

## ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. R-1 Low Density Residential. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life, and to prohibit business activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

701.1 Single family residences, except mobile homes.

701.2 Customary general farming.

701.3 Day care centers: Day care centers upon approval of site plan by the building official and the issuance of a letter of approval by the Department of Human Services.

701.4 Customary home occupations.

701.5 Tourist residences - Single family dwellings may be used as tourist residences by obtaining an annual Tourist Residence Permit from the building official. The permit shall be obtained after meeting the following special conditions:

701.5.1 Off-Street Parking: Requirements shall be determined by the building official based on the maximum sleeping accommodations established for the tourist residence and in no case may be less than two (2) on- site parking spaces, except single bedroom units shall be required to provide one (1) on-site parking space.

701.5.2 The structure shall meet all applicable City Code requirements for the housing of transient residents.

701.5.3 Administrative review and approval of a site plan which shall show the location of the principal building, any accessory buildings, off-street parking provisions, and any other site information required by the City's Planning and Building Inspections Departments.

701.6 Public owned buildings and uses, schools, offering general education, and churches provided that:

701.6.1 A site plan is approved by the Planning Commission.

701.6.2 The buildings are placed not less than fifty (50) feet from the side and rear property lines.

701.6.3 There are planted buffer strips along side and rear property lines.

701.7 Customary accessory buildings.

701.8 Signs: As regulated under Article IV.

701.9 Residential Planned Unit Developments (PUD).

701.9.1. Planned Unit Developments for single family residential uses provided a site development plan is prepared in accordance with the provision of Article IV, Section 406, of this Ordinance, and approved by the Gatlinburg Municipal Planning Commission.

701.9.2. Accessory uses are permitted provided that said accessory uses shall be strictly and exclusively limited to the premises on which said PUD accessory use is located and shall in no way be permitted to serve persons and/or properties outside of the Planned Unit Development. Further, in no instance shall the accessory use be permitted unless as an integrated part of an approved Planned Unit Development. Accessory uses in residential instances shall be limited to the following: A single property Check-in Office; Maintenance Buildings; Security Buildings; and Club House/Recreational Facilities. However, only a single property Check-in office shall be permitted in a Planned Unit Development regardless of the number of parcels or phases associated with the PUD.

701.9.3. All accessory structures shall be located no less than fifty (50) feet from all exterior property line boundaries.

701.9.4. There shall be a planted, native evergreen plant species buffer along the immediate side/s and rear of all accessory structures adjoining an exterior property line boundary. The initial plant species shall be no less than six (6) feet in height from finished grade and so arranged to accomplish no less than 75 percent screening of the building within two (2) years of the initial planting.

701.9.5. There shall be a minimum of two (2) parking spaces provided for each accessory use however; in no instance shall there be less than one parking space for each three hundred (300) square feet of accessory use floor space.

701.9.6. All accessory structures shall be shown on the Planned Unit Development site plan and subject to review and approval of the Municipal Planning Commission.

701.9.7. In addition to the permitted PUD/Subdivision Entrance Sign permitted in Article IV, Section 411.3.1.1, Number 2, only one (1) externally illuminated wall sign not exceeding four (4) square feet, shall be allowed per each accessory structure.

701.10. Bed and Breakfast Establishments. Bed and Breakfast Establishments as defined in Article III of this Ordinance provided the following conditions are met:

701.10.1 One parking space shall be provided for each sleeping unit in addition to the required parking for the innkeeper or permanent resident.

702. R-1A Low Density Residential. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage an environment for family life and to restrict all business orientated activities including tourist residence uses. In order to achieve the intent of the R-1A (Low Density) district, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted.

