
**CITY OF GALLATIN
COUNCIL MEETING**

October 15, 2013

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order – Mayor Jo Ann Graves
- Invocation –
- Pledge of Allegiance – Councilwoman Brackenbury
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: October 1, 2013 Council Meeting and
October 8, 2013 Special Called Council Meeting
- Public Recognition on Agenda Related Items
- Mayor's Comments

AGENDA

1. **Third Reading Ordinance No. O1310-51** to provide revenue for the City of Gallatin Tennessee for Municipal purposes for the 2013 Tax Year and the 2014 Fiscal Year (**Vice Mayor Alexander**)
2. **Second Reading Amended Ordinance No. O1304-22** amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Article 2.00 Language and Definitions and Article 13.00 Performance and Design Standards (**Councilman Overton**)
3. **Second Reading Ordinance No. O1307-40** amending Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures, of the Zoning Ordinance of the City of Gallatin, Tennessee (**Councilwoman Brackenbury**)
4. **Second Reading Amended Ordinance No. O1309-45** amending zoning ordinance of the City of Gallatin, Tennessee by amending Multiple Residential and Office (MRO) Zone District to Planned Neighborhood Commercial (PNC) Zone District – Tiger Management Group LLC, owner(s) – 3.00 (+/-) acres – S.B.E. Tax Map 126I/B/008.00 – located on the south side of Nashville Pike, west of Lock 4 Rd. at 921 Nashville Pike (**Councilman Hayes**)
5. **Second Reading Ordinance No. O1309-48** appropriating additional funds in the amount of \$1,000,000 for Natural Gas Line Extensions under existing contract “Contract 2012 Annual Natural Gas Line Construction” (**Councilman Mayberry**)
6. **First Reading Ordinance No. O1306-35** appropriating funds received from Mid-Century Insurance Company for damage to a traffic signal cabinet on Long Hollow Pike (**Councilman Overton**)
7. **First Reading Ordinance No. O1306-37** appropriating funds received from Nationwide Mutual Fire Insurance Company and Candito Construction Corp. for damage to a traffic signal on Nashville Pike at the Intersection of Green Wave Drive (**Councilman Hayes**)

8. **First Reading Ordinance No. O1309-47** to vacate right-of-way on 637 East Main Street to Daniel S. and Joyce H. Hoyle (**Councilwoman Kemp**)
9. **First Reading Ordinance No. O1310-49** appropriating funds received from insurance claims for damage to traffic signals (**Councilman Camp**)
10. **Resolution No. R1309-45** accepting public improvements by the City of Gallatin, Tennessee The Estates of Fairway Heights, Phase 1 (**Councilman Hayes**)
11. **Resolution NO. R1310-46** of intent with regard to Liquor By The Drink Taxes for the Sumner County School System (**Mayor Graves**)

- Other Business
- Public Recognition on Non-Agenda-Related Items
- Adjourn

City of Gallatin City Council Meeting

October 1, 2013

The Gallatin City Council met in regular session on Tuesday, October 1, 2013, in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Councilman Ed Mayberry led the opening prayer and Councilman Jimmy Overton led the Pledge of Allegiance.

City Recorder Connie Kittrell called the roll and the following were present:

Vice Mayor John D. Alexander
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Ed Mayberry
Councilman Jimmy Overton
Councilwoman Julie Brackenbury

Others Present

Tommy Dale, Assistant Fire Chief	Denise Knight, Planning Dept.
Ronnie Stiles, Public Works Director	David Brown, Leisure Services Dir.
David Kellogg, Public Utilities Dept.	Rachel Nichols, Finance/IT Dir.
Amy Summers, Interim Personnel Official	Nick Tuttle, City Engineer
Don Bandy, Police Chief	Addam McCormick, Interim Codes Off.
<u>News Examiner</u> , Reporter	Connie Kittrell, City Recorder
<u>Gallatin Newspaper</u> , Reporter	Ann Whiteside, Mayor's Office
Katherine Schoch, Interim Codes/Planning Dir.	Rosemary Bates, Special Projects Dir.
James Fenton, EDA	

Approval of Minutes

Mayor Graves presented the minutes of the September 17, 2013 Council Meeting for approval. Councilman Overton made motion to approve; Councilwoman Kemp seconded. Motion carried with 6 ayes and 0 nays.

Councilman John D. Alexander entered the meeting at this time.

Public Recognition on Agenda Related Items

Mayor opened public recognition on agenda related items.

Councilman Overton requested Council allow Ms. Paige Brown, Chamber of Commerce Director to speak during this time and there was no objection.

Ms. Brown stated she had two requests. The first request was to close the back "L" of the square on October 12th from 8:00 AM until 10:00 AM for the Sumner County Food Bank event.

There was discussion on the property/business owners signing off. Chief Bandy confirmed that he would take care of this.

Councilman Overton made motion to approve; Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

Ms. Brown stated her second request is local support and assistance for the annual Christmas Parade scheduled for December 14th at Noon.

Councilman Overton stated one small change is the line-up is moving to Hartsville Pike instead of Steam Plant Road.

