

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. RECREATIONAL BOARD.
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3. ENVIRONMENTAL DESIGN REVIEW BOARD.

CHAPTER 1**RECREATIONAL BOARD****SECTION**

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- 2-102. Duties and responsibilities.
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2-101. Creation and terms. The Gatlinburg Recreational Board shall consist of eleven (11) members appointed by the board of commissioners. The members of the recreation board shall serve two (2) year terms, with the terms staggered so that a portion of the board shall be appointed or reappointed each year. Any vacancy occurring before the expiration of a term shall be filled for the remaining portion of said term only. (Ord. #2151, June 1997, as amended by Ord. #2390, June 2008)

2-102. Duties and responsibilities. The members of the Gatlinburg Recreational Board shall serve in an advisory capacity to the board of commissioners on matters relating to the recreational facilities of the city including planning, construction, supervision, and maintenance, and any other matter relating to the recreational facility of the city. (1976 Code, § 1-1002)

2-103. Meetings. The Gatlinburg Recreational Board shall meet monthly at city hall or at such other time as the board may establish. (1976 Code, § 1-1003)

2-104. Cooperation with board of commissioners. It is the purpose of this section to provide the residents of the city with suitable persons selected by the board of commissioners to advise in such matters of recreation; that there will exist a spirit of cooperation in bringing matters relating to recreation to the attention of the board of commissioners to the end that all residents of the city and its visitors will be provided with excellent recreational facilities. (1976 Code, § 1-1004)

2-105. Board review and recommendation. The recreational board shall review all capital improvement projects on any proposed and/or existing city park or recreational facilities prior to said proposals being presented to the board of commissioners, if it is to be presented to the board of commissioners. The recreational board shall make recommendations on such projects and present same to the board of commissioners. (1976 Code, § 1-1005)

CHAPTER 2

CITY TREE BOARD

SECTION

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2-201. Definitions. (1) “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying within the right-of-way of all streets, avenues, or ways within the city.

(2) “Park trees” are herein defined as trees, shrubs, bushes and all other woods vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park. (1976 Code, § 12-301)

2-202. Creation and establishment of a city tree board. There is hereby created and established a City Tree Board for the City of Gatlinburg, Tennessee, which shall consist of five members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the board of commissioners. (1976 Code, § 12-302)

2-203. Term of office. The term of the five persons to be appointed by the mayor shall be three (3) years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. (1976 Code, § 12-303)

2-204. Compensation. Members of the board shall serve without compensation. (1976 Code, § 12-304)

2-205. Duties and responsibilities. It shall be the responsibility of the board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the board of commissioners and upon their acceptance and approval, shall constitute the official comprehensive city tree plan for the City of Gatlinburg. The tree board shall consider, investigate, make findings, report and recommend upon any special matter or question coming with the scope of its work. (1976 Code, § 12-305)

2-206. Operation. The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (1976 Code, § 12-306)

2-207. Street tree species to be planted. The following list constitutes the official street tree species for Gatlinburg, Tennessee. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
Cherry, Flowering	Ash	Beech
Crab Apple, Flowering	Basswood	Coffeetree, Kentucky
Dogwood	Birch	Ginkgo
Fringe Tree	Hackberry	Magnolia, Cucumber Tree
Golden Rain Tree	Honey Locust (thornless)	Maple
Hawthorne	Mulberry, Red (fruitless male)	Oak
Holly, Foster	Pagodatree, (Japanese)	Poplar, Tulip
Lilac, Japanese	Persimmon	Sweetgum
Magnolia, Sauder	Sassafras	Sycamore
Maple, Japanese	Yellowwood	
Pear, Bradford		
Plum		
Redbud		
Service Berry		
Sourwood		
Rhododendron		

Small Trees (cont.)

Azaleas
 Juniper (Ground
 Cover)
 Mountain Laurel

(1976 Code, § 12-307)

2-208. Spacing. The spacing of street trees will be in accordance with the three species size classes listed in § 2-207 above and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; Large Trees, 50 feet, except in special plantings designed or approved by a landscape architect. (1976 Code, § 12-308)

2-209. Distance from curb and sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 2-207 and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet. (1976 Code, § 12-309)

2-210. Distance from street corners and fireplugs. No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet from any fireplug. (1976 Code, § 12-310)

2-211. Utilities. No street trees other than those species listed as small trees in § 2-207 may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility. (1976 Code, § 12-311)

2-212. Public tree care. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners on public property providing that the selection and location of said trees in accordance with § 2-207 of this chapter. (1976 Code, § 12-312)

2-213. Tree topping. It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than tree inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city manager. (1976 Code, § 12-313)

2-214. Dead or diseased tree removal on private property. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city tree board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of receipt of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice. (1976 Code, § 12-314)

2-215. Interference with city tree board. It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in or about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this section. (1976 Code, § 12-315)

2-216. Arborists license and bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (1976 Code, § 12-316)

2-217. Review by city commission. The city commission shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the board of commissioners who may hear the matter and make a final decision. (1976 Code, § 12-317)

2-218. Penalty. Any person violating any provision of this section shall be, upon conviction or a plea of guilty, subject to a civil penalty of up to five hundred dollars (\$500.00) per offense. (1976 Code, § 12-318, modified)

CHAPTER 3

ENVIRONMENTAL DESIGN REVIEW BOARD

SECTION

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- 2-304. Vacancies and removal.
- 2-305. Officers.
- 2-306. Quorum and voting.
- 2-307. Meetings and records.
- 2-308. Rules.
- 2-309. Jurisdiction and powers of the board.
- 2-310. Goals and objectives.
- 2-311. Hearings.
- 2-312. Time limitation.
- 2-313. Attendance required.

2-301. Creation. There is hereby created and established a board in and for the City of Gatlinburg which shall be known as the Environmental Design Review Board. (1976 Code, § 11-201)

2-302. Membership and qualifications. The board shall consist of seven (7) members. Each member shall be a qualified, registered voter of the City of Gatlinburg and/or a resident of the planning region who operates or depends upon a business in Gatlinburg for a majority of his/her annual income. Where possible, those individuals who are appointed to the board should include recognized practitioners in the fields of architecture, art, engineering, realty, financing, landscape architecture, and managers or operators representing the motel, restaurant, retailing and recreation industry of the city. (1976 Code, § 11-202)

2-303. Term. The members of the Environmental Design Review Board shall be appointed by the board of commissioners. Member terms shall be staggered for the purpose of future appointments so that all terms will not expire in the same calendar year. Each person so appointed shall serve a term of three (3) years. (1976 Code, § 11-203, as replaced by Ord. #2417, Sept. 2009)

2-304. Vacancies and removal. Any vacancy on the Environmental Design Review Board shall be filled by the board of commissioners by appointing a temporary member to fill the unexpired term of the seat vacated. The board of commissioners may remove any member or members of the board, for misconduct and/or nonperformance of duty. (1976 Code, § 11-204)

2-305. Officers. The Environmental Design Review Board shall elect a chairman from its membership. The chairman shall be counted to determine a quorum and shall have the same rights as other members of the board, including the right to vote. The chairman shall appoint a vice-chairman to serve during his absence, disability or disqualification and said vice-chairman shall exercise and perform all duties and be subject to all the responsibilities of the chairman. In the absence of the chairman and vice-chairman, the remaining board members shall select an acting chairman to serve in that capacity. A member of the city staff, designated by the city manager, shall serve as secretary to the board and also in an advisory capacity. (1976 Code, § 11-205)

2-306. Quorum and voting. A quorum shall consist of four (4) members. The concurrence of a majority of the members of the board present and voting shall be necessary to determine any questions before the board. (1976 Code, § 11-206)

2-307. Meetings and records. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Meetings shall be held only after public notice has been given prior to the scheduled meeting date and no action shall be taken except at a meeting duly assembled and open to the public. The board shall keep minutes of its proceedings showing the vote of the board on all matters coming before said board. (1976 Code, § 11-207, as amended by Ord. #2417, Sept. 2009)

2-308. Rules. The board may adopt and amend from time to time rules to govern the conduct of its business consistent with the provisions of this chapter. (1976 Code, § 11-208)

2-309. Jurisdiction and powers of the board. Except for single family dwellings, no building permit shall be issued for a new building, and no sign permit shall be issued for the erection or construction of a sign relating to such new building, existing structure, or major remodeling, until plans, drawings, sketches and other documents deemed necessary have been reviewed by this board. All building construction, landscaping and/or sign erection undertaken by the City of Gatlinburg shall undergo review by this board regardless of whether the city is legally bound to acquire a permit. For the purposes of this section, the term “major remodeling” shall mean any remodeling that substantially changes the exterior appearance of the building. If permit applicants for single family dwellings so desire, review and advice shall be furnished by the board on any plans, drawings, sketches and other documents the applicant may submit.

Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by this board, unless altered with board approval. Nothing in this

section shall be construed to prevent ordinary repair, maintenance, and replacement of any part of a building or landscaping which does not involve a substantial change in the exterior appearance of the building or the landscape. (1976 Code, § 11-209)

2-310. Goals and objectives. The Environmental Design Review Board shall consider the following list of objectives and goals but shall not be bound by any one or all of them and further may consider any other matters which would further the stated objectives of this board. The list of items which may be considered include:

(1) Conserve the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to the exterior appearance of structures, signs, and other improvements.

(2) Discourage monotonous, drab, unsightly, and inharmonious developments.

(3) Encourage originality, flexibility and innovation in site planning and development, include the architecture, landscaping and graphic design of said development.

(4) Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

(5) Stabilize and improve property values and prevent blighted areas and thereby increase tax revenues.

(6) Achieve the beneficial influence of pleasant environments for living and working and thereby decrease the cost of governmental services.

(7) Foster civic pride and community spirit so as to improve quality and quantity of citizens participation in local government and in community growth change and improvements.

(8) Sustain the comfort, health, tranquility, and contentment of residents and attract new residents and visitors by reason of the city's favorable environment and thereby protect and promote the public health, safety and welfare of the citizens of the City of Gatlinburg.

(9) Submit any recommendations reflecting the majority opinion of said board for the improvement of the overall environment of the City of Gatlinburg.

(10) **Goals and objectives.** Encourage and emphasize the principles of the city's architectural design guidelines in the review and deliberations process of projects. (1976 Code, § 11-210, as amended by Ord. #2417, Sept. 2009)

2-311. Hearings. (1) All deliberations and decisions of the board shall be made at a meeting as provided for hereinabove. At said meetings, the

proponent of the development may attend and state his/her opinions and objectives and inform the members of the board of his/her intentions as well as answer questions from the board members. If the members of the board approve the plans and specifications submitted to it, said approval shall be indicated to the proper city official.

(2) In the event the board shall disapprove the application, the applicant shall be notified by proper city staff of the reason for the disapproval and the needed changes before same will be reconsidered by the board.

(3) The meeting minutes shall be maintained in a public place in city hall with a copy forwarded to the applicant upon request. If the applicant desires to re-submit the application, he/she may do so. (1976 Code, § 11-211, as replaced by Ord. #2417, Sept. 2009)

2-312. Time limitation. All applications approved by the board must be forwarded to the proper city official within fifteen (15) days from the submitted date of the original request. In the event an application is not acted upon by the board within thirty (30) days of the time filed, then for the purposes of this chapter, the same shall be deemed approved and forwarded to the proper city official for determination of whether or not to issue a building permit. (1976 Code, § 11-212)

2-313. Attendance required. Any member shall be automatically removed if he/she misses four (4) consecutive meetings of the board. (1976 Code, § 11-213, as amended by Ord. #2417, Sept. 2009)