

## 2.7.3. Overlay Districts

**2.7.3.1 Flood Overlay District (FLO.)** The Flood Overlay District identifies land within the City that lies wholly or partly within the 100-year floodplain or floodway. The zoning map indicates the approximate location of these floodplains. The official National Flood Insurance Program (NFIP) flood maps should be consulted for final determination of the boundary of this overlay district.

a. Uses. Allowable uses in this overlay district shall be those allowed in the underlying base zoning district.

b. Development within the FLO District. Any development within this District shall be accomplished in accordance with the provisions of the Sevierville Municipal Flood Damage Prevention Ordinance, and with the following provisions:

i. All development within the FLO District shall be constructed so that the finished floor elevation is one (1) foot above the one hundred (100) year flood elevation.

ii. Except as provided for in iii. below, no building or structure shall be located within ten (10) feet of an established floodway lying within the FLO, as shown on NFIP maps.

iii. The Planning Commission may allow construction in the designated floodway provided a detailed engineering study is submitted that verifies a "no impact" condition is maintained. The study shall make use of the HEC-RAS computer model or a subsequent FEMA approved model.

iv. On any stream without an established floodway, no building or structure shall be permitted within ten (10) feet of the top of the bank of the stream.

**2.7.3.2 Interstate Impact Overlay District (IIO).** The provisions of this District are designed to recognize the unique circumstances created at the points at which local, state, and federal streets and highways intersect with the federal Interstate system of highways. The intent of this district is to provide for the placement of on-premises business signs, appropriate in size and scale to their setting, for the purpose of attracting high speed Interstate travelers to exit the Interstate.

a. Uses. Allowable uses in this overlay district shall be those allowed in the underlying base zoning district.

b. Interstate monopole signs may be placed within the IIO District, but only in accordance with all applicable provisions of Chapter 6.O, Signs, and Chapters 3.O and 4.O, where applicable.

### 2.7.3.3 Downtown Commercial Historic Overlay District (DHO).

The Downtown Commercial Historic District identifies properties within the original historic boundaries of the original development of the commercial area of Downtown Sevierville. The intent of this overlay is to preserve and protect the pedestrian connectivity, the historic architecture, and the historical center of Sevier County.

The overlay zone, as adopted by the Board of Mayor and Alderman, and as may be amended from time to time, shall be regulated in accordance with the Historic Zoning Commission requirements as set forth in T.C.A. § 13-7-401 - 13-7-409 and Section 8.3 of this ordinance.

a. **Uses:** The allowable uses shall be those allowed in the underlying base zoning district.

b. **Additional Requirements:** A certificate of appropriateness, as defined in Section 8.4 hereof, must be issued by the Historic Zoning Commission, in accordance with its procedures as set forth in Subsection 8.4.4 hereof, prior to any site development, alteration, demolition or the issuance of a building permit in the DHO District.

specifying the grounds thereof.

- b. The Zoning Inspector shall transmit forthwith to the board all information constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public 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.

8.2.5 **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 Zoning Inspector. The 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 or to authorize any variance from the terms of this Ordinance.

### 8.3 Historic Zoning Commission (HZC)

8.3.1 **Establishment** There is hereby established the Historic Zoning Commission (HZC) pursuant to Sections 13-7-401 through 13-7-409 of the Tennessee Code, Annotated.

8.3.2 **Powers and Duties** The HZC shall have the following powers and duties:

8.3.3 **Site Plan Review** For structures and properties subject to Site Plan review and that are located within the Downtown Commercial Historic Overlay District (DHO), the HZC shall review and make decisions on Certificates of Appropriateness as part of the Site Plan review procedure pursuant to Section 8.5, Site Plan Review, and Section 8.4, Certificate of Appropriateness in a DHO District.

8.3.4 **Certificates of Appropriateness in the DHO District** To review and make decisions on applications for Certificates of Appropriateness pursuant to Section 8.4, Certificates of Appropriateness in a DHO District.

8.3.5 **Powers Related to the DHO Overlay District** Pursuant to the powers granted by the Tennessee Code Annotated, and consistent with the Historic District Design Guidelines, the HZC shall consider the following in determining whether to issue a Certificates of Appropriateness:

- a. Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.
- b. Appropriateness of exterior design or extension of an existing building or structure.
- c. Appropriateness of setbacks, front, side, or rear yards, off-street parking spaces, location of sidewalks along the public right-of-way that might affect the character of a building or structure. The general compatibility of exterior design, arrangement, texture, and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the HZC shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

8.3.6 **Additional Powers** The following shall also be the duty of the HZC:

- a. To regularly revise and update the historic preservation plan.
- b. To comment on projects that may have a potential adverse impact on properties that are listed in the National Register of Historic Places
- c. To nominate properties for inclusion in the Downtown Commercial Historic District.
- d. To maintain and update the Historic Resources Survey.
- e. To develop the Historic District Design Guidelines.

8.3.7 **Membership** As provided by state law, the HZC shall consist of no less than five (5) and no more than nine (9) members, including a representative of a local patriotic or historical organiza-

tion; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. The historic zoning commission shall be appointed by the Mayor, subject to confirmation by the Board of Mayor and Aldermen. The terms of members shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation.