Vice Mayor Alexander made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

With no one else wishing to speak, Mayor Graves closed public recognition.

Mayor's Comments

Mayor commented on the following:

- This Thursday, October 3rd is the last Third Thursday on Main with the Beaker Street Blues Band playing at 6:30 P. M. and this will be the lead-in for our Main Street Festival
- Friday Night, October 4th is "Movies at the Market" with Monsters Inc. playing and it will begin at dark
- The closing ceremonies for "Walk Across Sumner" will be this Saturday at 8:00 A.M. at the Gallatin Civic Center

- "The Main Street Festival" begins Saturday, October 4th at 10:00 A.M. until 5:00 P.M. with over 200 vendors
- Cemetery Tour begins at dusk this Saturday with Civil War Soldiers highlighted

Agenda

1. Dangerous Building Show Cause Hearing – 317 North Ford Street

Interim Building Official Addam McCormick presented the dangerous building show cause hearing at 317 North Ford Street; Jerry Harris, The Samaritan Group, owner.

Mr. McCormick gave a history of this property and stated there had been no response from the owners. Mr. McCormick recommended demolition of the building.

Councilman Overton made motion to approve; Councilman Mayberry seconded. Motion carried with 7 ayes and 0 nays.

2. Amended Ordinance #O1309-45 – Public Hearing

Councilman Hayes presented this amended ordinance amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Multiple Residential and Office (MRO) Zone District to Planned Neighborhood Commercial (PNC) Zone District – Tiger Management Group LLC, Owner(s) – 3.00 (+/-) acres – S.B.E. Tax Map 126I/B/008.00 – located on the south side of Nashville Pike, west of Lock 4 road at 921 Nashville Pike.

Councilman Hayes called for the public hearing.

With no one wishing to speak, Mayor closed public hearing.

3. Amended Ordinance #O1304-22 – Public Hearing

Councilman Overton presented this amended ordinance amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Article 2.00 Language and Definitions and Article 13.00 Performance and Design Standards.

Councilman Overton called for the public hearing.

With no one wishing to speak, Mayor closed public hearing.

4. Amended Ordinance #O1307-40 – Public Hearing

Vice Mayor Alexander presented this amended ordinance amending Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures, of the Zoning Ordinance of the City of Gallatin, Tennessee.

Vice Mayor Alexander called for the public hearing.

With no one wishing to speak, Mayor closed public hearing.

5. Ordinance #O1309-46 – Second Reading

Vice Mayor Alexander presented this ordinance to vacate right-of-way on West Jackson Street, lots 50 and 51, to Bobby Reed, Robert Helson, and Daniel Hurst.

Vice Mayor Alexander made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

6. Ordinance #O1309-48 – First Reading

Councilman Mayberry presented this ordinance appropriating additional funds in the amount of \$1,000,000 for natural gas line extensions under existing contract “Contract 2012 Annual Natural Gas Line Construction”.

Councilman Mayberry made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

7. Resolution #R1308-37

Vice Mayor Alexander presented this resolution appointing a Director of Human Resources and establishing initial salary.

- Vice Mayor Alexander nominated Ann Whiteside
- Councilman Camp nominated Debbie Johnson
- Councilwoman Kemp nominated Amy Summers

Mayor closed nominations.

City Recorder Connie Kittrell called the roll call vote:

- | | |
|----------------------------|----------------|
| • Vice Mayor Alexander | Ann Whiteside |
| • Councilwoman Brackenbury | Ann Whiteside |
| • Councilman Camp | Debbie Johnson |

- Councilman Hayes Amy Summers
- Councilwoman Kemp Amy Summers
- Councilman Mayberry Amy Summers
- Councilman Overton Ann Whiteside
- Mayor Graves Amy Summers

The vote totals were:

Amy Summers	4 votes
Ann Whiteside	3 votes
Debbie Johnson	1 vote

Mayor Graves stated the resolution failed to get the necessary five votes.

8. Ordinance #O1310-50 - First Reading

Finance/IT Director Rachel Nichols gave a Power Point overview of the current budget. Ms. Nichols highlighted the ending fund balance, the rainy day balance and available funds.

There was much discussion on the GreenLea Extension and Albert Gallatin/Hatten Track project.

City Engineer Nick Tuttle explained the city's obligation for Albert Gallatin/Hatten Track.

Mayor explained the Albert Gallatin/Hatten Track contract with the State of Tennessee.

Councilman Mayberry made motion to approve the base budget as presented; Councilman Hayes seconded.

Discussion continued.

Councilman Overton made motion to remove the time/attendance software from the budget.

Mayor stated she was fine with removing the time/attendance software from the budget and there was no objection from Council.

There was discussion on the new City Planner and Building Inspector positions and the school board obligation.

Councilwoman Brackenbury made motion to hire a marketing person for Leisure Services starting in January 2014; Vice Mayor Alexander seconded.

Council discussed job descriptions and salary for this newly created position.

Mayor encouraged Council to pass the base budget presented tonight to allow Ms. Nichols to close out last year's budget, open this year's budget and get an idea of the city's financial status. Mayor stated that any changes to the budget can always be made.

