

PIGEON FORGE ZONING ORDINANCE

JULY 1988

Updated Through June 2013

**ZONING ORDINANCE
OF
PIGEON FORGE, TENNESSEE**

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Including Amendments through June, 2013

TABLE OF CONTENTS

| | Page |
|---|------|
| AUTHORITY | 6 |
| ARTICLE I. SHORT TITLE | 6 |
| ARTICLE II. PURPOSE | 6 |
| ARTICLE III. DEFINITIONS | 7 |
| ARTICLE IV. GENERAL PROVISIONS | 21 |
| 401. Continuance of Nonconforming Uses | 21 |
| 402. Off-Street Automobile Parking | 21 |
| 403. Off-Street Loading and Unloading Space | 24 |
| 404. Vision Clearance | 24 |
| 405. Ingress and Egress | 24 |
| 406. Flood Protection | 24 |
| 407. Planned Unit Development | 24 |
| 408. Signs | 29 |
| 409. Site Plan Regulations for Commercial, Industrial, and Multi-family Residential Uses | 37 |
| 410. Off-Street Parking Lot Design Requirements | 39 |
| 411. Driveway Regulations | 40 |
| 412. Temporary, Mobile, Factory-Built, or Factory Assembled Structures | 41 |
| 413. Environmental Impacts – Noise | 42 |
| 414. Site Plan Regulations for Special Events | 43 |
| ARTICLE V. APPLICATION OF REGULATIONS | 45 |
| 501. Use | 45 |
| 502. Street Frontage | 45 |
| 503. Corner Lots | 45 |
| 504. One Principal Building on a Lot | 45 |
| 505. Reduction of Lot Size | 45 |
| 506. Yard and Other Spaces | 45 |
| 507. Conformity to Subdivision Regulations | 45 |
| 508. Customary Accessory Buildings in Residential Districts | 45 |
| 509. Height and Density | 45 |
| 510. Annexations | 46 |

| | | |
|---------------|--|----|
| ARTICLE VI. | ESTABLISHMENT OF DISTRICTS | 47 |
| ARTICLE VII. | PROVISIONS GOVERNING USE DISTRICTS | 47 |
| 701. | R-1 (Low Density) Residential | 47 |
| 702. | R-2 (High Density) Residential | 49 |
| 703. | C-1 General Commercial District | 50 |
| 704. | C-2 Tourist Commercial District | 51 |
| 705. | C-3 Neighborhood Commercial District | 52 |
| 706. | C-4 Planned Unit - Commercial District | 52 |
| 707. | M-1 Industrial District | 55 |
| 708. | FP-1 (Floodplain) District | 56 |
| 709. | C-5 Commercial Amusement Park District | 56 |
| 710. | Heliports | 59 |
| 711. | C-6 Mixed-Use Commercial District | 60 |
| 712. | C-7 Planned Unit/Public Use Development District | 65 |
| ARTICLE VIII. | AREA, YARD, AND HEIGHT REGULATIONS | 71 |
| ARTICLE IX. | EXCEPTIONS AND MODIFICATIONS | 72 |
| 901. | Lot of Record | 72 |
| 902. | Adjoining and Vacant Lots of Records | 72 |
| 903. | Front Yards | 72 |
| 904. | Group Housing Projects | 72 |
| 905. | Exception on Height Limits | 72 |
| 906. | Exception on Off Street Parking | 73 |
| ARTICLE X | ENFORCEMENT | 73 |
| 1001. | Enforcing Officer | 73 |
| 1002. | Building Permit Requirements | 73 |
| 1003. | Issuance of Building Permit | 74 |
| 1004. | Certificate of Occupancy | 74 |
| 1005. | Penalties | 74 |
| 1006. | Remedies | 74 |
| ARTICLE XI. | BOARD OF ZONING APPEALS | 74 |
| 1101. | Creation and Appointment | 74 |
| 1102. | Procedure | 75 |
| 1103. | Appeals: How Taken | 75 |
| 1104. | Powers | 75 |
| 1105. | Action of Board of Zoning Appeals | 76 |

| | | |
|---|---------------------------------|----|
| ARTICLE XII. | AMENDMENTS | 77 |
| 1201. | Procedure | 77 |
| 1202. | Approval by Planning Commission | 77 |
| 1203. | Introduction of Amendment | 77 |
| ARTICLE XIII. | LEGAL STATUS PROVISIONS | 78 |
| 1301. | Conflict with Other Ordinances | 78 |
| 1302. | Validity | 78 |
| 1303. | Effective Date | 78 |
| APPENDICES. | | 79 |
| MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE | | 83 |

ZONING ORDINANCE
OF
CITY OF PIGEON FORGE, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-7-401, *Tennessee Code Annotated*, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Commissioners of the City of Pigeon Forge:

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of the City of Pigeon Forge, Tennessee," the map herein referred to, and which is identified by the title "Zoning Map of the City of Pigeon Forge, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district, and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

ARTICLE III. DEFINITIONS

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The words "used" or "occupied" as applied to any land or building shall be construed to include the word intended, arranged or designed to be used or occupied.

301. **Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

302. **Advertising.** Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.

302(a). **Adult Oriented Businesses.** (Adopted by Ord. 593 on 4/26/99, Repealed by Ord. 821 Adopted on 3/12/2007). See Section 328(a) "**Sexually Oriented Business.**"

303. **Amusement.** A commercial use offering recreational activities including mechanical rides with defined parameters to which there is a separate admission charge. An amusement can be located on a single parcel, or on a common parcel, as in the case of a P.U.D., with other amusements, each charging an admission and each advertised by separate signage.

303.1. **Amusement Park.** A commercially operated park, contained within a clearly defined and enclosed parameter on at least three acres, offering for one admission price a variety of amusements including, but not limited to, mechanical rides, gifts, eateries, entertainment, and passive or active recreational activities with all events/amusements advertised by a common sign.

304. **Arcade.** A permanently enclosed building that is to be used for electronic game machines and other similar uses.

305. **Boarding or Rooming House.** A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

306. **Buffer Strip.** A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height.

307. **Building.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

- 307.1. **Principal Building.** A building in which is conducted the main or principal use of the lot on which said building is located.
- 307.2. **Accessory Building or Use.** A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
- 307.3. **Building Height, Average.** As shown on Sketches A, B and C in the appendix at a cross-section.
- 307.4. **Building Height, Maximum.** The vertical distance between the point where average finish grade intersects the building line at the lowest point to the roof height through any cross-section and runs parallel to the finish grade line. (See appendix)
- 307.5. **Building, Modular.** A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly or similar terms.
- 307.6. **Building, Prefabricated.** A building constructed on-site from components which have been prefabricated , panelized or constructed in sections off-site.
308. **Camping Area.** A parcel of land used or intended to be used, left, or rented, for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.
309. **Carport.** A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air and view.
310. **Club.** Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for or to render a service which is customarily carried on as business.
311. **Condominium.** A multi-unit structure offering individual ownership of said units in an approved planned unit development project.
312. **Day Care Center.** A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations).

313. **Dormitory.** A building containing sleeping rooms for occupancy by seasonal workers.

314. **Dwelling Unit.** One or more rooms designed as a unit for occupancy as living quarters for sleeping, and cooking purposes.

314.1. **Single Family Dwelling.** A building designed, constructed and used for one dwelling unit.

314.2. **Two Family or Duplex Dwelling.** A building designed, constructed, or reconstructed and used for dwelling units that are connected by a common structural wall.

314.3. **Multi-Family Dwelling.** A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.

315. **Family.** One or more persons occupying a premise and living together as a single housekeeping unit.

316. **Flood.** Means a temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff of surface water from any source.

316.1. **Floodway.** The channel of rivers and other watercourses and adjacent land areas (100-year flood) that must be reserved in order to provide passage of flood flows, which are shown on floodway maps that are made a part of this ordinance.

316.2. **Flood Fringe Area.** Land areas lying outside the floodway but within the 100-year floodplain - see Appendix for illustration.

316.3. **Flood Hazard Boundary Map (FHBM).** The official map issued by the Federal Emergency Management Agency which is made a part of this ordinance.

316.4. **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones for the city.

317. **Floor Area.** The total area of all floors of a building including finished attic, finished basement, and covered porches. The floor area excludes parking garages in floor area and floor area ratio calculations. (Adopted on 5/13/96 by Ord. 517)

317.1. **Floor Area Ratio.** A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located, FA/LA = FAR.

317(a). **Graphics:** Any art or pictures depicting logos, colors combined in a way that make shapes, abstract art, sculpture, the depiction of people, animals, or scenes, use of cars, mannequins or other props and the like shall be deemed graphics. (Added by Ord. 923, Adopted 4/11/11)

317(a).1. **Theming:** The combination of graphics throughout a building's façade and/or grounds to give travelers a sense of what the property is about. It is a combination of smaller graphics that gives the building/grounds its "theme." No one large graphic will be considered theming. These external graphics must have some logical relationship to contents of the building to be considered theming and not to be counted as signage. Theming is not allowed in all zoning district.

318. **Home Occupation.** An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and for which not more than thirty (30) percent of the total actual ground floor area is used for home occupation purposes.

319. **Junkyard.** A lot, land or structure, or part thereof, used primarily for collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded materials or for collecting, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

320. **Landscaping.** The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

320(a). **Light Manufacturing:** The creation of items for sale. However, generally on a smaller scale and would not include any activity that could cause injurious or obnoxious noise, fire hazard or other objectionable condition. Examples of light manufacturing would be the production of local crafts, specialty food items, and similar products. (Added by Ord. 923, Adopted 4/11/11)

320(b). **Lighting (photometric) Plans:** A plan showing the projected illumination in foot candles (every 5 to 10 feet) in proposed lighted areas of a site plan. This must be signed and sealed by someone certified to do photometric plans. Not all site plans require a lighting plan. (Added by Ord. 923, Adopted 4/11/11)

320(b).1. **Foot candles:** An accepted way used to measure the quantity of light (illumination). A foot candle is basically equal to the light produced by one candle at a distance of one foot.

321. **Lot.** A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

321.1. **Lot line.** The boundary dividing a given lot from a street, alley, or adjacent lots.

321.2. **Lot line, front.** That property line running with the street right-of-way which gives access to the lot.

321.3. **Lot of record.** A lot existing prior to this ordinance, the boundaries of which are filed as legal record.

322. **Mobile Home.** A detached residential dwelling unit built on a chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and it shall meet all standards of the Southern Standard Building Code.

323. **Mobile Home Park.** A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under PUD regulations.

324. **Modular Building.** See Building, Modular.

325. **Nonconforming Use.** Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.

326. **Noxious Matter.** Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or physiological well-being of individuals.

327. **Planned Unit Development.** An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.

328. **Professional Office.** The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.

328(a). **Sexually Oriented Business.** Sexually oriented business means an “adult bookstore or adult video store,” an “adult cabaret,” an “adult motion picture theater,” a “semi-nude model studio,” a “sexual device shop,” or a “sexual encounter center.”

328(a).1. “**Adult Bookstore or Adult Video Store**” means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.”

A “principal business activity” exists where the commercial establishment:

(a) has a substantial portion of its displayed merchandise which consists of said items, or

(b) has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

(c) has a substantial portion of the retail value of its displayed merchandise which consists of said items, or

(d) derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or

(e) maintains a substantial portion of its interior business space or, if less than 30%, devotes at least three hundred fifty square feet (350 sq. ft.) of its interior business space, to the display, sale, and/or rental of the foregoing items (aisles and walkways used to access said items shall be included in “interior business space”) *and* limits access to the premises or to the portion of the premises occupied by said items to adults only; or

(f) offers for sale or rental at least one thousand five hundred (1,500) of the foregoing items *and* limits access to the premises or to the portion of the premises occupied by said items to adults only; or

(g) maintains an “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or specified “anatomical areas.”

328(a).2. “**Adult Cabaret**” means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

328(a).3. “**Adult Motion Picture Theater**” means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five persons for any form of consideration.

328(a).4. “**Characterized by**” means describing the essential character or quality of an item. As applied in this Ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

328(a).5. “**City**” means the City of Pigeon Forge, Tennessee.

328(a).6. “**Employ, Employee, and Employment**” describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

328(a).7. “**Establish or Establishment**” shall mean and include any of the following:

- (a) The opening or commencement of any sexually oriented business as a new business;
- (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (c) The addition of any sexually oriented business to any other existing sexually oriented business.

328(a).8. “**Influential Interest**” means any of the following: (1) the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business, (2) ownership of a financial interest of fifty percent (50%) or more of a business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

328(a).9. “**Nudity or a State of Nudity**” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

328(a).10. “**Operate or Cause to Operate**” shall mean to cause to function or to put or keep in a state of doing business. “Operator” means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

328(a).11. “**Person**” shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

328(a).12. “**Premises**” means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

328(a).13. “**Regularly**” means and refers to the consistent and repeated doing of the act so described.

328(a).14. “**Semi-Nude or State of Semi-Nudity**” means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

328(a).15. “**Semi-Nude Model Studio**” means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

- (a) By a college, junior college, or university supported entirely or partly by taxation;
- (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;
or

- (c) In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - (2) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

328(a).16. “**Sexual Device**” means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

328(a).17. “**Sexual Device Shop**” means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

328(a).18. “**Sexual Encounter Center**” shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

328(a).19. “**Specified Anatomical Areas**” means and includes:

- (a) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

328(a).20. “**Specified Criminal Activity**” means:

- (a) any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- (1) rape, aggravated rape, aggravated sexual assault, public indecency, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure;
- (2) prostitution, patronizing prostitution, promoting prostitution;
- (3) obscenity;
- (4) dealing in controlled substances;
- (5) racketeering;
- (b) any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (c) any crime committed in a jurisdiction other than Tennessee which, if committed in this state, would have constituted one of the crimes listed above.

Notwithstanding anything in this definition of “specified criminal activity,” a conviction that is later reversed, vacated, overturned or expunged by a court of law shall not be considered a “specified criminal activity” under this section.

328(a).21. “**Specified Sexual Activity**” means any of the following:

- (a) intercourse, oral copulation, masturbation or sodomy; or
- (b) excretory functions as a part of or in connection with any of the activities described in (a) above.

328(a).22. “**Substantial**” means at least thirty percent (30%) of the item(s) so modified.

328(a).23. “**Viewing Room**” shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

(Ord. 821, Adopted 3/12/2007)

329. **Shopping Center.** For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be considered as planned unit developments.

330. **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- Flags and insignia of any government, except when displayed in connection with commercial promotion.
- Legal notices, identification information, or directional signs erected by governmental bodies.
- Integral decorative or architectural features of buildings, except letters, trademarks, logos, moving parts, or moving lights.
- Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Included within the definition of sign are the following types of signs:

330.1. **Banner Sign.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags and flags of political subdivisions shall not be considered banners for the purpose of this ordinance. Banners shall not be considered portable and may only be used temporarily with city-wide sanctioned events. (Adopted by Ord. 419 on 9/10/90)

330.2. **Bench Sign.** A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

330.3. **Billboard Sign.** A non-point-of-sale sign which advertises a business, organization, event, person, place, or thing, unless such sign is more specifically defined herein.

330.4. **Changeable Copy Sign.** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face of the surface of the sign. This shall also include the changing of copy on billboards.

