permit, whichever comes first. Such trailers shall be located outside of the right-of-way.