Council discussed.

Councilwoman Brackenbury withdrew her motion and requested the item be placed on the next work session agenda for further discussion. Ms. Brackenbury requested the supportive statements from Council for this position be in the record.

Mayor called for the vote. Motion carried with 7 ayes and 0 nays.

9. Ordinance #O1310-51 – First Reading

This Ordinance is to Provide Revenue for the City of Gallatin, Tennessee for municipal purposes for the 2013 Tax Year and the 2014 Fiscal Year.

Mayor Graves explained that no answer has been received from the State Comptroller's Office on the status of our previous approved tax rate so the process is going to start over.

Councilman Overton made motion to approve; Councilman Camp seconded.

Finance/IT Director Rachel Nichols explained the difference in last year's budget and this year's budget.

Mayor called for the vote. Motion carried with 7 ayes and 0 nays.

Other Business

Mayor Graves called for other business.

EDA Director James Fenton informed Council that the Industrial Park was certified by the State of Tennessee and will be recognized this Friday by the Governor.

Councilman Overton reminded everyone of the Gallatin High School Homecoming Parade beginning at 4:00 P.M this Thursday afternoon.

Special Projects Director Rosemary Bates stated she placed a copy of the updated Grants report on everyone's desk and if anyone has questions to let her know.

Mayor announced that Volunteer State Community College was awarded a grant in the amount of \$260,000 to be used for technology.

Public Recognition on Non-Agenda Related Items

Mayor called for public recognition on non-agenda related items.

With no one wishing to speak, Mayor closed public recognition.

Adjourn

With no other business to discuss, the meeting was adjourned.

Mayor Jo Ann Graves

City Recorder Connie Kittrell

**Gallatin
City Council
Special-Called Meeting**

October 8, 2013

The Gallatin City Council met in special-called session on Tuesday, October 8, 2013, in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Vice Mayor Alexander led the opening prayer and the Pledge of Allegiance.

Roll was called and the following were present:

Vice Mayor John D. Alexander
Councilman Steve Camp
Councilman Craig Hayes
Councilwoman Anne Kemp
Councilman Jimmy Overton
Councilwoman Julie Brackenbury

Absent: Councilman Ed Mayberry

Others Present

David Brown, Leisure Services Dir.	Ann Whiteside, Mayor's Office
David Gregory, Public Utilities Dir.	Rachel Nichols, Finance/IT Dir.
Amy Summers, Interim Personnel Official	Nick Tuttle, City Engineer
Don Bandy, Police Chief	Billy Crook, Fire Chief
Rosemary Bates, Special Projects Dir.	Marianne Mudrak, Recorder's Office
James Fenton, EDA	

Approval of Minutes

This being a special-called meeting, there were no minutes to approve.

Agenda

1. Second Reading - Ordinance #O1310-50 adopting the Annual Budget for the Fiscal Year beginning July 1, 2013 through June 30, 2014.

Mayor Graves presented the annual budget for fiscal year July 1, 2013 through June 30, 2014. Councilman Hayes motioned to approve; Councilwoman Kemp seconded. Motion carried 6 ayes, 0 nays.

2. Second Reading - Ordinance #O1310-51 provide revenue for the City of Gallatin Tennessee for municipal purposes for the 2013 Tax Year and the 2014 Fiscal Year.

Councilman Overton motioned to approve; Vice Mayor Alexander seconded. Motion carried 6 ayes, 0 nays.

Adjourn

With no further business to discuss, Mayor Graves adjourned the meeting.

**ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF GALLATIN
TENNESSEE FOR MUNICIPAL PURPOSES FOR THE 2013 TAX YEAR AND THE
2014 FISCAL YEAR**

BE IT ORDAINED by the City of Gallatin, Tennessee, that:

SECTION I. PROPERTY TAX:

A. All property, real, personal or mixed within the corporate limits of said City shall be and is hereby assessed for taxation for municipal purposes for the tax year 2013, except as is exempt from taxation by the Constitution and the laws of the State of Tennessee.

B. The levy be and is hereby made:

(1) to contribute to the general current expenses of said municipality that are paid from the General Fund; and

(2) to provide an amount, totaling \$1,273,408, to contribute to the retiring of the current year's principal and interest obligations;

a tax of ninety-nine cents (\$0.99) per every one hundred dollars (\$100.00) of taxable property.

C. All collections of property taxes from levies of past years be collected entirely in, and become revenue of the General Fund and that any expenses incurred in collecting such delinquent taxes be entirely expenses of the General Fund.

D. The Tax Assessor for Sumner County, Tennessee, is hereby authorized to assess all the property lying within the Corporate Limits of the City of Gallatin, Tennessee, and the assessment is hereby adopted as the assessed or taxable value of said property for municipal purposes for the City of Gallatin, Tennessee, upon which shall be levied the tax rate as provided in this ordinance.

