

ORDINANCE NO. 2405

AN ORDINANCE TO AMEND ORDINANCE NO. 830 OF THE CITY OF GATLINBURG, BEING THE ZONING ORDINANCE, AND FURTHER BEING AN ORDINANCE TO REPEAL PORTIONS OF SECTION 712 THEREOF AND ADOPTING NEW PROVISIONS OF SAID SECTION DEALING WITH THE FP-1 FLOODPLAIN DISTRICT

WHEREAS, the City of Gatlinburg wishes to update its provisions with regard to the Floodplain District of the City of Gatlinburg; and

WHEREAS, said changes have been reviewed and recommended by the Gatlinburg Municipal Planning Commission along with a new Municipal Flood Damage Prevention Ordinance; and

WHEREAS, the adoption of same would be in the best interests of the citizens and residents of the City of Gatlinburg.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GATLINBURG, TENNESSEE:

Section 1. Section 712 of Ordinance No. 830, being the Zoning Ordinance of the City of Gatlinburg, is hereby repealed and a new Section substituted in lieu thereof as follows:

712. FP-1 Floodplain District. The intent of the Floodplain Overlay District is to regulate the use of flood prone lands within the City and to ensure that all development upon such land is in accordance with the National Flood Disaster Act of 1973, and any subsequent amendments thereof. The district's boundaries shall be established in accordance with and corresponding to the City's Flood Damage Prevention Ordinance, the Sevier County Flood Insurance Study, all applicable Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and TVA/OECD/FPM-82/20 Flood Report, dated September 1982. The FP-1 District is established as an overlay district, which places an additional layer of requirements upon the underlying zoning. Within the overlay district no land development, improvement, or building project shall be undertaken unless said project is in conformance with the City's adopted Flood Damage Prevention Ordinance and a permit has been issued by the City's Building Official documenting compliance with said ordinance. In addition, the following regulations shall be applicable:"

Section 2. Section 712.2 of Ordinance No. 830 of the City of Gatlinburg is hereby amended by repealing said section in its entirety and substituting a new section in lieu thereof, as follows:

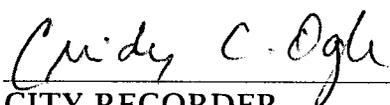
"712.2 Within designated 100-year and 500-year flood fringe areas, uses permitted in the underlying zoning district shall be allowed, subject to the conditions established in the Flood Damage Prevention Ordinance, provided that development does not encroach beyond the top of the natural stream bank as shown in the Appendix of this ordinance."

Section 3. All remaining portions of said Section 712 shall remain unchanged.

Section 4. This ordinance shall take effect fifteen days from and after its passage, the public welfare requiring it.


MAYOR

ATTEST:

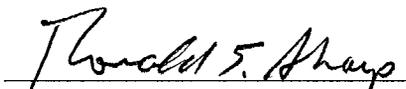

CITY RECORDER

Passed first reading 2-17-09

Passed second reading
and public hearing 3/17/09

Approved by the Gatlinburg
Planning Commission 1/29/09

APPROVED AS TO FORM:


RONALD E. SHARP, CITY ATTORNEY