330.5. **Construction Sign.** Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

330.6. **Directory Sign.** A sign on which the names and locations of occupants or the use of a building is given.

330.7. **Freestanding Sign.** Any mobile or portable sign or sign structure, not securely attached to the ground or to any other structure.

330.8. **Ground Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

330.8.1 **Monument** (as related to ground signage): A solid architectural feature/base that a ground sign may be set upon. Cannot be higher than 10 feet and the whole structure cannot be greater than 10' x 10' x 25'. This feature must be made of natural materials and must not contain any graphics as defined in Section 317(a). This only applies in a C-5 and C-7 district where "monument" (not monument signage) is referenced (Ord. 941, Adopted 4/9/2012).

330.9. **Illuminated Sign.** Any sign illuminated in any manner by an artificial light source.

330.10. **Integral Sign.** Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.

330.11. **Logo Sign.** A symbolic design unique to a specific business or organization, being widely recognized and/or trademarked, and used as a pictorial means of identification of said entity. A logo sign is primarily graphic in nature, but may also include the written name of the entity as long as the text area does not exceed thirty percent (30%) of the total area of the sign. (Added by Ord. 857, Adopted 2/11/07 – Rest of section renumbered)

330.12. **Marquee Sign.** Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall.

330.12(a). **Monument Sign:** A sign which is supported by and integrated with a solid base. As opposed to poles, posts and other such supports. (Added by Ord. 923, Adopted 4/11/11)

330.13. **Nonconforming Sign.** Any sign which does not conform to this ordinance.

330.14. **Projecting Sign.** Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

330.15. **Real Estate Sign.** Any sign which are used to offer for sale, lease, or rent the property upon which the sign is placed.

330.16. **Roof Sign.** Any sign erected or constructed wholly upon and over the roof of any building and supported entirely on the roof structure.

330.17. **Wall Sign.** Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall where the edges of the sign do not project more than twelve (12) inches therefrom. The area of a wall sign shall be calculated by tightly 'boxing,' in a rectilinear manner, the outer dimensions of the text and/or logo of all signage on a wall face. The main signage area may be augmented by no more than two (2) secondary signage areas that comprise no more than one-third of the total area of the wall sign (see diagram in the Appendix). (Added to by Ord. 860, Adopted 4/28/08)

331. **Sign Face:** The major feature/purpose for the sign that contains the information (words and graphics) for one side of a sign. This area is generally removable (but does not have to be) from the sign structure. (Added by Ord. 923, Adopted 4/11/11)

337. **Tent - Tent-type Structure.** A shelter of canvas or other fabric-like material stretched and sustained by a pole or poles and/or other supports, and includes umbrellas of more than eight (8) feet in diameter, however;

337.1. Not to include tent-type structures or awnings attached to a permanent structure which are used to cover walkways,

337.2. Not to include awnings used to cover windows provided they do not extend more than six (6) feet from the permanent building,

337.3. No tent, tent-type structure or awning shall be used for any type business activity.

338. **Tourist Residence.** Any dwelling unit used for the overnight and/or weekly rental to tourists.

339. **Townhouse.** A townhouse is a single family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear, as in an approved planned unit development.

340. **Travel Trailer.** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

340.1. **Travel Trailer Parks.** Any plot of land approved as a planned unit development upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.

341. **Yard.** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

341.1. **Front yard.** The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building including covered porches.

341.2. **Rear yard.** The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

341.3. **Side yard.** A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

ARTICLE IV. GENERAL PROVISIONS

401. **Continuance of Nonconforming Uses.** Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations:

401.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;

401.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Inspector determines that the building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;

401.3. When a nonconforming use of any building or land has ceased for a period of ninety (90) days, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

401.4. Nonconforming mobile homes located on single lots may be replaced with newer and/or more structurally sound mobile homes for protection of the health, welfare, and safety of the mobile home resident and surrounding property owners.

402. **Off-Street Automobile Parking.** Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall conform to off-street parking lot design requirements as established in Section 410. Turning space shall be provided so that no vehicle will be required to back into the street.

402.1. **Automobile repair garages:** one space for each regular employee plus one space for each two hundred fifty (250) square feet of floor space used for repair work.

402.2. **Churches:** one space for each four (4) seats.

402.3. **Clubs and lodges:** one space for each three hundred (300) square feet of floor space.

402.4. **Dwellings:**

402.4.1. Single and duplex - one space for each unit.

402.4.2. Multi-family - one and one-half spaces for each unit.

402.5. **Funeral parlors:** one space for each four (4) seats in the chapel.

402.6. **Gasoline service stations and similar establishments;** four (4) spaces for each bay or similar facility plus one space for each employee.

402.7. **Hospitals and nursing homes:** one space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.

402.8. **Hotel:** one space for each four (4) employees plus one (1) space for each guest room.

402.9. **Industry:** one space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.

402.10. **Motels:** one space for each four (4) employees plus one space for each accommodation.

402.11. **Offices**

402.11.1. Medical - one space for each three hundred (300) square feet of floor space.

402.11.2. Other professional - one space for each four hundred (400) square feet of floor space.

402.11.3. General - one space for each four hundred (400) square feet of floor space.

402.12. **Places of public assembly:** one space for each five (5) seats in the principal assembly room of area.

402.13. **Planned unit development-residential** - as required in Section 407.3.4.

402.14. **Recreation and amusement areas without seating capacity:** one (1) space for each 7,500 square feet of lot area plus one (1) space for each four (4) customers, computed on a maximum service capacity.

402.15. **Restaurants:** one space for each four (4) employees, plus one space for each four (4) customers, computed on a maximum service capacity.

402.16. **Retail business and similar uses:** one space for each two hundred (200) square feet of net floor space.

402.17. **Schools:** one space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.

402.18. **Wholesale business:** one space for each three (3) employees based on maximum seasonal employment

402.19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, and not on the opposite side of a major street or stream. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

402.20. **Extension of parking space into a residential district:** required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the planning commission.

402.21. The planning commission may approve, at its discretion, up to a fifteen (15) percent reduction in parking spaces at the time of site plan review for mixed use developments, if all criteria listed below are met:

A mixed use development is a unified development of at least five (5) acres located on one tract of land developed for three (3) or more different types of the following uses: office, general retail, public, restaurants, hotels/motels and entertainment uses such as theaters, museums, and themed amusements.

The following information must be submitted in addition to the site plan requirements:

- A written request establishing the rationale for parking reduction as it pertains to the character of the proposed project and the specific need for the reduction;
- size of the development (must be at least five acres in area);

- the specific types of uses in the project and the profile of their related parking demands;
- accessibility to trolley services (within three hundred feet of the property line);
- proximity to municipal parking lots (excluding R.O.W. parking);
- the potential for increased parking demand in the future; and
- any other factor(s) deemed pertinent by the Planning Commission.

(All 402.21 added by Ord. 747, Adopted 1/10/05)

403. **Off-Street Loading and Unloading Space.** On every lot on which a business, trade or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

403.1. **Retail business:** one space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.

403.2. **Wholesale and industrial:** one space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

403.3. **Terminals:** sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

404. **Vision Clearance.** In all districts there shall be no plants or structures placed in or on any yard partition of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

405. **Ingress and Egress.** A plan for adequate and safe ingress and egress for all land uses shall be required.

406. **Flood Protection.** Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the City of Pigeon Forge, Tennessee, must be approved by the Pigeon Forge Planning Commission and be in conformity with the Flood Disaster Protection Act of 1973 as amended to October 1986, a copy of which is on file in the building inspector's office. The planning commission shall determine, on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

407. **Planned Unit Development.** The following regulations for planned unit developments shall be submitted to the planning commission for approval and shall comply with the regulations established in this section.

407.1. **Purpose.** The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses or as permitted combinations of such uses to allow application of new techniques and technology of site and building design and location, thus achieving economies in land usage, maintenance, and street and utility systems while providing for attractive open areas, safe circulations and general well-being of the inhabitants.

407.2. **Concept.** A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling unit, rental developments, multi-use commercial uses, industrial uses, mobile home parks, travel trailer parks and multi-use or ownership developments shall be considered as PUDs for the purpose of this ordinance.

407.3. **General Requirements.** All PUD developments shall comply with the following requirements:

407.3.1. Minimum site: No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located. A minimum lot size PUD may be allowed to vary setback requirements as established in 407.3.2.2. upon approval of the planning commission. However, in no case shall the minimum setbacks be less than those required in the zoning district, and in no case shall the setback be less than twenty-five (25) feet in areas that adjoin a residential district.

(Amended by Ord. 911, Adopted 7/2010)

407.3.2. Structures and spaces: The planning commission shall require arrangement of structures and open spaces within each site as necessary to assure that adjacent uses will not be adversely affected.

407.3.2.1. Where feasible the highest height and intensity of uses shall be toward the interior of the project.

407.3.2.2. Except as provided in 407.3.1. a freestanding building shall be no closer than twenty (20) feet to any other freestanding

building and no closer than twenty-five (25) feet to exterior boundary property lines.

407.3.3. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be established in the appropriate legal manner.

407.3.1.1. Dedication to the public as part of parks and open space system;

407.3.3.2. By the homeowners association;

407.3.3.3. By the developer or management authority of the PUD.

407.3.4. Off-street Parking Requirements:

Single-family (including cabins, chalets, etc.), townhouse and duplex – Two (2) spaces per dwelling unit, up to three (3) bedrooms per unit, with an additional one-half (½) space for each additional bedroom beyond three (3).

| Multi-family units (including apartments, “condominiums,” time-share units, etc.) | | |
|--|--|--|
| # of Bedrooms | # of Required Parking Spaces | Maximum Size of Units* |
| 1 | 1 | 1,000 sq. ft. |
| 2 | 1.5 | 1,300 sq. ft |
| 3 | 2.0 | 1,600 sq. ft |
| 4+ | An additional one half space for each bedroom over three | An additional 300 sq. ft. for each bed room over three |

*The Planning Commission will review whether the number of parking spaces is adequate for units that exceed the maximum size for the number of bedrooms provided. Additional spaces may be required if the Planning Commission determines that the larger units may house more guests than would be normal for a unit with a certain number of bedrooms.

Parking Reduction Factor for Large-Scale Multi-Family Developments:

As the size of a multi-family PUD project increases, the likelihood that all units will be occupied at the maximum intensity at any given time decreases. Therefore, a parking reduction factor can be applied to projects meeting the following size standards:

- Projects having between 100 units and 199 units may reduce required parking by five (5%) percent.
- Projects having between 200 units and 299 units may reduce required parking by ten (10%) percent.
- Projects having 300 or more units may reduce required parking by fifteen (15%) percent.

All other permitted uses as required in Section 402. (Ord. 788, adopted 2/13/06)

407.3.5. Height and Density. No PUD shall exceed general regulations for the district in which it is to be located, except that residential PUDs in R-2 Residential Districts may be allowed to exceed height limits but not to exceed forty-eight (48) feet when the following conditions are met and all conditions approved by the planning commission in the approval process.

407.3.5.1. Fire hydrants are installed so that any part of all buildings can be reached with a hose length of two hundred fifty (250) feet;

407.3.5.2. The project includes tennis courts, swimming pool, equipped play area, clubhouse, or other similar recreation facilities.

407.3.5.3. For every foot over thirty-five (35) feet in height, the structure or structures shall be set back one (1) additional foot from all property and building lines.

407.3.6. Signage. Each residential PUD shall be limited to one (1) major sign and any number of small accessory signs for information purposes. These signs shall be traffic directional signs or face signs attached to the wall of a building or located within the yard area. Commercial and industrial PUDs shall meet general signage requirements established in Section 408.

407.3.7. Subdivision Regulations. A PUD plan has a direct relationship with subdivision regulations. Therefore, arrangement of public and common ways for pedestrian and vehicular circulation shall be in relationship with other existing or planned streets and ways and with the *Pigeon Forge Major Road Plan*. Project street and way improvements shall comply with the standards set forth in the subdivision regulations. However, the uniqueness of each proposed PUD may require slight variances from widths of streets, ways, utility easements, curbing, and similar standards on the subdivision regulations. Upon application by the owner/developer and good cause shown, the planning commission may permit changes or alterations of these standards, provided they are consistent with the spirit and intent of this section. These modifications

may only be approved as a variance on the approval of the preliminary subdivision plat which is concurrent with final approval of the PUD plan.

407.3.8. Density. Structures designated for schools, churches, and other similar public uses shall not be used in any density requirements. However, the open space around these structures may be so computed.

407.4. **Plan Requirements**. The PUD plan approval process shall generally require four (4) steps which shall be the submission and approval of a preliminary PUD plan, the submission and approval of a final PUD plan and a preliminary subdivision plat, and the submission and approval of a final subdivision plat.

407.4.1. The preliminary PUD plan shall be a concept or sketch plan which shall show the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission.

407.4.2. The final PUD plan shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscape areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission.

407.4.3. The preliminary subdivision plat shall meet all requirements for preliminary approval as noted in the *Pigeon Forge Subdivision Regulations*.

407.5. **Staging of Development**. The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the PUD development plans. However, each stage approved must be substantially complete within its segment. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially.

407.6. **Changes and Modifications**. A PUD project may be changed or modified under conditions established for minor changes and major changes.

407.6.1. Minor changes: The planning commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the

approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.

407.6.2. Major changes: All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

407.7. **Permits**. The developer of the PUD shall be entitled to receive a special conditions permit after approval of the final PUD plan and the preliminary subdivision plat.

407.7.1. Building, grading permits: These permits shall be issued after the special conditions permit is obtained. The building official however, shall revoke any permit issued in reliance on said plan at such time as it becomes obvious that the project is not in compliance with the plan.

407.7.2. Certificate of Occupancy: A certificate of occupancy permit shall not be issued until all conditions of the final PUD plan, final subdivision plat, and building codes are met.

407.7.3. Time limitations: any special conditions permit shall expire twelve (12) months from and after issuance if the development as approved is not in compliance with the PUD plan. However, the permit may be extended for an additional period not to exceed one (1) year for good cause shown.

408. **Signs.**

408.1. **Purpose**. The purpose of this section is to establish reasonable and impartial regulations for location of signs within the zoning districts of Pigeon Forge so as to alleviate a growth of sign usage that is detrimental to the city. It is important that the city recognize that it is designated as a Premier Resort City of Tennessee and that obtaining and maintaining an attractive appearance protects the city's prime interest - tourism. To achieve and maintain an attractive appearance and bring about adequate light, air, and open space and reduce congestion and hazardous conditions in the city, flexible and diversified standards have been established. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the city shall conform to the regulations established in this section.

408.2. **General Requirements.**

408.2.1. No part of any sign, except for entrance and exit signs of no more than three (3) square feet shall be placed within five (5) feet of any right-of-way or ingress/egress way.

408.2.2. No sign, except as noted in 408.2.1., shall be erected where the distance from ground level to the announcement section is less than nine (9) feet, unless one of the following conditions applies:

- Monument signs are allowed if they are located at least fifteen (15) feet from any public road right-of-way and/or do not block sight distance of two hundred (200) feet in either direction, as measured from the driver's side at the 15 foot setback.
- The planning commission may, as a part of the site plan review, approve a ground sign with less than nine (9) feet of clearance if it does not impede pedestrian movement and it does not block sight distance of 200 feet, as noted above.

The planning commission retains the right to deny approval for safety reasons.