SECTION II. BUSINESS TAX: The privilege tax levied by the General Assembly of the State of Tennessee known as the "Business Tax Act" and as amended, be and the same is hereby levied for municipal purposes for the City of Gallatin, Tennessee, for the year 2013 and all arts, trades, callings, or occupations created and declared to be a privilege within the City of Gallatin, and for their exercises within the City of Gallatin, the same taxes are hereby levied and shall be collected for the municipal purposes as are now levied and collected for State purposes under and by virtue of said Act of the General Assembly of the State of Tennessee, as amended.

SECTION III. IN-LIEU TAX: Pursuant to, T.C.A. § 7-34-115, payments in lieu of *ad valorem* taxes shall be paid by municipal utility systems to the municipality in an amount not to exceed the amount of taxes payable on privately owned property of similar nature.

SECTION IV. EFFECTIVE DATE: All laws and ordinances in conflict with this ordinance, be and the same are repealed, and this ordinance shall be effective from and after its passage, the public welfare requiring it.

Passed first reading: 10-01-2013

Passed second reading: 10-8-2013

Passed third reading: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE
BY AMENDING ARTICLE 2.00 LANGUAGE AND DEFINITIONS AND ARTICLE 13.00
PERFORMANCE AND DESIGN STANDARDS

WHEREAS, THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of these amendments in GMRPC Resolution 2013-18 attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of these amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Gallatin Zoning Ordinance Article 2.00, Language and Definitions, of the Zoning Ordinance of Gallatin, Tennessee is hereby amended as follows:

1. Section 02.02, Definitions, is amended by deleting the following listed definitions in their entirety:

Awning - A roof-like cover, often made of fabric, designed and intended for protection from the weather or as a decorative embellishment, and which projects outwards over a window, walk or door.

Billboard – A billboard is an off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Display Surface Area (of a Sign) - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the display surface area of a sign.

Sign - Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:

- A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and
- B. Is used to announce, direct attention, or advertise.

Sign, A-Frame - See Sign, Sandwich Board

Sign, Accessory Business - An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zone lot.

Sign, Advertising - A sign which directs attention to a business, protection, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zone lot.

Sign, Animated - Shall be construed to be a sign that is animated, moving, or rotating, or appears to be animated, moving, or rotating.

Sign, Awning - An awning sign is any lettering that is placed on the valance area of an awning.

Sign, Civic - Identifying the nature of activity and other pertinent information for any community facility or activity.

Sign, Development - Denotes the future facility, architect, engineer, contractor, lending agency, and/or developer on construction sites.

Sign, Direct Illumination - All illuminated signs not included in the definition of "Sign, Luminous Background," or "Sign, Indirect Illumination."

Sign, Directory - See, Sign, Multi-Tenant

Sign, Electronic Display Screen – A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text and animation. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Sign, Electronic Message Center – Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic message center signs include electronic time and temperature and variable message signs.

Sign, Flashing - Shall be construed to be any sign that flashes or blinks or appears to flash or blink.

Sign, Freestanding - A sign supported by a sign structure secured in the ground and which is wholly independent of any building or object, other than the sign structure for support.

Sign, Illuminated - A sign designed to give forth any artificial light or reflects such light from an artificial source.

Sign, Indirect Illumination - Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign where all attached or internal artificial sources of illumination are not directly visible and shielded by an opaque material.

Sign, Large Realty - Indicates pertinent information regarding property for sale, lease, or rent.

Sign, Luminous Background - A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, Multi-Tenant - A multi-tenant sign is any projecting, pier mounted or wall mounted sign that lists two (2) or more businesses on a single sign.

Sign, Off-premises – A sign that directs attention to a business, commodity, service, activity, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, On-premises – Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

Sign, Pier Mounted - A pier mounted sign is any wall mounted sign that is permanently attached to the pier area of the storefront.

Sign, Portable – Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Sign, Projecting - A projecting sign is any sign that is permanently attached to a building and projects outward. A projecting sign may project outward over a sidewalk if the building is built to the street lines.

Sign, Residential - An accessory sign which indicates the names and/or address of the occupant of a permitted home occupation.

Sign, Sandwich Board - A sandwich board sign is any temporary sign that is placed on the sidewalk in front of a business only during business hours.

Sign, Small Realty - Indicates pertinent information regarding property for sale, lease, or rent, of not more than six (6) square feet of maximum display surface area, located on the same lot as the facilities advertised thereon, and if not attached to a building, its height not exceeding five (5) feet above finished grade or if attached to a building its height not extending above the roof line (or parapet wall, if any) of such building.

Sign, Wall-mounted –A sign attached to or painted on the exterior wall of a building. Wall-mounted signs shall be mounted in a flat fashion against the building.

Signage - Area in square feet of the continuous perimeter of copy including any wording, numerals, emblems, or representative which is used to announce, direct attention to, or advertise.

Temporary Signs – A sign, including but not limited to, placards, banners, pennants, posters, or other outdoor advertising displays intended not to be permanently displayed.

Window Sign – A sign posted, placed, affixed, or painted on the interior of a window or door of a building exposed to public view. For the purpose of this Ordinance, a temporary sign placed on the interior of a window for viewing from the exterior shall not be counted as a sign.

