

**ORDINANCE NO. 2506**

**AN ORDINANCE SUSPENDING THE PROVISIONS OF SECTION 401.2 OF THE CITY OF GATLINBURG ZONING ORDINANCE, BEING ORDINANCE NO. 830 AND FURTHER BEING AN ORDINANCE TO PROVIDE FOR THE RECONSTRUCTION OF STRUCTURES THAT ARE DAMAGED MORE THAN FIFTY PERCENT (50%) DUE TO THE WILDFIRES OCCURRING IN THE CITY.**

**WHEREAS**, the City of Gatlinburg Zoning Ordinance, being Ordinance No. 830 has certain provisions with regards to buildings that are damaged to a fifty percent (50%) or greater extent having to comply with the current provisions of the Ordinance; and

**WHEREAS**, the City of Gatlinburg has suffered the effects of a wildfire which damaged or destroyed hundreds of structures within the City which would be affected by the existing provision of Section 401.2 of the Gatlinburg Zoning Ordinance; and

**WHEREAS**, the existing provision would create a hardship on the building owners in reconstructing buildings that were damaged or destroyed, delay the construction of damaged structures, impose an administrative hardship on the City of Gatlinburg, its staff and employees and delay the reconstruction of hundreds of structures within the City of Gatlinburg; and

**WHEREAS**, this Ordinance is in the best interest of the citizens and residents of the City of Gatlinburg and for their health, welfare and benefit.

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

**Section 1.** A public emergency affecting life, health and public peace or property is hereby declared to exist due to the effects and

aftereffects of the wildfire commencing on or about November 28, 2016 inside the City limits in the City of Gatlinburg and previously occurring in the Great Smoky Mountains National Park. Over 1,000 structures within the city limits of the City of Gatlinburg have either been damaged to the extent of fifty percent (50%) or more or destroyed due to said fire.

**Section 2.** Section 401.2 of the existing City of Gatlinburg Zoning Ordinance, being Ordinance number 830, provides in part that any structure damage to the extent of fifty percent or more shall be required to conform with the provision of the current Zoning Ordinance. Such limitations may include setback, height or other conditions requiring a variance whether or not previously granted.

**Section 3.** In order to expedite the reconstruction of certain structures affected by the wildfires, the Zoning Ordinance of the City of Gatlinburg is hereby amended by adding the following language as an additional paragraph to Section 401.2 as follows:

“The provisions of the above paragraph are hereby suspended for a period of twenty four (24) months from January 1, 2017 until December 31, 2018 for structures which meet the following criteria.

- a) Structures which received more than fifty percent (50%) damage as a result of the wildfires occurring on or after November 28, 2016.
- b) Structures that seek to be rebuilt as they previously existed, without expansion or any variance other than one received prior to the wildfire.
- c) Have obtained an appropriate Building Permit from the City of Gatlinburg.

The above provisions shall not apply to any owner or other persons seeking to expand the structure that previously existed or to encroach into any applicable setback beyond any encroachment previously approved by the City. Any such expansion beyond the preexisting structure or requiring a further variance or exemption from the Zoning Ordinance or the provisions of any Ordinance of the City of Gatlinburg shall be required to submit an application to the City of Gatlinburg and obtain the appropriate administrative or legislative approval.”

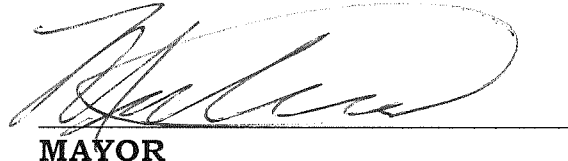
**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid

or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 5.** Any persons violating any provision of this Ordinance shall be subject to a fifty dollar (\$50.00) per day penalty.

**Section 6.** This Ordinance shall take effect fifteen days from and after its passage, the public welfare requiring it.

This 7<sup>th</sup> day of February, 2017



**MAYOR**

**ATTEST:**

  
CINDY C. DYLE  
**CITY RECORDER**

**Approved by Gatlinburg Municipal  
Planning Commission on January 5, 2017**

Passed first reading 1/10/17

Passed second reading 2/07/17

**APPROVED AS TO FORM:**

  
RONALD E. SHARP, CITY ATTORNEY