702.1 Any use permitted in the R-1 residential district, except tourist residences and Planned Unit Developments.

703. R-2 Medium Density Residential. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage development and continued use of the land for residential purposes; to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the R-2 (Medium Density) Residential District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

703.1 Any use permitted in the R-1 Residential District.

703.2 Two family and multi-family dwellings.

703.3 Boarding and rooming houses and bed and breakfast establishments.

703.4 Accessory Real Estate Offices. An on-site accessory real estate office for multi-family developments may be permitted as a Special Use on Review Permit from the Municipal Board of Zoning Appeals provided the following conditions are met:

703.4.1 The on-site real estate office shall be permitted provided that said office is strictly and exclusively limited to the premises on which the R-2 District multi-family development is located and shall in no way be permitted to serve persons and/or properties outside of the development.

703.4.2 Only one (1) Special Use on Review Permit for an on-site real estate office per development may be granted by the Board and shall be voided if the use is discontinued for a period of ninety (90) days or more. If the use is discontinued for a period of ninety (90) days or more, a new application to the MBZA will be required to reestablish the use.

703.4.3 The on-site real estate office shall not exceed 400 square feet in area and shall have a minimum of two (2) parking spaces designated specifically for the office use.

703.4.4 In instances where the real estate office is located in a detached/freestanding building as the only occupant, said building must be located no less than fifty (50) feet from all exterior property line boundaries.

703.4.5 Only one (1) non-illuminated wall sign, located immediately adjacent to the space occupied by the real estate office, and not exceeding four (4) square feet in service display area, shall be permitted for the on-site real estate office. All real estate office signs shall be consistent with material and colors of the existing building and other on-site development signs.

703.4.6 The Special Use on Review Permit shall be subject to any and all additional stipulations and/or requirements of the Municipal Board of Zoning Appeals.

704. R-2A Medium Density Residential. It is the intent of this district to provide areas for single and multi-family dwellings; to encourage the development and continued use of the land for residential purposes, and prohibit business oriented uses which would in any way interfere with the continued residential character of the district. In order to achieve the intent of the R-2A (Medium Density) Residential District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

704.1 Any use permitted in the R-2 Residential District, except tourist residences.

705. R-3 High Density Residential. It is the intent of this district to establish high density residential areas which will provide for single and multi-family units and maintain open areas. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted.

705.1 Any use permitted in the R-2 (Medium Density) Residential District.

705.2 Boarding and rooming houses.

705.3 Medical clinics, clubs not operated for profit, nursing homes, offices for doctors, lawyers, dentists, architects, real estate agencies, insurance agencies, and similar uses provided that:

705.3.1 The buildings shall be placed not less than twenty-five (25) feet from all property lines.

705.3.2 There is a planted buffer strip erected on side and rear property lines.

705.3.3 Site plan approved by Planning Commission.

705.4 Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that:

705.4.1 No parking shall be allowed in front yards.

705.4.2 A site plan is approved by the Planning Commission.

706. C-1 Tourist Commercial District. It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale development which do not lend themselves to pedestrian traffic. Due to the heavy volume of pedestrian traffic and congestion and in order to promote the orderly flow of visitors and to enhance the safety of both pedestrian and vehicular traffic flow, the outdoor display and sale of merchandise within the front yard setback in the C-1 zone is prohibited. In addition, personal solicitation for businesses, the rendering of services and all other commercial activity including vending machines, are also specifically prohibited outside within the front yard setback. In order to achieve the intent of the C-1 (Tourist Commercial) District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

706.1 Residential dwellings.

706.2 Stores and shops conducting retail business, "excluding tattoo parlors/studios, pawn shops, body piercing establishments, and flea markets.

706.3 Personal, business, and professional services, excluding junkyards, auto repair garages, etc., and other similar uses.

706.4 Public buildings and uses upon review of the Gatlinburg Regional Planning Commission.

706.5 Signs as regulated under Article IV.

706.6 Parking lots and garages.

706.7 Lodges and clubs, hotels and motels, restaurants, and similar services.

706.8 Commercial Planned Unit Developments involving recreational uses and accompanying service uses such as theatres, miniature golf courses, swimming pools, major amusements, and similar uses.