2. Section 02.02, Definitions, is further amended by adding the following definition in its proper alphabetical location:

Sign – Refer to Section 13.07 Sign Regulations for all sign definitions

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article 13.00, Performance and Design Standards, of the Zoning Ordinance of Gallatin, Tennessee is hereby

amended by deleting Section 13.07 Sign Regulations in its entirety and replacing it with a new Section 13.07 Sign Regulations attached hereto as Exhibit B

1. Subsection 13.07.045, Definitions, is further amended by revising a portion of the following definition:

Multi-Tenant Development Sign- A permanent on-premises freestanding sign, in non-residential, mixed use and industrial zone districts, that is erected to advertise businesses within a multi-tenant development with 5 or more tenants; is approved under one (1) preliminary master development plan or site plan; with or without individual street frontage and with a common parking lot or private drive. Multi-Tenant Developments that do not qualify for a Multi-Tenant Development sign shall share a single ground sign per Subsections 13.07.065 and 13.07.075.F.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that the Gallatin City Council hereby concurs with the recommendation of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and further described in the Staff Report and Action Form, attached hereto as Exhibit C, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect on final passage, the public welfare requiring such.

PASSED FIRST READING: September 3, 2013.

PASSED SECOND READING _____, 2013.

ATTEST:

MAYOR JO ANN GRAVES

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

GMRPC Resolution No. 2013-18

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. O1304-22
TO THE GALLATIN CITY COUNCIL - ORDINANCE AMENDING ZONING ORDINANCE
OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING ARTICLE 2.00 LANGUAGE
AND DEFINITIONS AND ARTICLE 13.00 PERFORMANCE AND DESIGN STANDARDS
-- PC0031-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the text amendments request submitted by the applicant, City of Gallatin Codes/Planning Department, at its regular meeting on April 22, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The text amendments are in agreement and consistent with the recommendations of the General Development and Transportation Plan.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the text amendments to the Gallatin City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

EXHIBIT A

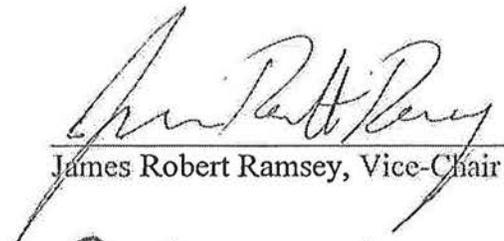
IT IS SO ORDERED.

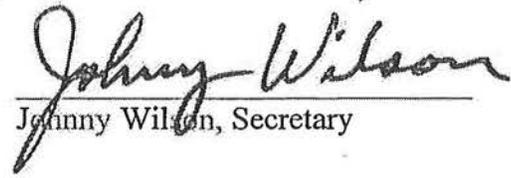
PRESENT AND VOTING

AYE: 6

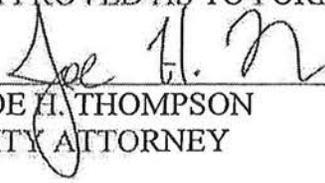
NAY: 0

DATED: 4/22/13


James Robert Ramsey, Vice-Chair


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

ITEM 14
4/22/13 GMRPC MEETING

Public Comments

The City of Gallatin requests approval of text amendments to the Gallatin Zoning Ordinance, Article 2.00, Language and Definitions and Article 13.00 Performance and Design Standards. (PC0031-12)

Attachment 14-1 Ordinance No. O13Ø4-22

ANAYLSIS

The City of Gallatin requests approval of text amendments to Section 02.02 and 13.07 of the Gallatin Zoning Ordinance pertaining to definitions and sign regulations. The purpose of the proposed amendment is to provide new and updated sign definitions, reasonable requirements for signage in all zone districts, and to provide an ordinance with better clarity and organization.

The definitions and signage proposed in this amendment have been developed through research of articles, and other communities in Tennessee as well as several communities from around the United States. The proposed sign guidelines comply with the Gallatin Municipal Code, 2006 International Zoning Code, 2006 International Building Code and the American Planning Association.

Staff has collaborated with a committee formed by the Gallatin Chamber of Commerce. Several suggestions made by the committee have been considered and incorporated into the proposed sign ordinance. Several members of the staff have also met on a regular basis reviewing the proposed sign ordinance in its entirety. Staff is comfortable with the proposed sign ordinance.

Proposed Amendments

Staff recommends the following amendments:

Article 2.00, Language and Definitions

- Section 02.02, Definitions, needs to be amended as shown in Ordinance No. O13Ø4-22

Article 13.00, Performance and Design Standards

- Section 13.07, Sign Regulations, needs to be deleted in its entirety and replaced with Exhibit B as shown in Ordinance No. O13Ø4-22

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed text amendments to the Gallatin City Council.

EXHIBIT C

ATTACHMENT 14-1

ORDINANCE NO. O1304-22

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING ARTICLE 2.00 LANGUAGE AND DEFINITIONS AND ARTICLE 13.00 PERFORMANCE AND DESIGN STANDARDS

WHEREAS, THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of these amendments in GMRPC Resolution 2013-18 attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of these amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Gallatin Zoning Ordinance Article 2.00, Language and Definitions, of the Zoning Ordinance of Gallatin, Tennessee is hereby amended as follows:

1. Section 02.02, Definitions, is amended by deleting the following listed definitions in their entirety:

Awning - A roof-like cover, often made of fabric, designed and intended for protection from the weather or as a decorative embellishment, and which projects outwards over a window, walk or door.