8.3.8 **Bylaws** The HZC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

## 8.4 Certificate of Appropriateness in a DHO District

8.4.1 **Purpose and Scope.** The purpose of this subsection is to provide for the review by the HZC of development, construction, alteration, or demolition of structures within the DHO District pursuant to this Subsection and Subsection 2.7.3.3, Downtown Commercial Historic Overlay District (DHO).

### 8.4.2 **Applicability.**

- a. Unless otherwise exempted in Subsection 8.4.3 below, no Building Permit for construction, alteration or rehabilitation, moving, or demolition shall be issued by the Development Department within the DHO District until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.
- b. In instances where a Certificate of Appropriateness is required for exterior work that does not require a Building Permit (e.g., replacement of windows or the installation of fences), no work shall occur until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.

8.4.3 **Exemption** Building Permits for work (electrical, interior structural, etc.) on the interior of the structure shall be exempt from the provisions of this subsection provided that the work for which the Building Permit is requested will not alter the external appearance or the gross floor area of the structure.

8.4.4 **Initiation** An application for a Certificate of Appropriateness shall be initiated by the property owner or other person having authority to file an application on the owner's behalf.

**a. Step 1 - Application for a Certificate of Appropriateness in the DHO District** An application for a Certificate of Appropriateness shall be made in accordance with application requirements established by the Development Department for properties subject to Site Plan review. The application for a Certificate of Appropriateness shall be made prior to review of the Site Plan pursuant to Section 8.5, Site Plan Review. All other applications may be made with the application for a Building Permit. A Zoning Compliance Certificate may not be issued until a Certificate of Appropriateness has either been issued or deemed not to be applicable.

**b. Step 2 - HZC Review and Decision on the Certificate of Appropriateness** Upon receiving an application for a Certificate of Appropriateness, the HZC shall, within 30 days following the submission of all information deemed necessary by HZC staff, meet and consider the request and either issue a Certificate of Appropriateness; issue a Certificate of Appropriateness with conditions; or decline to issue a Certificate of Appropriateness, stating grounds for disapproval in writing. The HZC shall report its decision to the Development Department. If no action is taken by the HZC within the 30 day period, the application shall be deemed denied. The 30 day period time period may be extended with the agreement of the applicant. If the Certificate of Appropriateness is issued, then the Building Permit application or Site Plan review shall be processed in accordance with this ordinance or in the same manner as that of any other application. If the HZC disapproves the Certificate of Appropriateness, the applicant shall be notified of the disapproval in

writing by the Development Department.

- c. Step 3 - Final Building Permit Review** The Development Department shall review applications for Building Permits that have received written approval from the HZC in the form of a Certificate of Appropriateness, in the same manner as applications made outside of the DHO District, and final issuance or rejection shall be based upon adopted building codes.

**8.4.5 Approval Criteria** The HZC shall consider the following in evaluating an application for a Certificate of Appropriateness:

- a. Whether the proposed action is in harmony with the objectives and purpose of the DHO District;
- b. Whether the result of the proposed action would be esthetically consistent and harmonious other structures within the DHO District;
- c. In the case of alterations to existing structures, whether the proposed action complies with the "Standards for Rehabilitation" and the applicable guidelines for exterior features promulgated by the Secretary of the Interior in the publication, "Standards for Rehabilitation", (Jan. 1980 or latest revision);
- d. In the case of new construction, whether the proposed action complies with the "Standards for Rehabilitation" and the applicable guidelines for new construction promulgated by the Secretary of the Interior in the publication, "Standards for Rehabilitation", (Jan. 1980 or latest revision);
- e. In the case of alterations of existing structures and new construction, whether the proposed action complies with the Historic District Design Guidelines;
- f. In the case of removal or demolition, whether the structure could not be rehabilitated and used in a manner conforming to the Historic District Guidelines and the City Zoning Ordinance, with reasonable efforts;
- g. In the case of removal or demolition, whether the structure is without substantial historic or architectural significance;
- h. A Certificate of Appropriateness shall be granted: In the case of alterations to existing structures if the HZC answers (a), (b), (c), and

(e) affirmatively; In the case of new construction, if the HZC answers (a), (b), (d), and (e) affirmatively; and In the case of removal or demolition, if the HZC answers (a), (b) and either (f) or (g) affirmatively. If the HZC does not answer the required questions affirmatively, then it shall either deny the Certificate of Appropriateness or grant it subject to the conditions as may be required in order to permit an affirmative answer to the required questions.

**8.4.6 Appeals** The HZC shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the HZC may have the order or judgment reviewed by the courts by the procedures set forth in Section 27-8-101 et seq. of the Tennessee Code Annotated.

**8.4.7 Injunctive Powers and Penalties** Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this ordinance, then the City Attorney may apply to a court of competent jurisdiction for an injunction against a violation of this ordinance and for such other civil remedies as may be appropriate.

## 8.5 Site Plan Review

**8.5.1 Purpose.** It is the general purpose and intent of this Section to require site plans for all new developments, or redevelopment, 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.

**8.5.2 Site Plan Review Committee Established.** The Site Plan Review Committee is hereby established as an advisory committee to the Development Department, the Planning Commission and Board of Mayor and Alderman. It shall consist of the Director of Development, Director of Public Works, Director of Water and Sewer, Fire Chief, and City Engineer. Any member of the Site Plan Review Committee may appoint a designee or designees. The Site Plan Review Committee will consult with other city officials