706.9 Tourist Residence

706.10 Farmers Markets. For the purposes of this ordinance a "Farmers Market" shall be defined as: A cultural activity where a common facility or area is utilized and local farmers/growers gather on a regular, recurring basis to sell a variety of fresh fruits, vegetables, produce, baked goods, fresh-cut flowers, and plants from independent stands directly to consumers, and consisting of no less than six

(6) individual vendors. The term “local” farmers/growers shall consist of only farmers/growers who are residents of Sevier County and/or surrounding counties.

1. Accessory Uses for Farmers Markets shall include: Live acoustical music, educational programs and demonstrations, children’s programs and activities. A single kiosk/booth, operated by the farmer’s market managing agency, in which community and area information is distributed and where consumable food items can be purchased by patrons provided said kiosk/booth is approved by the Sevier County Health Department. In addition, arts and crafts exhibitions may be permitted as an accessory use provided the following conditions are met:

No more than ten (10) crafters may be permitted to demonstrate during the operating hours of any approved Farmer’s Market;

Crafters may be permitted to sell their craft but only while demonstrating and may not demonstrate or sell goods outside the operating hours of any approved Farmer’s Market;

Demonstrating crafters must be a Gatlinburg resident and/or have a shop within the City Limits, where their goods are being sold.

Farmers Markets and their accessory uses shall be permitted provided the following provisions and conditions are met:

#### A. Permit Requirements

1. All market locations shall be approved by the Municipal Planning Commission. An application for approval shall be submitted to the Planning Commission 15 days prior to a regular scheduled Planning Commission Meeting date. All applications must be submitted and approved a minimum of one (1) month preceding the proposed opening date of the market.
2. No farmers market shall be permitted to operate without the approval of the Municipal Planning Commission and an annual Farmers Market permit from the Planning and Building Inspections Department of the City. Farmer’s market permits shall be non-transferable and will be required on an annual basis for each farmer’s market location.
3. A permit fee of \$100 will be required for each market location and will be required annually with each permit request. An approval covers one harvest season, running from April 1st through November 30th. The approval is issued based on the location of the market. If a market chooses to move locations, a new application and approval fee shall apply. Fees are subject to change.

## B. Location

1. Farmers markets and their accessory uses shall only be located in commercial districts which specifically allow such uses as established in the Municipal Zoning Ordinance.
2. The market shall not block any drive aisle extending from a major or collector street. Vendors and/or market managers must take every reasonable precaution to protect the safety of the customers from traffic and other hazards.
3. There shall be a minimum separation of 3,000 feet between permitted farmers markets.

## C. Site Plan Requirements

1. A Site Plan must be submitted to Municipal Planning Commission for review and approval. The Site Plan shall include the following: Vicinity Map, location of all facilities (such as tents, canopies, vendor displays, etc.) and accessory uses, parking areas for vendor cars and trucks, public walkways, parking areas (including any off-site parking) for customers including handicap parking, toilet facilities, temporary water and electric utilities (if any), garbage container locations, signs and sign locations, a emergency access plan which also depicts fire hydrant locations. The site plan shall also contain all necessary signatures of approval from Utility Department, Fire Department, and Sevier County Health Department (if applicable). All aspects of the Site Plan must be in compliance with all applicable building codes including ADA. Access to existing fire hydrants must be maintained and shown on the Site Plan.

If the farmer's market site is to contain any type of permanent structure(s) then the Site Plan shall be designed by a licensed professional architect, engineer and/or surveyor. However, if the farmers market site is to remain temporary in nature and contain no permanent structures then the Site Plan may be designed without the seal of a professional architect, engineer and/or surveyor as long as the Site Plan is drawn to scale. This provision shall be administered at the discretion of the Planning Department Staff.

2. A copy of the farmer's markets by-laws and any liability insurance policy that may be required by the property owner shall be provided to the City upon application for review and a farmer's market permit. All City sponsored farmers market shall be required to obtain liability insurance with the City as an additional named insured and provide a copy of same to the City.