Billboard – A billboard is an off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Display Surface Area (of a Sign) - The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports or uprights on which such sign is supported shall not be included in determining the display surface area of a sign.

Sign - Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:

- A. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and
- B. Is used to announce, direct attention, or advertise.

Sign, A-Frame - See Sign, Sandwich Board

Sign, Accessory Business - An accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zone lot.

Sign, Advertising - A sign which directs attention to a business, protection, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zone lot.

EXHIBIT C

Sign, Animated - Shall be construed to be a sign that is animated, moving, or rotating, or appears to be animated, moving, or rotating.

Sign, Awning - An awning sign is any lettering that is placed on the valance area of an awning.

Sign, Civic - Identifying the nature of activity and other pertinent information for any community facility or activity.

Sign, Development - Denotes the future facility, architect, engineer, contractor, lending agency, and/or developer on construction sites.

Sign, Direct Illumination - All illuminated signs not included in the definition of “Sign, Luminous Background,” or “Sign, Indirect Illumination.”

Sign, Directory - See, Sign, Multi-Tenant

Sign, Electronic Display Screen – A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text and animation. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Sign, Electronic Message Center – Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic message center signs include electronic time and temperature and variable message signs.

Sign, Flashing - Shall be construed to be any sign that flashes or blinks or appears to flash or blink.

Sign, Freestanding - A sign supported by a sign structure secured in the ground and which is wholly independent of any building or object, other than the sign structure for support.

Sign, Illuminated - A sign designed to give forth any artificial light or reflects such light from an artificial source.

Sign, Indirect Illumination - Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign where all attached or internal artificial sources of illumination are not directly visible and shielded by an opaque material.

Sign, Large Realty - Indicates pertinent information regarding property for sale, lease, or rent.

Sign, Luminous Background - A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, Multi-Tenant - A multi-tenant sign is any projecting, pier mounted or wall mounted sign that lists two (2) or more businesses on a single sign.

EXHIBIT C

Sign, Off-premises – A sign that directs attention to a business, commodity, service, activity, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, On-premises – Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

Sign, Pier Mounted - A pier mounted sign is any wall mounted sign that is permanently attached to the pier area of the storefront.

Sign, Portable – Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Sign, Projecting - A projecting sign is any sign that is permanently attached to a building and projects outward. A projecting sign may project outward over a sidewalk if the building is built to the street lines.

Sign, Residential - An accessory sign which indicates the names and/or address of the occupant of a permitted home occupation.

Sign, Sandwich Board - A sandwich board sign is any temporary sign that is placed on the sidewalk in front of a business only during business hours.

Sign, Small Realty - Indicates pertinent information regarding property for sale, lease, or rent, of not more than six (6) square feet of maximum display surface area, located on the same lot as the facilities advertised thereon, and if not attached to a building, its height not exceeding five (5) feet above finished grade or if attached to a building its height not extending above the roof line (or parapet wall, if any) of such building.

Sign, Wall-mounted –A sign attached to or painted on the exterior wall of a building. Wall-mounted signs shall be mounted in a flat fashion against the building.

Signage - Area in square feet of the continuous perimeter of copy including any wording, numerals, emblems, or representative which is used to announce, direct attention to, or advertise.

Temporary Signs – A sign, including but not limited to, placards, banners, pennants, posters, or other outdoor advertising displays intended not to be permanently displayed.

Window Sign – A sign posted, placed, affixed, or painted on the interior of a window or door of a building exposed to public view. For the purpose of this Ordinance, a temporary sign placed on the interior of a window for viewing from the exterior shall not be counted as a sign.

2. Section 02.02, Definitions, is further amended by adding the following definition in its proper alphabetical location:

Sign – Refer to Section 13.07 Sign Regulations for all sign definitions

EXHIBIT C

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article 13.00, Performance and Design Standards, of the Zoning Ordinance of Gallatin, Tennessee is hereby amended by deleting Section 13.07 Sign Regulations in its entirety and replacing it with a new Section 13.07 Sign Regulations attached hereto as Exhibit B

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that the Gallatin City Council hereby concurs with the recommendation of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and further described in the Staff Report and Action Form, attached hereto as Exhibit C, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect on final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2013.

PASSED SECOND READING _____, 2013.

ATTEST:

MAYOR JO ANN GRAVES

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT C

13.07 Sign Regulations

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ADMINISTRATION

13.07.005 Purpose and Intent

It is the purpose of this sign ordinance to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- A. Enable the identification of places of residence and business.
- B. Allow for the communication of information necessary for the conduct of commerce.
- C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
- D. Enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business.
- E. Protect the public from the dangers of unsafe signs.
- F. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- G. Encourage signs that are appropriated to the zoning district in which they are located and consistent with the category of use to which they pertain.
- H. Curtail the size and number of signs and sign messages to the minimum reasonably necessary, to identify a residential or business location and the nature of any such business.