Monument signs shall be included in all signage allowances and the square foot calculations shall include the sign face measured from the height times the width. Planter boxes and landscaping areas around the monument sign shall not be counted in the signage allotments unless there is a business name, advertisement, or logo on the planter boxes or enclosed planting areas.

(Adopted by Ord. 540 on 5/12/97; Amended by Ord. 787 on 2/13/06)

408.2.3. The building official shall be provided with plans and specifications identifying the location, type, and design of sign to be erected, constructed, replaced, altered, or relocated. The official shall inspect, at any time deemed necessary, each sign requested by this section to ensure that such sign conforms to this section and all other ordinances of the city.

408.2.4. Signs per business shall be limited to a maximum of two (2), but not two (2) signs of the same type; except that on lots which extend between parallel or perpendicular streets, businesses may have three (3) signs and two (2) of these signs may be of the same type, provided they do not front on the same parallel or perpendicular street. (Ord. 612, Adopted 10/25/99)

Logo sign(s) may be displayed on up to two (2) finished sides of a building. Said logo sign(s) will not count toward the maximum number of signs allowed for a business or organization as long as each logo sign does not exceed thirty-two (32) square feet in area. The square footage of

such logo signage, however, will count toward the total maximum sign area allowed in the district where the business or organization is located. (Added to by Ord. 857, Adopted 2/11/07)

408.2.5. No sign which includes action, motion, moving or revolving materials, or parts, or contains flashing or blinking lights or bulbs; or it intermittently lighted shall be allowed with the exception of temporary displays, or other materials, not containing advertising, which are displayed during the time period each year designated as "Smoky Mountain Winterfest Celebration." This prohibition shall not apply to signs that display time and temperature and public service announcements without advertising matter. Public service announcements shall be limited to the name of the establishment, hours of operation, telephone numbers, and special city-wide events sanctioned by the Pigeon Forge Department of Tourism. (Ord. 400, adopted 9/25/89 and see also Ord. 437 adopted on 1/13/92)

408.2.5.1 Searchlights and Similar Types of Lighting. Searchlights and other similar types of lighting, defined as single or multiple beams of light positioned upward, in motion or in a fixed position, are deemed to be a form of signage and are not allowed under this ordinance. (Ord. 733, adopted 7/12/04)

408.2.6. Political signs are not permitted on streets or highway rights-of-way, nor on public property. Such political signs shall not be posted prior to thirty (30) days before an election and shall be removed by the owner of the property on which the sign is located within ten (10) days after the election to which it refers. Except in the case of permanent sign structures under permit, political signs are limited to one (1) sign per candidate per premise, not to exceed twelve (12) square feet.

408.2.7. Temporary non-commercial uses of signs celebrating holidays, special events, or events of infrequent occurrence displayed for periods of short duration are permitted to be displayed thirty (30) days prior to the event and seven (7) days after the completion of the event. Such signs shall not exceed thirty-two (32) square feet in area and may be located away from the site of the event upon determination by the planning commission.

408.2.8. No signs shall be permitted which advertise an activity, business, product of service not conducted on the premises upon which the sign is actually located with exception of those signs allowed in 408.3.

408.2.9. No signs shall be permitted which are attached to, suspended from or painted on any vehicle which is regularly parked on any street or

private property to display, demonstrate, and advertise, with the intent to attract the attention of the public.

408.2.9.1. *Portable and/or Movable Signs.* These signs shall be permitted only on the issuance of a temporary permit and shall only permit one (1) sign per lot.

408.2.9.1.1. The permit shall not exceed thirty (30) days and shall not be renewable for a minimum of fifteen (15) days.

408.2.9.1.2. The building official shall secure a fee of one hundred dollars (\$100) and a deposit of one hundred dollars (\$100) for a sign not to exceed fifty (50) square feet prior to the issuance of a permit.

408.2.9.1.3. The building official shall notify each delinquent permit holder that the sign permit has expired and the sign should be removed immediately. On failure to remove the sign, the official shall cause it to be removed and the deposit forfeited.

408.2.9.2. *Maximum sign height.* All signs shall have a maximum height of twenty-five (25) feet; however, the building official may allow the maximum height to be extended to thirty (30) feet, provided there is an unusual circumstance involving topography or congestion.

408.3. Off-Premise Directional Signs. Off-premise directional signs for facilities of non-profit service clubs, charitable or fraternal organizations, religious groups and similar entities shall be subject to review and approval by the Planning Commission prior to the issuance of a sign permit, in accordance with the following criteria:

408.3.1. Plans showing the proposed location(s), along arterial or collector streets only, shall be submitted to the Planning Commission in accordance with its scheduled deadlines.

408.3.2. No more than two (2) signs for each establishment may be approved. If two signs are proposed, they must be located at separate intersections.

408.3.3. The sign(s) shall be located on private property, no closer than five (5) feet to any right-of-way or ingress/egress way. Written evidence of the property owner's concurrence with the request shall be provided to the Planning Commission.

408.3.4. The sign(s) shall not exceed eight (8) square feet in area, and nine (9) feet in height. The sign(s) must not impede sight-distance for a minimum of 200 feet at intersections.

408.3.5. Refer to Section 14-602 of the Municipal Code for rules and regulations for tourist oriented directional signs (TODS).

(Sections 408.3 were adopted by Ord. 408 on 7/9/90; Amended by Ord. 575 on 9/14/98, & Amended by Ord. 812 on 9/25/06)

408.4. **General Requirements - Signs Permitted in All Districts.** The following signs shall be permitted in any zoning district and shall not be included in determination of maximum allowable signage.

408.4.1. Parking areas: Signs for parking areas and ingress/egress signs as established in 408.2.1. and one (1) sign of not more than nine (9) square feet noting conditions and stipulations of the parking area.

408.4.2. Real estate signs: Signage noting "for sale," "for lease," "for rent," shall be permitted provided it is non-illuminated. Only one (1) sign of not more than thirty-two (32) square feet shall be permitted on each land parcel. (Adopted by Ord. 556 on 10/27/97)

408.4.3. Construction sites: one sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.

408.4.4. Subdivision, PUD, and similar signs: A sign noting information about the development shall be permitted. the maximum size shall be thirty-two (32) square feet. (Adopted by Ord. 556 on 10/27/97) The sign shall be located on the property being developed and shall be removed after two (2) years or when ninety (90) percent of the project is sold whichever occurs first.

408.4.5. Lease signs: A lease sign for a single site, multi-use development shall be permitted. The maximum size shall be thirty-two (32) square feet. The sign shall be removed after the project is complete and prior to issuance of a certificate of occupancy. (Adopted by Ord. 556 on 10/27/97)

408.5. **Signs Permitted in Residential Districts.** Signs permitted shall be limited to the following:

408.5.1. General: Residential subdivision and planned unit developments of two (2) acres or less, approved by the planning commission, may have signage not to exceed thirty-five (35) square feet. For residential subdivisions or planned unit developments over two (2) acres, an additional ten (10) square feet in signage shall be permitted per acre above two acres, with a maximum not to exceed one hundred and fifty (150) square feet in area. Calculation of square footage shall include the entire area of signage, including any structure, attachment, or support and including the area in which the subdivision or PUD name is placed. Signage may include no more than two signs at the entry; however, each sign may not exceed one-half (1/2) of the square footage allowed for the development. (Adopted by Ord. 514 on 1/15/96)

If a residential subdivision or PUD has multiple public road entry points, it may have no more than one sign at each entry, provided that the total square footage of all signs does not exceed the square footage allowed for the development. (Ord. 771, Adopted 7/25/05)

408.5.2. Announcement signs: One sign of not more than three (3) square feet shall be permitted for home occupations, tourist residences, and professions. Signs shall not be illuminated.

408.5.3. Multi-family and non-residential use signs: One (1) sign for each use shall be permitted. The maximum size shall not be more than thirty-five (35) square feet and shall be lighted indirectly, provided lighting is desired.

408.6. ***Signs Permitted in Commercial and Industrial Districts C-1, C-2, M-1.*** Signs permitted shall be limited to the following:

408.6.1. General: Signs permitted in Section 408.4. and 408.5.

408.6.2. Maximum signage permitted: The maximum signage shall not exceed three hundred fifty (350) square feet. The total may be utilized in one sign or for two different sign types. Roof signs shall not exceed one hundred fifty (150) square feet. Wall signs shall not exceed forty (40) percent of the wall face on which it is attached.

408.6.3. Shopping centers, multi-use commercial developments, and industrial uses: A major sign designating the name and nature of the development or activity shall be permitted. The maximum size of the sign shall be three hundred fifty (350) square feet, and shall be a ground sign.

408.6.3.1. Each activity within the development may display its name and/or logo on the major sign within the total space permitted.

408.6.3.2. Each activity may utilize one additional sign at the activity's location. The signage shall not exceed one hundred fifty (150) square feet or if a wall sign is desired, forty (40) percent of the face area on which it is attached, not to exceed seventy five (75) square feet.

408.6.3.2.1. An activity in a mixed use, pedestrian-oriented development having general accessibility from more than one direction may request up to two additional wall signs not to exceed 37.5 square feet each. In no case shall there be more than one wall sign per building face, and no more than three wall signs per building. The Planning Commission will review and act upon such requests, at its sole discretion, during the site plan review. (Ord. 806, Adopted 8/14/2006)

408.6.3.2.2. If a shopping center or multi-use commercial development has at least 8,000 sq. ft. of floor area and fronts on a major street, a tenant occupying more than 50% of the leaseable space of such commercial frontage may request one ground or monument sign at the entrance to the development, not to exceed 75 sq. ft. in area. The Planning Commission shall consider the request during the site plan review, and approval of any sign under this subsection will be conditioned by the requirement that if the qualifying use ceases operation at said location, the sign and all associated structural elements must be removed by the business owner or the property owner within 30 days. If a subsequent tenant leases more than 50% of the leaseable space of such commercial frontage in the development, it may submit a site plan to the Planning Commission for consideration of the additional signage allowed under this subsection. (Ord. 818, Adopted 2/6/2007)

408.6.3.3. Sign locations shall be approved by the planning commission in the site plan approval process.

408.6.3.4. In the case where such a development fronts on intersecting or parallel arterial or collector streets, a major (development) sign may be located along each of the street frontages, as long as the total square footage of signage does not exceed the amount allowed in section 408.6.3. (Ord. 783, Adopted 10/10/05)

408.6.4. Graphics shall be counted as part of the maximum signage. (Ord. 772, Adopted 7/25/05)

408.7. **Signs Permitted in Commercial District C-3.** Signs permitted shall be limited to the following:

408.7.1. General: Signs permitted in Sections 408.4 and 408.5.

408.7.2. Maximum signage permitted: The maximum signage shall not exceed one hundred fifty (150) square feet. The total may be utilized in one sign or for two different sign types. Roof signs shall not exceed one hundred (100) square feet. Wall signs shall not exceed forty (40) percent of the wall face area on which it is attached or seventy five (75) square feet.

408.7.3. Multi-use commercial centers: The maximum signage shall not exceed two hundred (200) square feet for the total sizes, and shall be subject to the provisions in 408.7.2.

408.7.4. Graphics shall be counted as a part of the maximum signage. (Adopted by Ord. 479 on 8/8/94)

408.8. **Signs Permitted in Commercial District C-4.** Signs permitted shall be limited to the following:

408.8.1. General: Signs permitted in 408.4 and 408.5.

408.8.2. Maximum signage permitted: Each commercial development shall be permitted one (1) ground sign per building, or in the case of a P.U. D., one ground sign per P.U.D. and not one ground sign per business in the P.U.D. with the height and maximum square footage determined by the street classification it fronts. In the case where a PUD fronts or intersecting of parallel arterial or collector streets, a ground sign may be located along each of the street frontages, as long as the total square footage of signage does not exceed the amount allowed in this subsection. Signs shall incorporate the architectural theme of the development and made of natural materials such as wood, brick, stone, etc.”

| Square Footage and Height Restriction by Street Type for a Ground/Monument Sign in a C-4 District | | |
|--|--|-----------------------------------|
| Street Type | Square footage of signage allowed | Maximum height of the sign |
| Arterial | 350 ft | 25 ft |
| Collector | 300 ft | 20 ft |

| | | |
|----------------------|--------|-------|
| Residential & Others | 150 ft | 15 ft |
|----------------------|--------|-------|

A wall/facade sign shall be permitted for up to ten (10) percent of the building front (height times linear feet excluding protrusions). The wall/facade sign shall be permitted on any side of the building but only one side qualifies for a wall/facade sign. Any commercial use located within a development may add the business name/logo wall/facade sign; however, the wall/facade sign shall be no greater than ten (10) percent of the facade regardless of the number of commercial establishments contained within the building. If the development has no ground sign, fifteen (15) percent of the wall/facade is permitted. No roof signs are permitted.

(Adopted by Ord. 474 on 4/28/94, Amended by Ord. 783, Adopted 10/10/05 and Ord. 899, Adopted 11/9/2009)

408.8.3. Outparcels: Commercial developments containing outparcels may have separate principal ground sign with a maximum display surface of seventy five (75) square feet for each approved out-parcel. Other signage for outparcels shall conform to the provisions established in 408.8.2.

408.8.4 Graphics shall be counted as a part of the maximum signage. (Adopted by Ord. 479 on 8/8/94)

409. Site Plan Regulations for Commercial, Industrial, and Multi-family Residential Uses. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, industrial, public and semi-public, and multi-family residential uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the city. These plans shall be approved by the Pigeon Forge Planning Commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits. Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the building official and planning staff, the addition will not adversely affect the general purpose and intent of these regulations. The site plan shall set forth the proposal for development of the total land tract and shall meet the following requirements:

409.1. Site plans shall be prepared by either an engineer, surveyor, or architect. (Amended by Ord. 892, Adopted 6/22/09)

409.2. Topography of existing and finished grades and the location of areas subject to flooding.

409.2.1 Drainage plans are required on all site plans. Drainage plans shall be done by a license engineer or surveyor and shall be designed to

handle at least a ten year storm event. Each site plan shall include an on-site retention facility for all drainage. However, the planning commission may allow a detention facility or other means of drainage removal if the increase in storm water at the property line has no increase in post-development storm water drainage versus pre-development.
(Adoption by Ord. 576 on 9/28/98)

409.3. Location of existing buildings, streets, sidewalks, easements, rights-of-way, and covenants.

409.4. A plan for vehicular and pedestrian circulation.

409.5. Location of all structures, including signs.

409.6. **Utility plans for water, sewer, and power:** the power plan shall utilize an underground system, where feasible. Where an underground system is not possible, as determined by the planning commission, power service connections shall be located at the rear of the structure or structures.

409.7. A plan for storm water drainage.

409.8. **Plans for landscaping, screening, open space and ingress/egress points.** The landscaping plan shall include landscaping of off-street parking areas containing the following minimum standards:

409.8.1. Street frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet.

409.8.2. Interior landscaping: five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area shall be required along with other appropriate plant materials.

409.8.3. Perimeter landscaping: a landscaped strip of five (5) feet.

409.8.4. The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

409.8.5. The plan shall contain a description of plants and material and methods for care and maintenance.

409.8.6. The landscaping shall be permanently maintained. (See Section 410).

409.9. A plan for a frontage or parallel access street, if applicable.

409.10. General requirements of a north point, a scale of not less than 1"=20' or a scale approved by the building official, a location map, acreage of site, location of solid waste collection points, and any other information deemed pertinent by the planning commission.

409.11. A surety bond in the amount sufficient to cover all paving and landscaping provisions shall be required for all site plans. The bond amount shall be established by the building official and approved by the planning commission.

409.11.1. The applicant shall complete all requirements within twelve (12) months following issuance of the building permit. However, the planning commission may extend the time frame for large projects or unusual circumstance.

409.11.2. The city manager shall return the surety guarantee following recommendation of the planning commission.

410. Off-Street Parking Lot Design Requirements. To foster community appearance, provide orderly, safe, and systematic circulation within parking areas, the following regulations are established.

410.1. Minimum parking aisle and width dimensions shall be shown as follows:

| Stall Depth to Parking | | | | | |
|------------------------|------|------|-----------|-------------|-------------|
| Angle | Wall | Curb | Interlock | Stall Width | Aisle Width |
| 30 deg | 15.5 | 14.5 | 12.5 | 9.0 | 12.0 |
| 45 deg | 18.0 | 16.5 | 16.0 | 9.0 | 13.0 |
| 60 deg | 19.0 | 17.5 | 18.0 | 9.0 | 18.0 |
| 70 deg | 19.5 | 17.5 | 18.0 | 9.0 | 24.0 |
| 90 deg | 18.0 | 16.0 | 18.5 | 9.0 | 24.0 |

Stall depths are measured perpendicular to the center line of the parking aisle.

410.2. All parking lots shall be paved with asphalt concrete and the aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.

410.3. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be appropriately landscaped with grass, shrubs, or other appropriate plant material which shall not exceed thirty (30) inches in height above the adjacent paved surface.

410.4. Signs, signals, markings shall be in conformance with the *Tennessee Manual on Uniform Traffic Control Devices*. Where needed size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.

410.5. Parking aisles and interior dividers shall be terminated with terminal islands not less than five (5) feet in width constructed with raised curbs and they shall be landscaped with appropriate cover.

410.6. Landscaping shall be required as established in Section 409.

410.7. Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The building official or his designated representative shall regularly inspect parking lots required to meet these regulations. The official or his representative shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.

411. Driveway Regulations. It is the purpose of this section to establish reasonable and impartial regulations for the location of driveways to promote the safety of the users of the streets and lands of Pigeon Forge through the control of design, location, and construction of driveways.

411.1. General Provisions: All driveways shall be located subject to the following controls:

411.1.1. No driveway shall be constructed within twenty-five (25) feet of an adjacent street right-of-way line.

411.1.2. Except in residential districts, no part of any entrance may encroach on the frontage of an adjacent property except where a joint use driveway is established at the request of both owners.

411.2. Lot frontage requirements for residential uses are as follows:

411.2.1. Lots with less than seventy-five (75) feet frontage shall have one (1) driveway.

411.2.2. Lots with seventy-five (75) feet to one hundred forty nine (149) feet frontage shall have one (1) driveway, except permitted uses may have two (2) driveways if separated by distance equal to the width of the widest driveway after approval of the plan by the Pigeon Forge Planning Commission.

411.2.3. Lots with one hundred fifty (150) feet to three hundred ninety-nine (399) feet frontage may have two (2) driveways.

411.2.4. Lots with over four hundred (400) feet frontage may have one (1) additional driveway for each additional two hundred (200) feet frontage or fraction thereof.

411.3. Lot frontage requirements for non-residential uses are as follows:

411.3.1. Lots with less than one hundred forty-nine (149) feet frontage may have one (1) driveway.

411.3.2. Lots with one hundred fifty (150) feet to three hundred ninety-nine (399) feet frontage may have two (2) driveways.

411.3.3. Lots with over four hundred (400) feet frontage may have one (1) additional driveway for each additional three hundred (300) feet.

411.4. The width of all driveways and curb cuts shall be within limits as follows:

411.4.1. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.

411.4.2. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.

411.4.3. All other uses shall be limited to driveways widths between fifteen (15) and thirty (30) feet.

412. Temporary, Mobile, Factory-Built, or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to, cars, vans, trucks, or buses), tents, including tent-type structures, factory-built structures or factory assembled structures designed for conveyance after fabrication, either on its own wheels, flatbed truck, or other trailers; on any lot either residential, commercial, or industrial, within the corporate limits of the City of Pigeon Forge; used for assembly, business, educational, hazardous, factory, industrial, institutional, mercantile, residential or storage occupancies, except as noted herein.

412.1. **Exceptions.** Structures exempted from the provisions of this section shall include:

412.1.1. Mobile homes located in approved mobile home parks;

412.1.2. Prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on a permanent

concrete or masonry foundation as a finished building with permanent sewer and water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the commissioner of the Tennessee Department of Commerce and Insurance or an approved inspection agency, as specified in Tennessee Code Annotated, Title 58, Chapter 36, Part 3.

412.1.3. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.

412.1.4. Customary accessory storage buildings in approved residential locations.

412.1.5. Tent used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.

412.1.6. A person selling fresh produce locally grown in Sevier County or fresh Christmas trees, in season, and subject to spoilage;

412.1.7. A person who sells his own property which was not acquired specifically for resale, barter, or exchange and who does not conduct such sales or act as a participant for furnishing goods in such a sale on a regular basis.

413. Environmental Impacts - Noise. In all commercial districts, noise impact control and mitigation measures shall be required. At the time of site plan review, the planning commission may require additional data and certification that the proposed activity/development will not generate noise negatively impacting surrounding areas.

413.1. **Requirements:** If the planning commission deems that a potential for negative noise impact exists, the following must be provided prior to final site plan review:

413.1.1. The developer must provide a certified maximum and minimum decibel output of the proposed activity's operations. An overall total of the maximum and minimum decibel output for the project is required. If several different activities, amusements are proposed on the site, as in a PUD, each activity must have a certified minimum/maximum decibel output. In addition, each perimeter of the proposed development must have a certified minimum/maximum decibel output. All certifications must be done by an appropriate expert with expertise in noise containment,

and/or noise producing equipment, such as rides, may have the manufacturers specifications on noise output.

413.1.2. The site plan will be reviewed by the city's Environmental Review Board composed of three to five members, familiar with environmental control measures, and appointed by the city board. The Environmental Review Board will review potential decibel outputs of each activity and review proposed and potential control measures. The Review Board will recommend to the planning commission acceptance/rejection of the proposed site plan based on noise or other environmental control measures. Or, the board may recommend additional measures to be taken as a contingency on site plan approval.

413.2. **Improvements:** If the proposed development contains any amusement, activity, or any perimeter of the property with a maximum decibel output within ten (10) percent of the maximum decibel output allowed by the Pigeon Forge Municipal Code or is over the allowable level, site noise containment measures must be undertaken, and agreements presented as follows:

413.2.1. Site Improvements Measures: Site plans must include noise containment measures and those measurements must be noted on the site plan. These measures can include: dirt berms, fabricated barriers, reduction in the number of rides or activities, muffling of sound, enclosure of activity or other appropriate remedy. An expert in noise abatement must design the plans and certify that maximum decibel output of the total project and each noise producing activity will not exceed the maximum decibel output allowed in the Pigeon Forge Municipal Code. The environmental review board must concur or offer counter measures.

413.2.2. Noise Control Agreements: All site plans which have been required by the planning commission to undergo noise containment review and certification must also have signed, written agreements. The developer and/or owner must present these agreements prior to final site plan review. The agreements must note that the owner(s) and/or developer(s) understands that maximum decibel output as noted in the Pigeon Forge Municipal code cannot be exceeded and that the owner(s) and/or developer(s) agree(s) to correct excessive noise after construction and operation by installing additional noise containment or abatement barriers, enclosure, muffling, reduction in the number of amusements causing excessive noise, curtailment of ours of business, or other appropriate remedying procedures. The agreements must be notarized.

413.2.3. Final Site Plan Review: Final approval of the site plan in contingent on all agreements and certification being presented to the planning commission. (Ord. 383, adopted 12/16/88)

414. Site Plan Regulations for Special Events, Festivals, and Similar Activity Uses. It is the general purpose and intent of this section to require site plans for special activities to provide for a lessening of traffic congestion and securing adequate safety precautions and aesthetic conditions for residents of the City. These plans shall be approved by the Pigeon Forge Planning Commission as consistent with this ordinance and with the comprehensive planning program of the City prior to the issuance of permits. Smaller scale non-profit events, that don't cause much disruption to commercial areas, may be reviewed and approved by planning staff. The site plans shall meet the following requirements. (Amended by Ord. 915, 10/2010)

414.1 *Certifications:* Each site plan should contain information and certification of the following.

414.1.1 Is the event a "for profit" activity?

414.1.2 Is the event a charity activity?

414.1.3 Is the event to be located on public property?

414.1.4 Is the event to be located on private property?

414.1.5 What is the duration of the event?

414.1.6 How many hours per day will the event be open?

414.1.7 Certification that all activities on premises are directed associated with the event group.

414.2 *Plan Requirements*

414.2.1 Location map, scale, acreage, North point.

414.2.2 Location of areas subject to flood waters.

414.2.3 Location of existing buildings, structures, uses, streets, sidewalks, off-street parking and ingress/egress points.

414.2.4 The dimensions of the maximum area to be used for the event.

414.2.5 Location of all activity areas and listing of all activities and uses.

414.2.6 Location, number and type of all convenience facilities.

414.2.7 Submission of a bond to cover damages to any public property.

(Sections 414 through 414.2.7 were adopted by Ord. 452 on 12/14/92)

ARTICLE V. APPLICATION OF REGULATIONS

501. **Use.** Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

502. **Street Frontage.** No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet except that residential planned unit developments may be excluded from this provision through the plan approval process for planned unit developments.

503. **Corner Lots.** The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located.

504. **One Principal Building on a Lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission.

505. **Reduction of Lot Size.** No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this ordinance shall not be maintained.

506. **Yard and Other Spaces.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

507. **Conformity to Subdivision Regulations.** No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Pigeon Forge Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

508. **Customary Accessory Buildings in Residential Districts.** Accessory buildings are permitted provided they are located in rear yards and not closer than five (5) feet to any property line. Buildings shall also comply with the setback from an intersecting street and not cover more than twenty (20) percent of any required rear yard.

509. **Height and Density.** No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of

families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

510. **Annexations.** All territory which may hereafter be annexed to the City of Pigeon Forge, Tennessee, shall be considered to be in the R-I Low Density Residential District until otherwise classified.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the City of Pigeon Forge, Tennessee, is hereby divided into eight (8) classes of districts as follows:

Residence: **R-1 District - Low Density**

Residence: **R-2 District - High Density**

Commercial: **C-1 District - General Commercial**

Commercial: **C-2 District - Tourist Commercial**

Commercial: **C-3 District - Neighborhood Commercial**

Commercial: **C-4 District - Planned Unit Commercial**

Commercial: **C-5 District – Commercial Amusement Park**

Commercial: **C-6 District – Mixed-Use Commercial**

Industrial: **M-1 District - Industrial**

The boundaries of these districts are hereby established as shown on the revised map entitled "Zoning Map of the City of Pigeon Forge, Tennessee, dated April 10, 2006, and all amendments thereof, which are a part of this ordinance and which is on file in the City Hall. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries, shall be determined by the Pigeon Forge Board of Zoning Appeals.

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. **R-1 (Low Density) Residential.** It is the purpose and 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 purpose and intent of the R-1 (Low Density) district, as shown on the zoning map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

701.1. Single family residences, except mobile homes.

701.2. Two family residences.

701.3. Single and two family PUD's, except mobile homes.

701.4. Customary general farming.

701.5. Customary home occupations are permitted subject to the following:

701.5.1. There is no external evidence of the occupation, except an announcement sign as permitted in Section 408.5.2.

701.5.2. Only two (2) persons not residents of the dwelling may be employed.

701.5.3. Not more than thirty (30) percent of the total floor area of the building is used.

701.6. Public owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104, schools offering general education and churches provided:

701.6.1. A site plan is reviewed and approved by the planning commission.

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

701.6.3. There are buffers of plant materials with a minimum of six (6) feet in height along side and rear property lines.

701.7. Tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:

701.7.1. The facility is developed as a Planned Unit Development;

701.7.2. There are planted buffer strips along property lines;

701.7.3. The facility is located adjacent to a major street shown on the Pigeon Forge Major Road Plan.

701.7.4. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

701.8. Signs as regulated in Section 408.

701.9. Customary accessory buildings provided they are located in rear yards and not closer than five (5) feet to any property line.

702. R-2 (High Density) Residential. It is the purpose and intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general commercial activity, and are located on a major street as noted on the major road plan.

In order to achieve the purpose and intent of the R-2 (High Density) Residential District, as shown on the Zoning Map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

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

702.2. Multi-family dwellings.

702.3. Residential planned unit developments, including mobile home parks.

702.4. Boarding and rooming houses, and bed and breakfast inns.

702.5. Medical clinics and hospitals, funeral homes, fraternal organizations, clubs not operated for profit, day care centers providing care and supervision for more than eight (8) children for periods of less than twenty-four (24) hours, and professional offices of doctors, lawyers, accountants, architects, dentists, real estate and insurance agencies and similar uses provided:

702.5.1. They are located on a major street noted on the Pigeon Forge Major Road Plan.

702.5.2. The buildings shall be placed at least thirty (30) feet from the front property lines and twenty-five (25) feet from the side and rear property lines for professional offices of doctors, lawyers, accountants, architects, dentist, real estate and insurance agencies provided that there are no more than six (6) people employed per parcel. Other uses specified in 702.5 are required to have setbacks of fifty (50) feet from all property lines. (Adopted by Ord. #463 on 11/8/93)

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

702.5.4. A site plan is approved by the planning commission.

702.5.5. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible and that no parking shall be allowed in front yards.

702.6. Tourist residences that meet all applicable city ordinances for housing transient residents provided:

702.6.1. A site plan showing the location of the principal building, any accessory buildings, off-street parking spaces, and any other information deemed pertinent is approved by the planning commission.

702.6.2. Off-street parking requirements shall be determined by the planning commission based on maximum sleeping accommodations and upon the standards set forth in Section 407.3.4, as amended. (Ord. 788, Adopted 2/13/06)

703. C-1 General Commercial District. It is the purpose and intent of this district to establish an area for concentrated commercial development that the general public requires. The regulations are designed to protect the essential characteristics of the district by promotion of general business, professional and service uses, public uses, and limited residential uses which serve the general public; and to discourage general industrial and wholesale uses. The regulations are also designed to encourage grouping of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 409, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Pigeon Forge, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

703.1. Multi-family dwellings.

703.2. Commercial and multi-family PUD's.

703.3. Stores and shops conducting retail business.

703.4. Public buildings and uses on approval of the Pigeon Forge Planning Commission, as required by Tennessee Code Annotated 13-4-104.

703.5. Personal, business, and professional services, excluding junkyards, storage yards, and other similar uses.

703.6. Semi-public buildings and uses on approval of a site plan by the Pigeon Forge Planning Commission.

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

703.8. General recreation, amusement, and assembly uses.

703.9. Amusement parks, provided they meet lot size requirements of C-4 district.

703.10. Wholesale business and warehousing.

703.11. Funeral homes.

703.12. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines.

703.13. Signs as regulated under Section 408.

704. **C-2 Tourist Commercial District.** It is the purpose and intent of this district to establish areas that encourage the grouping of compatible commercial uses and tourist related uses, reduce traffic and parking congestion, and improve the aesthetic characteristics of the city. The regulations are designed to protect the general public and provide sufficient spaces for tourist related activities. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 409 shall be reviewed; and shall be approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Pigeon Forge, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

704.1. Any use permitted in the C-I District, except auto repair garages, auto and mobile home sales lots, and funeral homes.

704.2. Travel trailer parks.

704.2.1 Recreational Vehicle Sales within travel trailer parks.
(Ord. 541, Adopted 5/12/97)

704.3. Day care centers.

704.4. Hospitals and clinics.

704.5. Veterinary clinics.

704.6. Signs as regulated by Section 408.

704.7 Duplexes. (Ord. 846, Adopted 10/8/2007)

705. C-3 Neighborhood Commercial District. It is the purpose and intent of this district to establish areas to serve surrounding residential districts. The regulations are intended to discourage strip development and encourage grouping of uses in which parking and traffic congestion will be reduced, thereby protecting the general public and promoting a more desirable and aesthetically pleasing community. Therefore, prior to the issuance of building permits for all new multi-family and commercial construction, site plans as required by Section 409, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Pigeon Forge, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning Map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

705.1. Any use permitted in the R-2 Residential district, subject to the area, yard, and height requirements of the R-2 district.

705.2. Multi-use commercial centers.

705.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats, restaurants, and similar uses.

704.4. Professional offices for doctors, lawyers, accountants, dentists, architects, real estate and insurance agencies, day care centers, and similar uses.

705.5. Day care centers.

705.6. Gasoline service stations, provided all structures and pump islands, including underground storage tanks shall be placed not less than twenty (20) feet from all property lines.

705.7. Signs as regulated by Section 408.

706. C-4 Planned Unit-Commercial District. It is the purpose and intent of this district to establish areas for major planned unit developments of commercial and/or residential uses, thereby achieving flexibility in design through the clustering of activities in areas specifically designed to accommodate the uses and to discourage traffic congestion and secure adequate light, air, and aesthetic qualities for local citizens and

visitors. The regulations are designed to promote efficient use of land and achieve a more economical arrangement of buildings, circulation systems, land uses, and utilities. The regulations will preserve, to the greatest extent possible, the existing landscape features and amenities and utilize total planning of all land tracts in a harmonious manner in order to protect the environmental integrity and quality of the property within this district, and promote the highest quality of development. These include protection of natural resource areas, the preservation of key scenic vistas by encouraging the use of underground utilities and signage that will contribute to the character of the area. Also promote a balance between lodging uses and other visitor and local oriented uses that minimizes development footprints to prevent soil loss and storm water runoff. The development within this district will be characterized by interconnected streets, walking paths, and outdoor activities. Therefore, prior to the issuance of building permits within this district, site plans as required by Sections 407 and 409 shall be reviewed and approved by the planning commission. These plans shall meet all requirements of this ordinance and be consistent with the comprehensive planning program of the City of Pigeon Forge, Tennessee. (Ord. 899, Adopted 11/9/2009)

In order to achieve the purpose and intent of this district as shown on the Zoning Map of the City of Pigeon forge, Tennessee, the following uses are permitted:

706.1. Single family dwellings, except mobile homes, subject to area, yard, and height requirements of the R-1 Residential District.

706.2. Commercial planned unit developments of not less than two (2) acres, subject to requirements established in Sections 407 and 409.

706.3. Recreational attractions of not less than two (2) acres, subject to requirements established in Sections 407 and 409. (Ord. 899, Adopted 11/9/2009)

706.4. Residential or mixed residential/commercial planned unit developments of not less than two (2) acres, subject to requirements established in Sections 407 and 409.

706.5. Churches, subject to a minimum lot size of one (1) acre and the approval of a site plan as required by Section 409.

706.6. Public buildings and uses on approval by the Pigeon Forge Planning Commission as required by Tennessee Code Annotated, 13-4-104.

706.7. Signs as regulated by Section 408.

706.8. Frontage or parallel streets or dedication of street right-of-way shall be prepared by a licensed civil engineer.

706.8.1. The plan for a frontage or parallel street or right-of-way dedication shall be prepared by a licensed civil engineer.

706.8.2. These streets shall be designed in conjunction with the right-of-way of the arterial street with the property to be developed and to match future extension of the frontage or parallel street on adjacent properties.

706.8.3. The property owner shall be responsible for the dedication of the required rights-of-way for the construction of the street, and for drainage and paving and other requirements deemed pertinent by the city engineer or his designated representative.

706.8.4. Construction specifications shall be determined by the City of Pigeon Forge.

706.8.5. Frontage or parallel access streets shall extend the entire length of the land parcel or use to allow for connection to adjacent properties. On corner lots, additional lengths of street may be required to provide a safe ingress from the intersecting street.

706.8.6. Frontage or parallel access streets shall be designed and constructed in general compliance with the Pigeon Forge Subdivision Regulations; provided, however, the minimum improvement width of the street shall be twenty-two (22) feet between curbs and a minimum right-of-way width shall not be less than ten (10) feet greater than the street's surface improvement width.

706.8.7. Access points from frontage or parallel access streets to the arterial streets shall only be at median crossover points or as designated on the Zoning Map of Pigeon Forge, Tennessee.

706.8.8. All frontage or parallel access streets shall be approved by the Pigeon Forge Planning Commission and shall be dedicated and accepted as public streets.

706.8.9. All frontage or parallel access streets shall have adequate traffic control measures including signage, markings, and striping.

706.8.10. Unique situations may exist which would require a waiver from these requirements. Such a waiver may be considered by the Pigeon Forge Planning Commission only after detailed studies are prepared by the developer.

706.8.11. Since adjoining properties are not likely to develop at the same time, access to the existing arterial street shall be provided on a temporary basis through the issuance of a temporary access permit. The temporary

permit shall expire upon the extension of the frontage or parallel access street to the nearest arterial crossover point. Additionally, if conditions warrant, the construction of the frontage or access street may be delayed by the developer until an adjoining land parcel is scheduled for development.

706.9. Screening Along Residential District Boundaries: To assist in preventing the transmission of light and noise and to generally cushion the ramification of commercial uses on a residential district, screening shall be required where a development abuts any residential district. The screening shall meet the following requirements:

706.9.1. It shall be of such plant materials as will provide year-round evergreen screening.

706.9.2. It shall not be less than six (6) feet in height.

706.9.3. It shall be from the grade of the property upward.

706.9.4. It shall be permanently maintained.

707. **M-1 Industrial District.** It is the purpose and intent of this district to establish areas for industrial activities and heavy commercial establishments along with open areas which will likely develop in a similar manner. The regulations are designed to protect the essential community characteristics and to promote and encourage industrial, wholesaling, and commercial uses and to discourage residential development. Therefore, prior to the issuance of building permits for all new construction, site plans as required by Section 409, shall be reviewed and approved by the planning commission to determine if the projects are in keeping with the comprehensive planning program of the City of Pigeon Forge, Tennessee.

In order to achieve the purpose and intent of this district, as shown on the Zoning map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

707.1. Any use permitted in commercial districts except residential uses.

707.2. Terminals.

707.3. Wholesale business.

707.4. Warehouses.

707.5. Storage yards and buildings and similar uses.

707.6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the planning commission.

707.7. Sexually oriented businesses are permitted only in M-1 Industrial Districts, provided that there is a distance of at least 600 feet between the parcel occupied by the sexually oriented business and any residential structure, or any parcel occupied by a school, church, day care facility, or other sexually oriented business. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on the sexually oriented business's property line to the closest point of a residential structure, or to a property line of a land use identified in the first sentence of this section. A landscaping buffer shall be provided along all rear and side setbacks for twenty (20) feet in depth, staggered evergreens, each with a caliper of 2 and 1/2 inch minimum. Other landscaping standards as enumerated in other parts of the zoning code shall still be required. (Ord. 821, Adopted 3/12/2007)

707.7.1. Adult Oriented Businesses: (Adopted by Ord. 593 on 4/26/99, Repealed by Ord. 821 on 3/12/2007)

708. **FP-1 (Floodplain) District.** The Floodplain Overlay District is intended 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, and all applicable Flood Insurance Rate Maps issued by the Federal Emergency Management Agency. 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 permit and inspection office documenting compliance with said ordinance. (Paragraph Added by Ord. 888, Adopted 4/13/09. The new regulations are contained in Ord. 896, Adopted 9/14/09 and in the appendices of this code. Previous Flood Ordinances: Ord. 889, Adopted 4/13/09; Ord. 511, Adopted 11/27/95; Ord. 503, Adopted 9/11/95)

709. **C-5 Commercial Amusement Park District.** It is the purpose and intent of this district to provide a controlled district for amusement parks, theme parks, water parks, entertainment parks and/or themed resorts. Within this district, self-contained amusement type parks are allowed which provide a wide range of services for the park's visitors. The C-5 district is to provide a safe habitat for multi-use amusements and facilities; yet, ensure that traffic congestion along major arteries, such as the Parkway, are not negatively impacted by activities, and events contained within the parks. For the purpose of this zoning district and regulations, a parcel that has seventy five (75)

contiguous acres under one ownership will be referenced as “a”. Parcels that are seventy five (75) contiguous acres under different ownerships will be referenced as “b” (Ord. 957, Adopted 5/13/2013).

In order to achieve the purpose and intent of this district, as shown on the Zoning map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

709.1. Uses Permitted:

709.1.1 Amusement parks, theme parks, water parks, entertainment parks and/or themed resorts including all types of rides, shows and associated support facilities.

709.1.2 Hotels, motels, cabins, and condominiums.

709.1.3 Restaurants.

709.1.4 Retail Sales.

709.1.5 Crafts, fairs, and shows on premise.

709.1.6 Manufacturing, wholesale, and retail sales of craft and specialty items such as soap, ironwork, wood work, glass work and assorted food items such as jams, jellies, chow chow, and similar products.

709.1.7 Passenger carrying Tethered Helium Balloons, which have received a FAA waiver to operate at a maximum height of 500 feet and which display no commercial advertisement except logos of the City of Pigeon Forge which are expressly granted by the city and shall not be considered commercial advertisement. (Ord. 934, Adopted 12/12/2011)

709.2. Special Exceptions:

709.2.1. Recreational vehicle parks associated with amusement parks.

709.2.2 Staff Housing.

709.2.3 Wildlife rescue and display.

709.2.4. Any use similar in nature to the uses permitted or to the above as determined by the Board of Zoning Appeals..

709.3 Uses Prohibited: Any use not permitted herein.

709.4. **Area Requirements:** No Parcel may be zoned C-5 unless it has: “a” seventy-five (75) contiguous acres under one ownership and liability or “b” seventy-five (75) contiguous acres with different ownerships and liabilities.

709.5. **Set Backs:** For tracts referenced as “a”, the front, rear and side yard setbacks are twenty five (25) feet. For tracts referenced as “b”, each individual tract has the front, rear and side yard setbacks as fifteen (15) feet. A setback of 100 feet applies to all structures exceeding 100 feet in height.

709.6. **Signs:**

709.6.1. For tracts referenced as “a”, each controlled district shall be allowed to have monument signage (either single or divided) at major ingress and/ or egress point(s). These point(s) must be adjacent to (or feeder for) public road(s) or at the boundary of the property within C-5 zone. The total signage for any ingress and/or egress point should not exceed 1000 square feet total with no one sign shall have more than 500 square feet. This signage is only for major entrances and exits for the park. The height of any ground sign is not to exceed twenty-five (25) feet from the monument to the utmost tip of the sign. For tracts referenced as “b”, each lot in a contiguous tract multiple ownerships having two acres or more for each lot in the combined tracts/multiple ownerships shall have no more than a 350 square feet ground sign, twenty-five (25) maximum height from the monument to the upmost tip of the sign, a maximum of ten (10) per cent of the facade for a wall sign. No roof signs are permitted for either “a” or “b” referenced tracts. In tracts referenced as “b”, where any tract has less than two acres, the maximum signage per lot shall be three hundred (300) square feet in total signage. A wall sign may be forty (40) per cent of the wall façade not to exceed seventy-five (75) square feet.”

(Ord. 957, Adopted 5/13/2013)

709.7. **Graphics:** Graphics included as signage: Any graphics depicted by logos, color, abstract art, sculpture, building additions depicting people or scenes, use of cars, mannequins or other props shall be deemed graphics. Any graphic which can be easily seen from a public thoroughfare, outside of the Controlled District, shall be counted in the maximum signage allowed. Notwithstanding the foregoing, no graphics, color, and art, unrelated to the City of Pigeon Forge nor logos and/or images of the City of Pigeon Forge which are duly authorized for use by the City of Pigeon Forge, Tennessee, which are situated on any passenger carrying tethered helium balloon which operates on a FAA waiver at a maximum height of 500 feet within the zone shall be considered signage hereunder. (Ord. 934, Adopted 12/12/2011)

709.8. **Traffic Circulation:** The amusement parks, water parks, theme parks, entertainment parks and themed resorts must have an internal street system that safely manages traffic flow and connects to a public road or thoroughfare.

709.9. **Height Restrictions:** Non-amusement facilities, such as motels, hotels, convention centers, observation towers, are limited to eighty-five (85) feet in height: Amusement rides; spires, towers, and similar uses as determined by the BZA are limited to 200 in height except for passenger carrying tethered helium balloon rides which has received an FAA waiver to operate at a maximum height of 500 feet (Ord. 934, Adopted 12/12/2011). Each amusement is required to have a self-contained emergency evacuation plan. The plan for the emergency evacuation must be reviewed by the appropriate authority prior to the operation of the amusement.

709.10: **Fall Zone:** Any amusement over 85 feet in height must have a fall zone or setback area equal to its height or 100 feet whichever is lesser. The fall zone means an area free and clear of any other amusement, land use, or structure. The fall zone may be included in the park's set back area; however, parking lots may not be located in the fall zone. As a special exception a waiver may be approved subject to the owner/operator submitting calculations and documentation from licensed professional engineers which confirm the structure will meet or exceed the designated requirements for this region and that the amusement meets ASTM F24, DIN or equivalent requirements.

709.11. **Other requirements:** Any other requirements of the Pigeon Forge Zoning Ordinance shall be met.

(Replaced all by Ord. 882, Adopted 12/8/08 – Original C-5 Zone: Ord. 560, Adopted 3/23/98; Amendment of Sections 709.8 & 709.9 Ord. 582, Adopted 10/12/98)

710 **Heliports**

(A) Definition of heliport means land or any structure situated on land from which helicopters take off and land. Heliports do not include facilities operated by a health care institution as defined under State law or land on which a helicopter makes a landing required by an emergency.

(B) The operation of a heliport within the City of Pigeon Forge is hereby declared a public nuisance and shall be abated, removed or changed to conform with the provisions of this Ordinance and therefore the operation of a heliport is hereby prohibited in all zones of the City including but not limited to R-1, R-2, C-1, C-2, C-3, C-4, C-5 and M-1.

(Ord. 808, Adopted 8/14/06)

711. C-6 Mixed-Use Commercial District: It is the purpose and intent of this district is to promote economic development while protecting the scenic, cultural, historic, and environmental integrity of major corridor areas in Pigeon Forge. This is to be accomplished by allowing a mixed-use of commercial and residential activities by using flexibility in design. However, development is to be understated by discouraging traffic congestion, having signage that is low key, adequate lighting that is not invasive, etc. The regulations are designed to promote low impact development through the efficient use of land and achieve a more economical arrangement of buildings, circulation systems, land uses, and utilities and encourage the concept of pedestrian oriented development to allow safe pedestrian access throughout the district. The regulations will promote the preservation of existing landscape and the efficient use of new landscaping, signage, outdoor lighting and underground utilities to provide a more aesthetically pleasing community that will contribute to the overall character of the district.

In order to achieve the purpose and intent of the this district, as shown on the Zoning Map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

711.1: Uses Permitted:

- 711.1.1 Single Family homes that do not access directly onto an arterial street. Must meet lot size and setbacks of an R-1 district (Section 801).
- 711.1.2 Commercial and residential PUD's.
- 711.1.3 Grocery Stores, Drug stores, Hardware stores, Laundromats.
- 711.1.4 Hotels, Motels, and overnight and weekly rentals.
- 711.1.5 Multi-family residential.
- 711.1.6 Multi-use commercial centers.
- 711.1.7 Stores and shops conducting retail business.
- 711.1.8 Churches.
- 711.1.9 Public Buildings.
- 711.1.10 Travel Trailer Parks.
- 711.1.11 Restaurants.
- 711.1.12 Outdoor Recreational Attractions.
- 711.1.13 Theatres.
- 711.1.14 Hospitals and clinics.
- 711.1.15 Professional offices for doctors, lawyers, accountants, architects, real estate and insurance agencies, and other similar uses.
- 711.1.16 Light Manufacturing as defined in Article 3. Welding shops are permitted.
- 711.1.17 Banks.
- 711.1.18 Wineries

711.2 Uses Prohibited:

- 711.2.1 Junkyards.
- 711.2.2 Mobile home parks.

- 711.2.3 Storage yards.
- 711.2.4 Flea Markets.
- 711.2.5 Adult Oriented Businesses.
- 711.2.6 Tattoo Parlors
- 711.2.7 Psychic Shops/Stores

711.3: Uses Permitted on Review by the Board of Zoning Appeals in a C-6 District:

711.3.1 Auto Repair Shops: provided that there are no more than 6 parking spaces in the front of the building. No other car storage is allowed in the front of the building or front yard. It is encouraged that car storage be in the rear yard behind the building. Any car storage in the side yard or rear yards must be screened by trees every 10 feet. These trees must be a caliper of 2 and ½ inch minimum that can grow to a minimum of 20 feet high. All other landscaping requirements of this ordinance also apply.

711.3.2 Auto Sales: provided that there is a minimum of 50 cars.

711.3.3 Local Crafts and Furniture Shops: provided outdoor chainsaw art working/demonstration areas are not in the rearyard and setback from the public at least 20 feet. Outdoor displays must be as close to the buildings as possible and should never be in the ROW of any street. Additionally, they must be 20 feet from the property line off any arterial street.

711.3.4 Day Care Centers: provided if there are more than 8 children it must be located on at least a collector street. Day care centers with more than 25 children must be located on an arterial street. Playgrounds must be in the side or back yard and screened by a solid fence or a chain fence that has evergreen trees that surround the perimeter at least every 10 feet. There must be a drive-thru for pick-up and drop-off. No more than 8 parking spaces on site.

711.3.5 Wholesale business and warehousing: provided that if the façade is sheet metal or cinderblock type, that evergreen trees be placed around the perimeter of the building at least every 15 feet. Must be located within one quarter mile of an arterial road. If the lot fronts an arterial road it must be setback at least 35 feet from the front property line and 15 feet from side and rear property lines. All size trucks must be able to maneuver on site. Must be at least 500 feet from a residential structure

711.3.6 Gas Stations/Convenience stores: provided a lighting plan is submitted which conforms to the lighting requirements of this zone. Intensity of lighting shall not exceed the following maximum requirements:

711.3.6.1 Store canopies = 15.0 foot candles.

711.3.6.2 Other areas around the store = 10.0 foot candles.

711.3.6.3 Within 20 ft. adjacent to residential zones = 0.5 foot candles

711.3.6.4 Within 20 ft. adjacent to all other zones = 0.5 foot candles

711.3.7 **Amusements:** provided all amusements are less than 60 feet in height, with an equal fall zone. A lighting and sound plan is submitted.

711.3.7.1 Sound will be no greater than:

- 65db before 10 PM and 55db after 10 PM adjoining commercial uses.
- 55db before 10 PM and 50db after 10 PM adjoining residential uses.

711.3.7.2 The lighting plan submitted must conform to the lighting requirements of this zoning. Intensity of lighting shall not exceed:

- 15 foot candles throughout the amusement areas.
- Around buildings = 10.0 foot candles.
- Within 20 ft. adjacent to residential zones = 0.5 foot candles.
- Within 20 ft. adjacent to all other zones = 0.5 foot candles.

711.3.8 **Horseback Riding Stables:** provided all livestock are kept a minimum of 100 feet from all roadways. Adequate facilities must be provided on site for the protection of all animals during inclement weather, with all stables, riding trails, and grazing areas fenced by non-barbed or electric fencing. Structures of a permanent nature, which meet all building codes and ADA requirements, must be provided for ticketing and other facilities for the public. No temporary structures are allowed. Parking must be provided on the site plan at 1 space for every 4 horses on the property and 1 space for every 4 employees. (Ord. 935, Adopted 12/12/2011)

711.4: **Signs Permitted in the Mixed Use Commercial District C-6:**

711.4.1 General- Signs permitted in Sections 408.4 and 408.5.

711.4.2 Maximum Signage Permitted- Each parcel is permitted only one ground or monument sign. This sign may be a two-sided sign (front and back) and the two sign faces must be parallel to each other. The square footage of each face of that sign cannot exceed 100 feet. As part of the ground signage each parcel can have one LED (or similar electronic) message board not to exceed 33 square foot. This square footage must be included in the 100 square feet total for a ground sign face. The sign support structure can be no higher than 25 feet and the sign face can be no higher than 20 feet high at its highest point. The sign support structure cannot contain any "graphics" as defined in Article III and no side can total more than 200 square feet in area.

711.4.3 A wall/façade sign may also be permitted for each business or tenant. This sign can be up to (10) percent of the building front wall space (height times linear feet) and shall not protrude above the height of the building. The wall/façade sign shall be permitted on any side of the building but only one side qualifies for a wall/façade sign. In the case of multi-tenant establishments, each tenant can have a sign up to (10) percent of the tenant front wall space, to be placed in the tenant front wall space. In any case, no one wall/façade sign can exceed 75 square feet. Logo signs are permitted per section 408.2.4 of this ordinance.

711.4.4. In the case where such a development fronts on intersecting or parallel arterial or collector streets, an additional ground or monument sign of no more than 50 square feet per sign face is allowed. This can only be placed along the street which will not have the main ground or monument sign listed above.

711.4.5. Signs shall incorporate the architectural theme of the development and made of natural materials such as wood, brick, stone etc.

711.4.6. Multi-use Commercial Centers- In addition to previously mentioned signage allowance, multi-tenant establishments can list tenants (the name and/or nature of the activity) on the ground sign. It must be under and adjacent to the ground sign face and no more than 10 square feet is allowed for each tenant.

711.4.7. Graphics and all other “theming” (see definition in Article III) shall be counted as a part of the maximum signage.

711.5: Utility Plans: The power plan shall utilize an underground system. Where an underground system is not possible, as determined by the planning commission, power service connections shall be located at the rear of the structure or structures.

711.6: Landscaping:

711.6.1. Credit for Existing Vegetation: Existing vegetation on site should be preserved as much as possible to complement any new landscaping and may be credited towards the requirements of this subsection. Such areas shall be shown on the required landscape plan to be maintained..

711.6.2. Plant Diversity: Unless otherwise approved by the Pigeon Forge Planning Commission, all plant materials used to meet the landscape, buffer, or screening requirements shall conform to current edition of The Right Tree for the Right Place provided by the City of Pigeon Forge Tree Board.

711.6.3. Minimum Size at Time of Planting: All trees at the time of planting shall be a minimum caliper of 1 1/2 “ or a minimum height of five (5) feet.

711.6.4. Stabilization : All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

711.6.5. Planting in Easements: Nothing except small trees, shrubs or groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the written consent of the utility provider, easement holder or city.

711.6.6. Plans for landscaping, screening, open space and ingress/egress points. The landscaping plan shall include landscaping containing the following minimum standards:

711.6.6.1. Street frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet.

711.6.6.2. Interior landscaping: five (5) percent of the interior of the parking area shall be landscaped and one (1) tree for each three hundred (300) square feet of landscaped area shall be required along with other appropriate plant materials.

711.6.6.3. Perimeter landscaping: a landscaped strip of five (5) feet.

711.6.6.4. The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicles or pedestrian traffic.

711.6.6.5. The plan shall contain a description of plants and material and methods for care and maintenance.

711.6.6.6. The landscaping shall be permanently maintained. (See Section 410).

711.6.7. Landscaping addition: Requirements for interior landscaping in parking areas for commercial site plans under section 409.8.2 may be waived if trees/landscaping are placed around the perimeter the parking areas and the building(s) at one (1) tree every twenty (20) feet. The remaining site plan landscaping requirements under section 409.8 still apply, as well as, requirements contained in this district

711.7: **Sanitation**: All dumpster must be screened from view on three sides. This could be done by any combination of trees, landscaping, or brick or split-faced block enclosures.

711.8: **Exterior Lighting**:

711.8.1. Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. All outdoor light fixtures shall be either shielded, designed or provided with light angle cut-offs, have 45 degree down directional flood lighting, or recessed. This is to eliminate uplighting, spill light, and glare.

711.8.2. Excessive illumination of signage, building, or site shall be avoided. Roof lighting, down-lighting that washes the building walls, and illuminated awnings are strongly discouraged.

711.8.3. Fixture mounting height should be appropriate for the project and the setting. The mounting height of fixtures in smaller parking lots or service areas shall not exceed twenty feet. Lower mounting heights may be required where sites are adjacent to residential areas or other sensitive land uses. Low, bollard-type fixtures shall be used at 3 to 4 feet in height in pedestrian areas for lighting.

711.8.4. Motion activated lights shall be utilized wherever feasible.

711.9: Screening Along Residential District Boundaries: To assist in preventing the transmission of light and noise and to generally cushion the ramification of commercial uses on a residential district, screening shall be required where a development abuts any residential district. The screening shall meet the following requirements:

711.9.1. It shall be of such plant materials as will provide year-round evergreen screening.

711.9.2. It shall not be less than six (6) feet in height.

711.9.3. It shall be from the grade of the property upward.

711.9.4. It shall be permanently maintained.

(Added by Ord. 923, Adopted 4/11/11)

712. C-7 Planned Unit/Public Use Development: It is the purpose and intent of this district to provide a collaborative effort between commercial planned unit developments and the City of Pigeon Forge. This is to be accomplished by allowing a themed park with mixed land uses in a planned unit development that has been created through extensive site planning and contractual agreements with City officials. This type of Planned Unit/ Public Use Development will offer the City of Pigeon Forge land space and/or building space/construction to facilitate the needs of tourists and residents alike. Public dedication and commitment of land or building space to Pigeon Forge may include: fire halls, police departments, greenways, parking garages, educational facilities or educational uses, arenas, stadia, flood control areas, water and/or sewer facilities or other publically needed uses. Conversely, the City may provide services necessary to facilitate the health, safety and welfare of tourists and citizens such as parking lots or garages, trolleys, vehicular access, traffic lights, on site safety services or similar public services. As in other zoning district, this planned unit district must provide environmentally safe design through negating traffic congestion, effective use of landscaping, greenways, pedestrian movement, non-intrusive lighting, stormwater control and provide a plan for modern environmentally "green" sensitivity. A minimum of twenty (20) contiguous acres is required for a planned unit/public use development.

In order to achieve the purpose and intent of this district, as shown on the zoning map of the City of Pigeon Forge, Tennessee, the following uses are permitted:

712.1: Uses Permitted:

- 712.1.1. Retail sales of clothing.
- 712.1.2. Crafts and craft demonstrations, trinkets, gifts, themed giftware, music and similar items.
- 712.1.3. Overnight lodging.
- 712.1.4. Restaurants.
- 712.1.5. Museums and exhibits.
- 712.1.6. Movie theaters.
- 712.1.7. Dinner theaters, amphitheaters, and live shows.
- 712.1.8. Wineries.
- 712.1.9. Offices.
- 712.1.10. Outdoor recreational attractions.
- 712.1.11. Parking garages and governmental services provided by the City of Pigeon Forge.
- 712.1.12. Multi-family Residential Properties.

All uses must have a direct relation to the themed development.

712.2: Uses Prohibited:

- 712.2.1. Single family homes.
- 712.2.2. Hospitals and clinics.
- 712.2.3. Flea markets.
- 712.2.4. Adult businesses.
- 712.2.5. Psychics.
- 712.2.6. Storage yards/facilities.
- 712.2.7. Mobile home parks.
- 712.2.8. Auto/RV sales and repair and travel trailer parks.
- 712.2.9. Grocery stores.
- 712.2.10. Tattoo parlors.
- 712.2.11. Drug stores.
- 712.2.12. Hardware stores.
- 712.2.13. Laundromats.
- 712.2.14. Junkyards.
- 712.2.15. Spires, look-out towers, observation decks.
- 712.2.16. Similar uses as deemed similar to the above by the Board of Zoning Appeals.

712.3: Uses Permitted on Review by the Board of Zoning Appeals in a C-7 District:

712.3.1: **Day Care Centers:** provided that all requirements of the State of Tennessee are met and the day care center is for the employees, tourists/guests of the themed development. Day care centers will not be permitted for general commercial or residential off-site traffic.

712.3.2: **Amusements:** provided all amusements are less than two hundred (200) feet tall as measured from ground level at the Parkway (Highway 441). An emergency evacuation plan must be submitted with the site plan showing evacuations routes/areas and procedures for an emergency call and scenarios for rescue. Any amusement over 85 feet in height must have a fall zone or setback area equal to its height or 200 feet, whichever is less. The fall zone means an area free and clear of any other amusement, land use or structure. The fall zone may be included in the development's set back area; however, parking lots may not be located in the fall zone. As a special exception, a waiver may be approved for the one amusement over eighty-five (85) feet in height subject to the owner/operator submitting calculations and documentation from licensed professional engineers which confirm the structure will meet or exceed the designated requirements for the region and that the amusement meets ASTM F24, DIN or equivalent requirements. Fall zones must be noted on the site plan. No such waivers are permitted for any development that proposes to have more than one amusement over eight-five (85) feet in height. Each amusement over the one waiver permitted must have a fall zone setback of one foot in setback area for every one foot in height for each amusement. The fall zone must be an area free and clear of any other amusement, land use, structure, road, or parking area.

712.4: **Decibel Levels:** No amusement, amphitheater, live show, theatre or similar use may operate at decibel levels greater than 90 db as measured at the outer property line of the planned unit development until 11:00 P. After 11 pm and before 8:00 A.M., no decibel level is permitted on site to exceed 55db.

712.5: **Maximum Height of Buildings:** Other than the height limitation of amusements, no other building may exceed eighty (80) feet in height. This includes buildings for human occupancy such as hotels, motels, cabins, restaurants, retail sales sites, theaters and other building uses allowed in this zone.

712.6: **Setbacks:** Except as noted for fall zone areas, all other buildings must have a setback of ten (10) feet from the outer property line of the themed development. Internal building's setbacks shall meet the currently adopted building code.

712.7: **Landscaping:**

712.7.1. Credit for Existing Vegetation: Existing vegetation on-site should be preserved as much as possible to compliment any new landscaping and may be credited towards the requirements of this subsection. Such areas shall be shown on the required landscaping plan and shall be maintained in the same manner as new plantings.

712.7.2. Plant Diversity: Unless otherwise approved by the Pigeon Forge Planning Commission, all plant materials used to meet the landscape buffer or screening requirements shall conform to the current edition of the Right Tree for the Right Place provided by the City of Pigeon Forge Tree Board.

712.7.3. Minimum Size at Time of Planting: All trees at the time of planting shall be a minimum caliper of 1 and ½ or a minimum height of five (5) feet.

712.7.4. Stabilization: All landscape planting areas need to be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

712.7.5. Planting in Easements: Nothing except for small trees, shrubs or ground cover shall be planted or installed within any underground or overhead utility, drainage or gas easement without the written consent of the utility provider, easement holder or city.

712.7.6. Plans for landscaping, screening, open space, ingress/egress points. The landscaping plan shall include landscaping containing the following minimum standards:

712.7.6.1. Street Frontage: a landscaped strip of seven (7) feet in width and a minimum of one tree for every twenty-five (25) feet.

712.7.6.2. Interior Landscaping: Five (5) percent of the interior of the parking area shall be landscaped and one tree for each three (300) hundred square feet of landscaped area shall be required along with other appropriate plant materials.

712.7.6.3. Perimeter Landscaping: A landscaped strip of five (5) feet is required.

712.7.6.4. Parking Spaces: The parking spaces shall be designed and constructed in a manner that will prevent damage to the landscaping by vehicular or pedestrian traffic.

712.7.6.5. Description of Materials: The plan shall contain a description of plants and material and methods for care and maintenance.

712.7.6.6. Maintenance: The landscaping shall be permanently maintained (see section 410.7).

712.7.7. Landscaping Addition: Requirements for interior landscaping in parking areas for commercial site plans under 409.8.2 may be waived if trees/landscaping are placed around the perimeter of the parking areas and the buildings at one (1) tree every twenty (20) feet. The remaining site plan landscaping requirements under section 409.8 still apply in addition to requirements in this district.

712.7.8. Screening Along Residential Districts: To assist in preventing the transmission of light and noise and to generally cushion the ramification of commercial uses on a residential district, screening shall be required where a development abuts any residential district. The screening shall meet the following requirements:

712.7.8.1. It shall be of such plant materials as will provide year-round evergreen screening.

712.7.8.2. It shall not be less than six (6) feet in height.

712.7.8.3. It shall be from the grade of the property upward.

712.7.8.4. It shall be permanently maintained.

712.8. **Sanitation:** All dumpsters must be screened from view on three sides with any combination of trees, landscaping, brick or split faced block enclosures.

712.9. **Streetscape:** A streetscape plan must be submitted identifying all pedestrian movement areas including sidewalks and greenways, trolley stops with covers, trolley access, benches, water fountains, pedestrian entrance areas, public rest rooms, lighting locations and type.

712.10. **Parking:** All parking shall meeting the requirements in Section 402 and 403 except where there is a publically owned parking lot within seven hundred (700) feet of the development, or a parking lot/garage cost is agreed to be shared between the developer and the City of Pigeon Forge that will meet the requirements of Sections 402 and 403 with expansion capability for other projects/developments at the discretion of the City. Parking proposed for any state or city right-of-way shall not count towards any parking requirements.

712.11. **Exterior Lighting:** Exterior lighting of the building and site shall be designed so that light is not directed off the site and the light source is shielded from direct off-site viewing. All outdoor light fixtures shall be shielded, designed or provided with light angle cut-offs, have 45 degree down directional flood lighting, or recessed in order to eliminate uplighting, spill light and glare.

712.11.1. Excessive illumination of signage, building or site shall be avoided. Roof lighting, down lighting that washes the building walls, and illuminated awnings are prohibited.

712.11.2. Fixture mounting height should be appropriate for the project and the setting. The mounting height of fixtures in smaller parking lots or service areas shall not exceed twenty (20) feet. Lower mounting heights may be required where sites are adjacent to residential areas or other sensitive land uses. Low bollard type fixtures shall be used at three (3) to four (4) feet in height in pedestrian areas for lighting.

712.11.3. Motion activated lights shall be utilized wherever feasible.

712.12. **Utility Plans:** The power plan shall utilize an underground system. Where an underground system is not possible, as determined by the planning commission, power service connections shall be located at the rear of the structure or structures.

712.13. **Signage:** The following types of signage are permitted in this district.

712.13.1. Ground Sign: Each controlled district shall be allowed to have monument signage (either single or divided) at major ingress and/or egress point(s). These point(s) must be adjacent to (or feeder for) public road(s) or at the boundary of the property within the C-7 zone. The total signage for any ingress and/or egress points should not exceed 1,000 square feet allowed for two signs with no one sign having more than five (500) square feet. Each sign may be two sided with a digital display not allowed to exceed two hundred and fifty (250) square feet of the sign face. The height of any ground sign is not to exceed twenty-five (25) feet from the monument to the utmost tip of the sign. For purposes of this ordinance, a controlled district shall be defined as a C-7 zone in accordance with section 712 of this ordinance.

712.13.2. Roof sign: Roof signs are permitted with one per building. However, the top of the roof sign may not be taller than the main roof line. Maximum size per roof sign is one hundred and fifty (150) square feet with no digital display.

712.13.3. Interior Wall Signs: Signs for naming different rides, signs for crafts and booths are not included in the sign use calculations unless these signs can be easily read from a public thoroughfare outside of the planned district.

712.13.4. Outparcel Wall Signs: Outparcel wall signs and graphics shall be no more than twenty (20) percent of the wall façade up to a maximum of 300 square feet of the perimeter buildings.

712.13.5. Perimeter Signage: Perimeter wall signs and graphics shall be no more than twenty (20) percent of the wall façade.

ARTICLE VIII

801. **Area, Yard, and Height Requirements.** For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Pigeon Forge, Tennessee, Zoning Ordinance are hereby established as follows:

(Amended by Ord. 957, Adopted 5/13/13; Ord. 923, Adopted 4/11/11, Ord. 714, Adopted 11/10/03; Ord. 756, Adopted 3/28/05; and Ord. 560, Adopted 3/23/98)

| Area, Yard, and Height Requirement by District in the City of Pigeon Forge | | | | | | | |
|---|--------------------------|---|----------------------|---|-----------------------|-----------------------|---------------------------------|
| District | Area in Square Feet | Minimum Lot Size Per Addition Family (sq. ft) | Lot Width in Feet ** | Minimum Yard Requirements From Property Lines | | | Maximum Height of Structures |
| | | | | Front | Side (Each Side) | Rear | |
| R-1 | 10,000 | 10,000 | 70 ft | 30 ft | 15 ft*** | 25 ft*** | 35 ft |
| R-2 | 7,000 | 3,500 | 60 ft | 30 ft | 8 ft per story*** | 25 ft*** | 35 ft |
| C-1 | FAR not greater than 1.0 | | | 35 ft* | Per building code | Per building code | 80 ft |
| C-2 | FAR not greater than 1.0 | | | 35 ft* | Per building code | Per building code | 80 ft |
| C-3 | FAR not greater than 1.0 | | | 35 ft* | 35 ft | | 70 ft |
| C-4 | Arterial Streets | | | 25 ft | 25 ft | 25 ft | 85 ft |
| | Collector Streets | | | 25 ft | 25 ft | 25 ft | 48 ft |
| | Residential Streets | | | 25 ft | 25 ft | 25 ft | 35 ft |
| M-1 | FAR not greater than 1.0 | | | 30 ft | 20 ft | 25 ft | 75 ft |
| C-5(a) | None | | | 50 ft**** | 50 ft**** | 50 ft**** | Buildings 70 ft Rides 150 ft |
| C-5(b) | None | | | 15 ft**** | 15 ft**** | 15 ft**** | 70 ft |
| C-6 | FAR not greater than 1.0 | | | 35ft*(a) | Per building code**** | Per building code**** | 70 ft |

* Except no setback on 441 and setback are measured from the center line of the street

** Except on cul-de-sac

*** Accessory structures – Section 508

**** Structure and amusement setbacks of Sections 709.5 and 709.10 apply.

(a) Except as guided by the Board of Zoning Appeals in section "Use Permitted on Review"

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

901. **Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article XI. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as clearly as is possible in the opinion of the Board of Zoning Appeals.

902. **Adjoining and Vacant Lots of Record.** A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

903. **Front Yards.** The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum front yard shall be the average of the existing front yard depths on the developed lots.

904. **Group Housing Projects.** In the case of a group housing project or two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such housing projects, a special exception to the terms of this ordinance may be made by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and an intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is located or a smaller lot area per family than the minimum required in such district, or a greater height or a larger coverage than the requirements of this ordinance permit in such a district.

905. **Exception on Height Limits.** The height limitations of this ordinance shall not apply to church spires, public belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials, except height requirements shall apply to telecommunication towers. Telecommunication towers shall include but not be limited to cellular, radio and television towers and each shall be constructed on a separate parcel with the minimum undeveloped square feet totaling at least a one to one ratio for set backs of one ground

foot for every one foot of tower height. No telecommunication tower shall be placed on any parcel that is subject to clear cutting and each telecommunication tower parcel shall have a buffer zone one hundred feet wide on all sides forested with trees, each of which have four inch caliper width. Each telecommunication tower shall be constructed only upon the posting with the City of a performance bond equal in amount to twenty (20%) percent of the construction cost for the performance of tower demolition upon the termination of the towers use. (Telecommunication Section added by Ord. 649, Adopted 4/23/01)

906. **Exception on Off-Street Parking.** Upon the approval of an incentive agreement by the City Commission, the Planning Commission, through the site plan approval process, may exempt all, or a portion of the off-street parking requirements of this ordinance for the development or redevelopment of a major project, if all of the following criteria are met:

- a. The nature of the project and site are such that the provision of off-street parking under the general terms of this ordinance would detract from the project and /or be infeasible to provide;
- b. The site will be developed as a Planned Unit Development (PUD) and encompass at least ten (10) acres in area, contain a minimum of one hundred thousand (100,000) square feet of leaseable commercial area, and reasonably be expected to generate at least twenty million dollars (\$20,000,000) in gross annual sales upon completion; and
- c. Adequate parking is or will be made available in a municipally owned lot adjacent to the property in question.

(All of Section 906 added by Ord. 779, Adopted 9/12/05)

ARTICLE X. ENFORCEMENT

1001. **Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1002. **Building Permit Required.** It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building inspector has issued for such work a building permit including a statement that the plans, specifications and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector.

1003. **Issuance of Building Permit.** The building inspector may issue a foundation permit, in accordance with the terms of section 106.3.3 of the 2006 International Building Code, for new construction prior to the receipt of a certified footer survey, but the applicant will be proceeding at his own risk. Prior to receiving a building permit for any above ground construction, the applicant shall submit said certified footer survey indicating the location and extent of the proposed building or addition (including decks, etc.) in relation to property lines, rights-of-way and setback lines. The applicant shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If the building inspector refuses to issue a building permit, he shall state the reasons for such refusal in writing to the applicant. (Amended by Ord. 854, Adopted 2/11/2007)

1004. **Certificate of Occupancy.** Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

1005. **Penalties.** Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1006. **Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate action in proceeding to prevent the occupancy or use of such building.

ARTICLE XI. BOARD OF ZONING APPEALS

1101. **Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of Public Acts of Tennessee of 1935. The Pigeon Forge Regional Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Pigeon Forge Regional Planning Commission.

1102. **Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witness. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1103. **Appeals: How Taken.** An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building inspector and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith to the board all papers constituting the record upon which the action for the hearing of the appeal, give notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1104. **Powers.** The board of zoning appeals shall have the following powers:

1104.1. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

1104.2. **Special Exceptions.** To hear and decide special exceptions to this ordinance as set forth in Article IX.

1104.3. **Variance.** To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granted a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it

shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1105. **Action of the Board of Zoning Appeals.** In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XII. AMENDMENT

1201. **Procedure.** The Mayor and Board of Commissioners may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the Mayor and Board of Commissioners requesting an amendment or amendments to this ordinance. No request for amendment for rezoning shall come before the city board more than once per year for substantially the same property or properties unless the same on second request for amendment for rezoning has been approved by the Planning Commission for the City of Pigeon Forge. If thirty (30%) percent or more of the property was in a rezoning request submitted by the property owners, the rezoning request shall be considered substantially the same, regardless of the nature of the request. (Adopted by Ord. 683 on 9/9/02)

1202. **Approval by Planning Commission.** No such amendment shall become effective unless the same first be submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

1203. **Introduction of Amendment.** Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen of the request change. Said notice shall be published in some newspaper of general circulation in the City of Pigeon Forge, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIII. LEGAL STATUS PROVISIONS

1301. **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 the City of Pigeon Forge, the most restrictive shall in all cases apply.

1302. **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.

1303. **Effective Date.** This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission _____

Passed on First Reading _____

Passed on Second Reading _____

Approved and Signed in Open Meeting _____

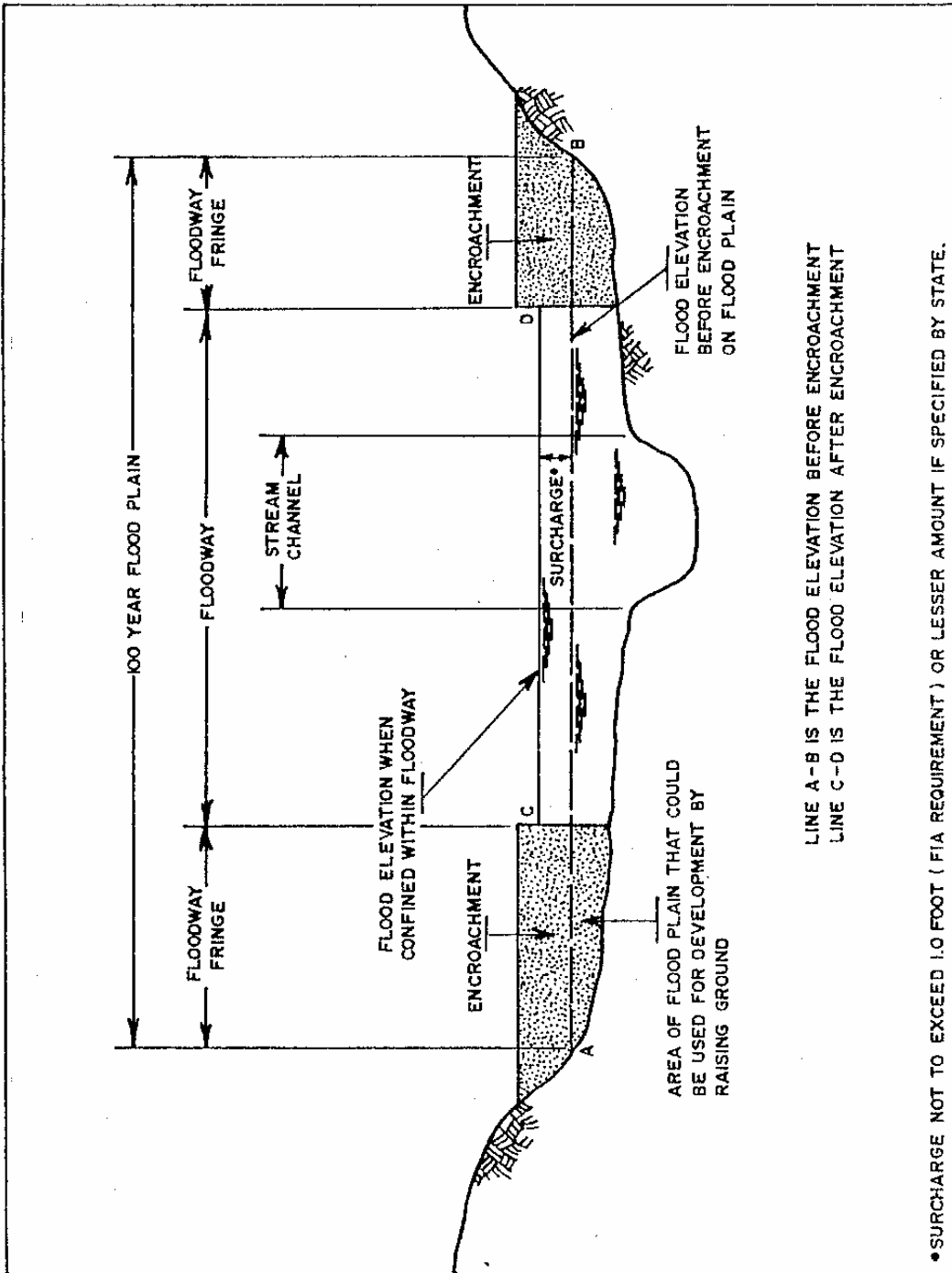
Approved as to Form:

/S/ _____
City Attorney

Attest:

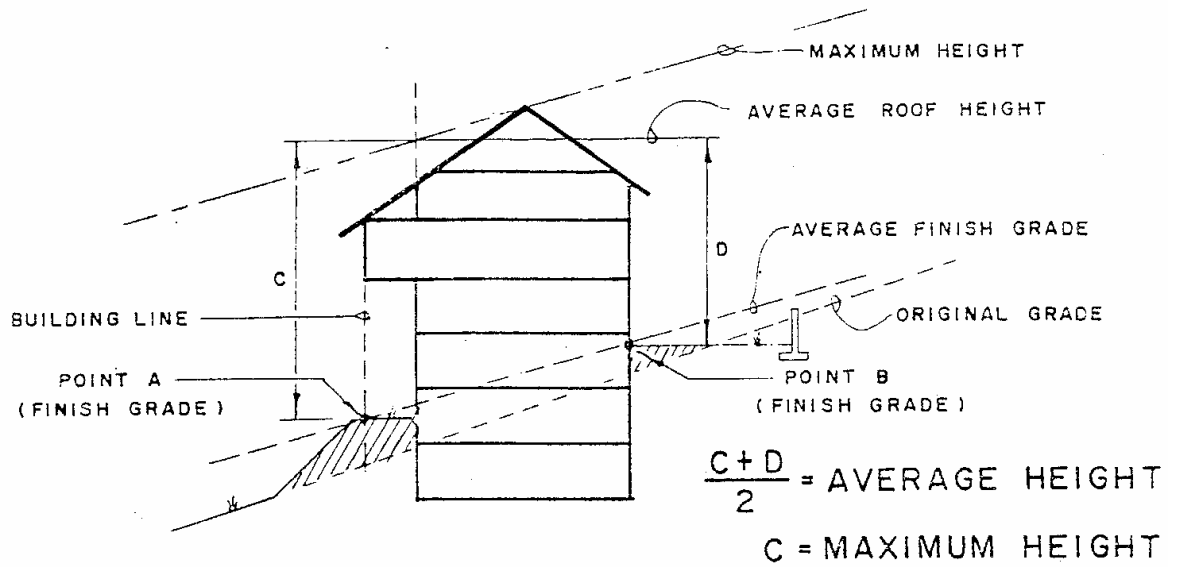
/S/ _____
City Recorder

APPENDICES

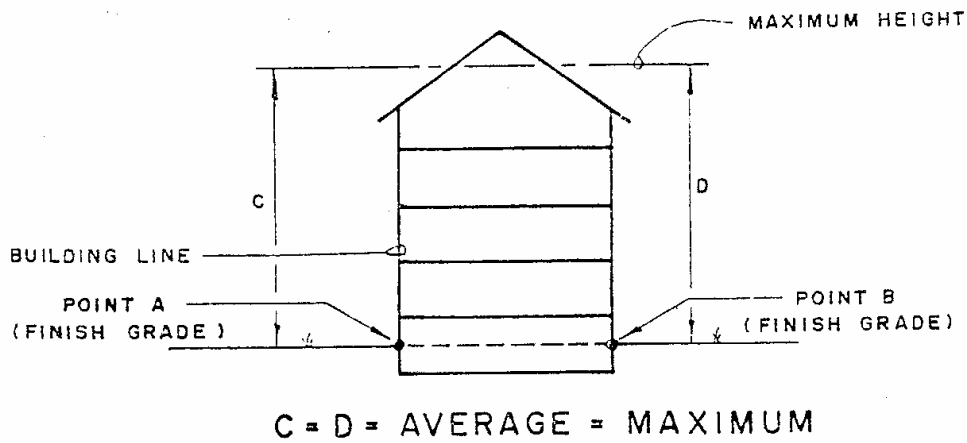


LINE A-B IS THE FLOOD ELEVATION BEFORE ENCROACHMENT
 LINE C-D IS THE FLOOD ELEVATION AFTER ENCROACHMENT

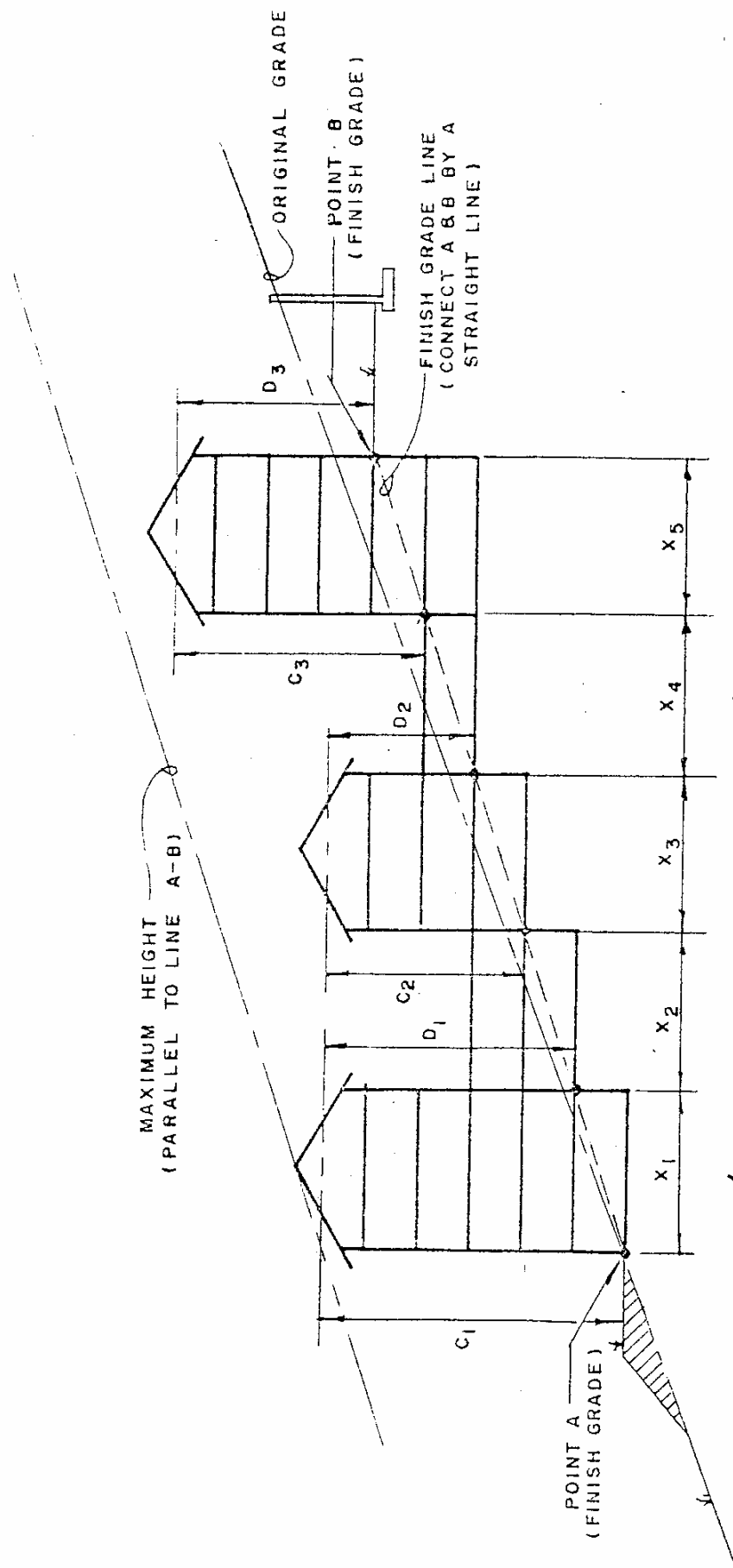
FLOODWAY SCHEMATIC



SKETCH A
(HILLSIDE DEVELOPMENT)



SKETCH B
(LEVEL DEVELOPMENT)



$$\frac{\left(\frac{C_1 + D_1}{2} \times X_1 \right) + \left(\frac{D_1 + C_2}{2} \times X_2 \right) + \dots}{X_1 + X_2 + X_3 + \dots} = \text{AVERAGE HEIGHT}$$

C = MAXIMUM HEIGHT

SKETCH C

(FOR VARYING INTERMEDIATE HEIGHTS)

MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE ADOPTED PURSUANT TO
Tennessee Code Annotated Section 6-19-101.

FOR THE PURPOSE OF AMENDING THE City of Pigeon Forge, Tennessee Municipal Code regulating development within the corporate limits of the City of Pigeon Forge, Tennessee, to minimize danger to life and property due to flooding, and to establish eligibility for participation in the NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE 1. **Statutory Authorization, Findings Of Fact, Purpose And Objectives**

Section A. ***Statutory Authorization***

The Legislature of the State of Tennessee has in Section 6-19-101 Tennessee Code Annotated 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 City of Pigeon Forge, Tennessee Mayor and Board of Commissioners, does ordain as follows:

Section B. ***Findings of Fact***

1. The City of Pigeon Forge, Tennessee, Mayor and Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Pigeon Forge, Tennessee, 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.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section 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 flooding or erosion hazards, or which result in 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 floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. **Objectives**

The objectives of this Ordinance are:

1. To protect human life, health, safety 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, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE 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" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"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" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" 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 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 solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, 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 initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the 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, 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 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).

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

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent 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 examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by 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 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 FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone 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 and 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 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 floodplain 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.

"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, blockage of bridge or culvert 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, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. 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 the Interior; or
4. Individually listed on the City of Pigeon Forge, Tennessee, inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. 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 a basement. An unfinished or flood resistant enclosure used 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".

"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 FEMA.

"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 the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial 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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use 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 Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. 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.

"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; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial 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" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"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 fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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 fifty percent (50%) 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.

"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, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE 3. **General Provisions**

Section A. ***Application***

This Ordinance shall apply to all areas within the incorporated area of the City of Pigeon Forge, Tennessee.

Section B. ***Basis for Establishing the Areas of Special Flood Hazard***

The Areas of Special Flood Hazard identified on the City of Pigeon Forge, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47155 C – 0220E, 0228E, 0229E, 0233E, 0234E, 0236E, 0237E, 0239E, 0241E, 0242E, 0243E, 0244E, dated May 18, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. ***Requirement for Development Permit***

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

Section D. ***Compliance***

No land, 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.

Section E. ***Abrogation and Greater Restrictions***

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

Section 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 Tennessee statutes.

Section 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 Areas of Special Flood Hazard 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 Pigeon Forge, 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.

Section 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 shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Pigeon Forge, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE 4. **Administration**

Section A. ***Designation of Building Official***

The Building Official is hereby appointed to administer and implement the provisions of this Ordinance.

Section B. ***Permit Procedures***

Application for a development permit shall be made to the building official 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, storage of materials or equipment, 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 Base Flood Elevations are available, or to certain height above 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 floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

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

2. **Construction Stage**

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base 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. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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.

Section C. **Duties and Responsibilities of the Building Official**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify 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 submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. 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), 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 this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Pigeon Forge, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance 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.

ARTICLE 5. Provisions For Flood Hazard Reduction

Section A. **General Standards**

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring 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 and 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 that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. ***Specific Standards***

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to 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 shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A 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 to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). 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 shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of 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 shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three

(3) feet above the highest adjacent grade (as defined in Article II). 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 shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, 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 capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee 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 Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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 Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two 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;
 - 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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

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.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- 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 in an identified Special Flood Hazard Area 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), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development 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 and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. ***Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated***

Located within the Special Flood Hazard Areas established in Article III, Section 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 development 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 shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Pigeon Forge, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. ***Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated***

Located within the Special Flood Hazard Areas established in Article III, Section 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 construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee 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.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. ***Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)***

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, 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 (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the

stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 City of Pigeon Forge, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. ***Standards For Areas of Shallow Flooding (AO and AH Zones)***

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, 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 as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, 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 on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee 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 accordance with Article IV, Section B.

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

Section G. ***Standards For Areas Protected by Flood Protection System (A-99 Zones)***

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. ***Standards for Unmapped Streams***

Located within the City of Pigeon Forge, 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. No encroachments including fill material or other development including 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 Tennessee 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.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE 6. **Variance Procedures**

Section A. ***Board of Floodplain Review***

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of the members of the Pigeon Forge Board of Zoning Appeals. The appointment, term of membership and filling of vacancies shall be as specified for the Pigeon Forge Board of Zoning Appeals.

2. Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of

Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty (\$50.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than sixty-five (65) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Floodplain Review shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Pigeon Forge, Tennessee Board of Floodplain Review 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 as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

- 3) In passing upon such applications, the Board of Floodplain Review 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 use;
 - 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 floodplain 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;
 - 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, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

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

Section 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 the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE 7. **Legal Status Provisions**

Section 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 the City of Pigeon Forge, Tennessee, the most restrictive shall in all cases apply.

Section B. **Severability**

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.

Section C. **Effective Date**

This Ordinance shall become effective fifteen (15) days after its final passage, the public welfare requiring it.

Flood Ordinance approved and adopted by the Pigeon Forge, Tennessee Mayor and Board of Commissioners by Ord. 896 on 9/14/2009.