## D. Parking

1. Two (2) parking spaces consisting of no less than 9' by 18' in size shall be required per vendor stall. This parking recommendation is in addition to any existing parking requirements for a shopping center or business, depending on where the market location is proposed.
2. Parking shall be located on the same site of the farmers market or maybe located off-site provided it is located within 500 feet of the main entrance and provided a copy of the parking agreement between the farmer's market management agency and the off-site property owner is provided to the City. Adequate and safe ingress and egress from the off-site parking area to the farmer's market location shall be provided by the farmer's market management agency.
3. Delivery trucks shall not occupy more than one parking space. Delivery trucks shall only be parked on the premises on the day of the market.
4. No handicap parking spaces or handicap access ramps shall be blocked by the operation of the market.
5. No parking shall occur on unapproved parking surfaces, such as, but not limited to, parking islands, medians, common open spaces, parkland, etc. All parking must occur on designated surfaces and areas.

#### E. Infrastructure

1. The markets shall consist of temporary, removable structures in specific areas designated on the approved site plan. Market set-up and removal must occur on the day of the operation.
2. Lighting shall only be utilized within the market if an overhead covering is installed, to light only vendor spaces and customer aisles. No lighting shall flood adjacent properties, or be utilized to light event signage.
3. Applicants shall contact the Gatlinburg Fire Department and Building Inspection Services Department to ensure site layout accommodates adequate Fire Department access and request an inspection of the premises if the structure warrants an inspection. The inspection and approval shall take place prior to the opening of the market.
4. Applicants shall be required to contact the Sevier County Health Department to gain all necessary inspections and approvals prior to the opening of the market if required by the Health Department.
5. The applicant shall be responsible for contacting the Tennessee Department of Revenue regarding market and vendor tax and business licensing requirements. All markets and vendors shall be responsible for ensuring compliance with all



local, state and federal requirements associated with the farmer's markets use and establishment.

6. Copies of the applicable business license, permits and inspections shall be displayed in a conspicuous place on the day of the market.

#### F. Signage

1. Each market shall be allowed one (1) temporary banner sign at each entrance to the premises from the adjacent street giving access to the market. The banner shall be no larger than 32 square feet and may contain only pertinent market information such as the management company and sponsorship information, hours of operation and contact information. All banners shall be subject to setback and height restrictions, and permitting requirements of Sign Ordinance Provisions of the Municipal Zoning Ordinance, Article IV, Section 411.
2. The market entrance banners shall be permitted to be erected no more than 14 days prior to the initial opening date of the market. After the initial opening date, all market entrance banners shall then be temporary in nature and displayed only during the hours of operation. No signs shall be displayed on vehicles.
3. No sign shall impede the view of vehicular or pedestrian traffic.
4. Additional internal vendor signs shall be permitted at each vendor location within the farmers market provided the signs are no larger than four (4) square feet and only one sign is permitted per vendor. The vendor is also permitted product rate and price signs provided that all signs are displayed internally to market patrons, not visible to the adjacent public right-of-way areas, and do not exceed one (1) square foot in size.

#### G. Operation

1. Each market shall be permitted to operate from April 1st through November 30th.
2. Each market may only operate Saturdays between 7 a.m. and 12 noon. Market set-up shall not begin prior to 6 a.m. and market break down and clean-up shall be completed by 1 p.m.
3. If a market location is proposed for the parking lot of an existing business, written permission must be submitted by the property owner with the application. In that letter, the market management and the property owner must supply an official copy of the necessary insurance, if required, to operate a market on the premises.
4. Property owners are ultimately responsible for the clean-up of the market after closing.

5. The applicant is ultimately responsible for ensuring that all vendors have the appropriate documents to permit the vendor activity of a farmers market, as well as being responsible to ensure that all applicable guidelines are followed from the City of Gatlinburg, Sevier County Health Department and the State of Tennessee.

#### H. Enforcement

1. The City of Gatlinburg reserves the right to inspect all markets. If a market is found to be in violation of the terms of the permit and/or the guidelines above, a fine may be levied on the property owner and/or market management agency, after proper notice has been issued.
2. All violations must be corrected within the same day when practical but no less than by the next market open date. Multiple or reoccurring violations, of which previous notice of violation has been given by the City, will result in revocation of the farmers market permit based on the sole discretion of the City.
3. A revoked permit shall not be reissued for a farmer's market agency within the same calendar year.