- I. Establish sign size in relationship to the scale of the lot and building on which the sign is to be located or to which it pertains.
- J. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- K. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- L. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- M. Preserve and enhance the natural and scenic characteristics of this community.
- N. Protect the future of public rights-of-way. Limit the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the City's General Development and Transportation Plan and without disturbance of existing conforming and legal non-conforming signs.

13.07.010 Rationale, Applicability, Effect, System for Regulation and Overall Use

- A. Rationale – The word “sign” is chosen to signify all non-verbalized communication in public viewed areas because of its traditional use. The word “graphic” is synonymous with sign and the two may be used interchangeably within the context of this sign code. An on premises sign shall not be a principal use.
- B. Applicability - A sign shall be erected, placed, established, painted, created, or maintained on private property only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.
- C. Effect - The effect of this ordinance, as more specifically set forth herein, is:
 - 1. To establish a permit system to allow a variety of types of signs in commercial, industrial, and some mixed use zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
 - 2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
 - 3. To provide for temporary signs in limited circumstances;
 - 4. To prohibit all signs not expressly permitted by this ordinance; and
 - 5. To provide for the enforcement of the provisions of this ordinance.
- D. System for Regulation - Before erecting, altering, or relocating any signage, the owner or his agent shall obtain a sign permit from the Codes/Planning Department pursuant to 13.07.030, except as otherwise exempted herein. If any person, company, or facility violates the provisions of this ordinance, the Zoning Administrator or designee, shall take any or all of the enforcement actions prescribed in the Zoning Ordinance to ensure compliance with, and/or to remedy a violation of this ordinance.

- E. Message Substitution Clause – Subject to the land owner’s consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

13.07.015 Code Compliance, Construction, and Maintenance

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. Code Compliance - These sign regulations are intended to compliment the various codes and ordinances of the City of Gallatin. Wherever there is inconsistency between these sign regulations and other regulations of the City of Gallatin, the more restrictive shall apply. Reference is made, but not limited to the following regulations:
1. Building Code
 2. Electrical Code
 3. Zoning Ordinance
 4. Historic District Regulations
 5. Gallatin Municipal Code
- B. Permanency Required – All signs shall be constructed of permanent materials and shall be permanently attached to the ground or building unless exempt herein.
- C. Maintenance - All signs shall be maintained in good condition at all times. Signs which are abandoned; obsolete in information; defaced; missing some or all illumination; or whose finishes are chipping, peeling, or cracking shall be deemed in disrepair by the Zoning Administrator or designee. The City shall give thirty (30) days written notice for the owner to comply with maintenance requirements. Should the owner or property occupant fail to comply within the prescribed period, the City shall remove or cause to be removed the sign with the cost of removal charged to the owner.

13.07.020 Permits and Inspections

- A. Permit Required - No sign or sign structure, except as provided in Subsections 13.07.055 and 13.07.060, shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. All signs shall be located on the premises of the principal use to which they pertain. The following items are required when applying

for a sign permit:

1. Completed sign permit application(s).
If applying for more than one (1) sign, all signs shall be submitted on a separate application, however if submitted at the same time may be processed on the same permit.
 2. Illustration/Sketch of sign(s) showing all dimensions of sign(s).
Refer to Subsections 13.07.100 and 13.07.105 as a guide in determining proper sign area and dimensions for wall-mounted and freestanding signs.
 3. Illustration/Sketch or picture of:
 - a. Front façade showing width of business frontage and location of proposed sign as well as all other existing signs if wall-mounted sign.
 - b. Site plan showing width of street frontage and location of proposed sign if freestanding.
 4. Additional information may be required such as but not limited to:
 - a. Engineered footer drawing
 - b. Electric permit
 - c. Proof of legal non-conformance if applicable
 - d. Survey
- B. Fees - Each application for a sign permit shall be accompanied by the applicable fees. An application and fee schedule can be obtained by contacting the City of Gallatin Codes/Planning Department.
- C. Inspections - Inspections by the Zoning Administrator or designee are required at the footing phase of all new freestanding signs and commercial flagpoles. Final inspections are required after the completion of all approved and permitted signs.
- D. Expiration - If an approved sign is not erected and completed within a period of six (6) months from the date the sign permit was originally issued, the permit shall expire and become null and void.
- E. Complaints and Revocations - The Zoning Administrator or designee shall investigate any complaints of violations of these regulations and shall revoke a sign permit if there is any violation of the provisions of these regulations or there was misrepresentation of any material facts in either the application or plans.

13.07.025 Violations

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance and by State law:

- A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign on the zone lot on which the sign is located.
- B. To install, create, erect, or maintain any sign requiring a permit without such permit.
- C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.

13.07.030 Enforcement and Remedies

Any person, firm, or corporation violating any provisions of this ordinance shall upon conviction thereof, be appropriately fined as cited below. Each day that a violation continues shall be considered a separate offense and an additional violation. Upon receiving actual notice of a violation, if within seven (7) calendar days, the owner of a sign fails to contact the Zoning Administrator or designee in order to bring said sign into compliance with this ordinance, or to obtain a permit for said sign, then the Zoning Administrator or designee is herein empowered to have the sign removed and destroyed without further notice.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed Fifty Dollars (\$50.00) for each violation.

