

ORDINANCE NO. 2508

AN ORDINANCE PERMITTING THE PLACEMENT OF TEMPORARY STRUCTURES ON SITES WITH AN ACTIVE BUILDING PERMIT TO REBUILD A PRIMARY RESIDENCE DAMAGED OR DESTROYED BY WILDFIRES.

WHEREAS, the City of Gatlinburg has suffered the loss of hundreds of structures both residential and commercial as a result of wildfires occurring on or after November 28, 2016; and

WHEREAS, the reconstruction of residential structures is important to the health, safety and wellbeing of the citizens and residents of the City of Gatlinburg; and

WHEREAS, various provisions of the City of Gatlinburg Zoning Ordinance, being Ordinance No. 830, prohibit the placement of temporary structures on building sites and the City wishes to allow the temporary use of said structures for the sole purpose of expediting reconstruction of residences.

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

Section 1. The Board of Commissioners of the City of Gatlinburg has declared and determined that an emergency exists and that an emergency exists due to the wildfires in and about the City of Gatlinburg on and after November 28, 2016. Due to the significant number of residential structures that were damaged or destroyed, the reconstruction of these structures is in the best interest of the citizens and residents of the City of Gatlinburg and affects the life, health, public peace and property, thereby justifying the adoption of this Ordinance.

Section 2. Various provision of the City's Zoning Ordinance including but not limited to Article III, Section 304.1; Article III, Section 325; and Article V, Section 503 limit or prohibit the use the of temporary structures in residential districts. In order to meet the current public emergency, the provisions of these Sections and any other Sections of the Gatlinburg Zoning Ordinance which prohibit the placement of temporary housing units, such as trailers, campers, RV's, etc. are hereby temporarily suspended as set out below.

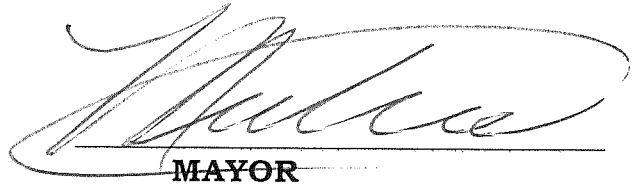
Section 3. Temporary dwelling such as trailers, campers, RV's, etc. may be administratively approved and permitted on those residential lots which have obtained and have an active building permit to rebuild a primary residence. Such permission shall be valid for a time period from the date of issuance of the Building Permit to the date of the Certificate of Occupancy on the primary residence. Temporary dwellings as allowed in this Ordinance shall be limited to structures with axles which can be quickly removed from the site. Temporary dwellings shall not include mobile homes, such as single and double wide trailers. Any temporary dwelling sought to be approved shall be required to verify both public water and sewer hookups are in place to prevent soil and water contamination.

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.

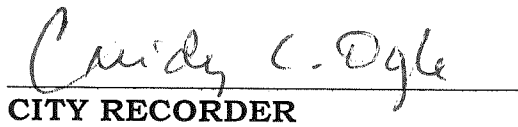
Section 5. Any person violating any provision of this Ordinance shall be subject to a fifty dollar (\$50.00) per day penalty.

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

This 7th day of February, 2017


MAYOR

ATTEST:


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