**707. C-2 General Business District.** It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of the C-2 (General Business) district, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

- 707.1 Any use permitted in the C-1 District.
- 707.2 Hotels and motels.
- 707.3 Auto sales.
- 707.4 Funeral homes.
- 707.5 Public buildings upon approval by the Planning Commission.
- 707.6 Semi-public buildings and uses.
- 707.7 Travel trailer parks.
- 707.8 Lodges and clubs.
- 707.9 Wholesale business, warehouses, storage yards and buildings, and similar uses.
- 707.10 Auto repair garages and similar operations.

707.11 Hospitals.

707.12 Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than twenty-five (25) feet from intersection of street lines.

707.13 Tattoo parlors/studios provided that the building in which the service is being provided is located a minimum of 1000 feet from any public school and 200 feet from any church with an active congregation that meets on a regular basis.

707.14 Pawn shops as defined in T.C.A. 45-6-203.

707.15 Body piercing establishments as defined in T.C.A. 62-38-301, provided that the building in which the service is being provided is located a minimum of 1,000 feet from any public school, 200 feet from any church with an active congregation that meets on a regular basis, and 250 feet from any residence.

708. C-3 Neighborhood Commercial District. It is the intent of this district to establish business areas to serve the surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the C-3 (Neighborhood Commercial) District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

708.1 Any use permitted in the R-3 Residential District, subject to the regulations of that district.

708.2 Shopping centers provided that they shall conform to all requirements of the Planned Unit Developments regulations.

708.3 Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, Laundromats, and laundry pick-up stations, restaurants, and similar uses.

708.4 Signs, as regulated under Article IV.

708.5 Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall be not less than twenty-five (25) feet from intersection of street lines.

708.6 Farmers Markets as per Section 706.10.

709. C-4 Recreation Commercial District. It is the intent of this district to establish areas for concentrated recreational commercial activities and other commercial activities associated with large scale recreational uses for the benefit of tourists and citizens. The requirements are

designed to protect the essential characteristics of the district and community. In order to achieve the intent of the C-4 (Recreational Commercial) District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

709.1 Commercial Planned Unit Developments entailing such recreational uses and accompanying service uses as theatres, miniature golf courses, golf courses, swimming pools, major amusements, ski lodges, restaurants, motels or hotels, rinks, courts, and similar uses.

709.2 Public buildings and uses approved by the Gatlinburg Planning Commission.

709.3 Signs as regulated under Article IV.

710. C-5 Crafts Commercial District. It is the intent of this district to establish areas for the production and retail distribution of local arts and crafts. The requirements are designed to protect the essential characteristics of the district and provide protection for the surrounding neighborhood. In order to achieve the intent of the C-5 (Crafts Commercial) District, as shown on the Zoning Map of the City of Gatlinburg, Tennessee, the following uses are permitted:

710.1 Any use permitted in Residential Districts subject to the area regulations of the R-2 Residential District.

710.2 Arts and craft shops when at least 50 percent of the goods displayed are produced on the premises.

710.3 Signs as regulated under Article IV.

710.4 Shops offering Antiques for sale.

710.5 Restaurants and Food Establishments.

710.6 Bed and Breakfast Establishments as defined in Article III, Section 302.1.

710.7 Wedding Chapels.

710.8 Farmers Markets as per Section 706.10.

711. C-6 Planned Golf Resort Development District. The intent of this district is to establish areas suitable for planned golf resort developments for the benefit of tourists and citizens. These provisions are designed to protect the essential characteristics of the district by providing alternative means of developing property that promote and encourage open space developments while providing protection to the surrounding environment and land uses. In order to achieve the intent, all developments in the C-6 District, as shown on the Zoning Map of the City of Gatlinburg, shall be developed as Planned Unit Developments in accordance with all applicable Municipal Zoning Ordinances and Codes. The following principal uses are permitted in the C-6 District: