

ORDINANCE NO. 2402

AN ORDINANCE TO AMEND SECTIONS 406.4.2.2 AND 406.4.3.2 OF ORDINANCE NO. 830 OF THE CITY OF GATLINBURG, BEING THE ZONING ORDINANCE, AND FURTHER BEING AN ORDINANCE TO PLACE A TIME LIMIT ON THE APPROVAL OF PUD PLANS AND PROVISIONS FOR EXTENSIONS THEREOF.

WHEREAS, final PUD plans do not currently have an expiration, and a requirement that such a time limit be placed on these items would facilitate completion of projects or the termination of same; and

WHEREAS, the adoption of this ordinance was recommended by the Municipal Planning Commission; and

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

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

Section 1. Section 406.4.2.2 of Ordinance No. 830, being the Zoning Ordinance of the City, is amended by adding an additional paragraph thereto as follows:

“Approval of a final PUD plan shall lapse twenty-four (24) months from the date it was approved by Planning Commission if substantial progress has not been made towards the development of the project. For the purposes of this section, substantial progress shall mean that the infrastructure improvements (roads and utilities) shall be completed to the extent that sub-grades can be certified by the design engineer and all utilities have been inspected and tested to the satisfaction of the City. Where installation of infrastructure is not required for the development, then substantial progress shall mean that a minimum of 10% of the proposed structure(s) for the entire development (if not phased) or of Phase I (if phased) shall have been permitted and under physical construction. If the developer cannot meet these timeline

stipulations, then a formal request for an extension of the final approval may be submitted to the Municipal Planning Commission provided that the applicant can produce written documentation that the proposed development will begin within 60 days.

The application for a final approval extension shall include the following:

1. A written formal request from the property owner for an extension;
2. Copies of all construction contracts containing dates and signatures;
3. Proof of final funding for project improvements and/or a letter from a lending institution stating that funding has been secured for the completion of the project;
4. A time schedule indicating the proposed starting date and anticipated completion date with both developer and contractor's signatures."

Section 2. Section 406.4.2.2 of Ordinance No. 830 is further amended by adding additional language to the first sentence thereof, after the phrase ... 'final drafts of legal documents', as follows:

"a signed certificate of acknowledgement, by the property owner, recognizing the Final PUD Site Plan approval expiration period,"

Section 3. Section 406.4.3.2 of Ordinance No. 830, being the Zoning Ordinance of the City of Gatlinburg is amended by adding an additional paragraph thereto, as follows:

"Approval of a final PUD plan shall lapse twenty-four (24) months from the date it was approved by Planning Commission if substantial progress has not been made towards the development of the project. For the purposes of this section, substantial progress shall mean that the infrastructure improvements (roads and utilities) shall be completed to the extent that sub-grades can be certified by the design engineer and all utilities have been inspected and tested to the satisfaction of the City. Where installation of infrastructure is not required for the development, then substantial progress shall mean that a minimum of 10% of the

proposed structure(s) for the entire development (if not phased) or of Phase I (if phased) shall have been permitted and under physical construction. If the developer cannot meet these timeline stipulations, then a formal request for an extension of the final approval may be submitted to the Municipal Planning Commission provided that the applicant can produce written documentation that the proposed development will begin within 60 days.

The application for a final approval extension shall include the following:

1. A written formal request from the property owner for an extension;
2. Copies of all construction contracts containing dates and signatures;
3. Proof of final funding for project improvements and/or a letter from a lending institution stating that funding has been secured for the completion of the project;
4. A time schedule indicating the proposed starting date and anticipated completion date with both developer and contractor's signatures."

Section 4. Section 406.4.3.2 of Ordinance No. 830 is further amended by inserting additional language in the first sentence of said section, following the term ... 'and restrictions for open space, ...' as follows:

"a signed certificate of acknowledgement, by the property owner, recognizing the Final PUD Site Plan approval expiration period,"

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.



MAYOR

ATTEST:



CITY RECORDER

Approved by Gatlinburg Planning
Commission on November 20, 2008

Passed first reading 12/10/08

Passed second reading 12/10/08

APPROVED AS TO FORM:



RONALD E. SHARP, CITY ATTORNEY