The Zoning Administrator or designee shall have the authority to remove or order the removal of all signs, at owner's expense, and without notice to the owners thereof, placed within any right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features.

The property owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids, or participates in, or maintains such violation may be found guilty of a separate offense and is subject to the penalties as provided herein.

13.07.035 Severability Clause

If any part, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained herein.

13.07.040 Transitional Provisions

Existing Permits - All holders of permits for signs issued legally prior to the effective date of this ordinance may erect the signs which are the subject of such permits within the times allowed by such permits, and such signs shall then be treated as though they had

been erected prior to the effective date of this ordinance. However, such permits shall not be extended or amended unless the sign which is the subject of such permit will conform to all of the requirements of this ordinance.

DEFINITIONS

13.07.045 Definitions

Words and phrases used in this sign ordinance shall have the meanings set forth herein. Words and phrases not defined in this sign ordinance, but defined elsewhere in the zoning ordinance of the City of Gallatin shall be given the meanings set forth therein.

A-Frame Sign – See, Sandwich Board Sign

Abandoned, Obsolete, Defaced Sign - Any sign which: (1) advertises or pertains to a business, profession, commodity, service, product or entertainment which has not been conducted, sold, or offered on the premises upon which said sign is located for a continuous period of ninety (90) days or (2) was created for an occupant, product, or business unrelated to the present occupant of the premises or (3) a site plan or final master development plan has expired or (4) the sign faces are missing.

Airborne Sign – See, Inflatable and Airborne Sign

Animated Sign - Shall be construed to be a sign regardless of source of movement that is animated, moving, or rotating, or uses movement or change of lighting to depict action or create a special effect or scene.

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign - An awning sign is any lettering, numbering or logo that is placed on the valance/curtain area of an awning. See Subsection 13.07.105 for example of display surface area of awning.

Banner - Any sign constructed of canvas, cloth, paper, flexible plastic, fabric, or any other non-rigid material.

Beacon - Any stationary or revolving light with one or more beams that flashes or projects illumination into the atmosphere or is directed at one or more points on the same zone lot.

Billboard - An off-premises sign that is affixed to or erected upon a freestanding framework that directs attention to a profession, business, commodity, service,

product or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Building Marker - Any sign indicating the name of a building, date and/or incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

Cabinet Sign - Sign panel(s) within a frame.

Canopy - A rigid or non-rigid multisided overhead structure covered with fabric, metal, or other material, but not enclosed by walls and supported by a building at one (1) or more points or extremities, and by columns or posts embedded in the ground at other points or extremities.

Canopy Signs - A canopy sign is any lettering, numbering or logo that is placed on a canopy and is considered wall-mounted signage.

Changeable Copy Sign (Automated Changeable Copy) - A sign or portion thereof that displays letters or numbers, characters, symbols, graphics or illustrations, (1) which are not themselves an illumination device, and (2) which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs such as “flip matrix,” and “segmented.” Excludes electronic display screen and electronic message center signs.

Changeable Copy Sign (Manual) - A sign or portion thereof in which the message can only be changed manually.

Changeable Copy Sign (Multi-Vision) - A sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one of two or more images on a single sign structure. May also be known as “Tri-Vision” signs.

Channel Letters - Individual letters mounted directly to the wall.

Commemorative Sign - A sign, tablet, or plaque memorializing a person, event, structure or site.

Community Event Sign - A temporary sign advertising or announcing a special communitywide event such as fairs, job fairs, carnivals, circuses, sporting events, flea markets, educational, or those conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, a not-for-profit corporation, or religious event or function.

Contractor Sign - A temporary sign placed by a contractor or other professional business such as, but not limited to, a landscaper or painter, to advertise the work currently being done on that property.

Development-In-Progress Sign - A temporary sign which, by means of symbol or name, identifies a project that requires a site plan or final master development plan such as, but not limited to, a shopping center, commercial or industrial park, or other development that may contain a mixture of residential, mixed use, commercial, or industrial uses. Information could contain architect, engineer, contractor, lending agency, and/or developer on construction sites.

Directional Sign - A sign that provides on-site directional assistance for the convenience of the public, such as, entrances, exits, drive-thru windows, parking lots, or signs of a similar nature.

Directory Sign - See, Multi-Tenant Wall-Mounted Sign

Display Surface Area - The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. See Subsections 13.07.100 and 13.07.105.

Educational Campus - An area of land made up of ten (10) or more contiguous acres constituting and making up the grounds of a college or university. It contains the main building or buildings and other accessory buildings or uses on the site.

Electronic Display Screen Sign - A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text and animation. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

Electronic Message Center Sign - Any sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic message center signs may also include electronic time and temperature and variable message signs.

Equipment/Machinery Signage - Attached sign frame that is incorporated into/onto machinery, equipment, cart corals, gas pumps, vending machines, newspaper racks, telephone booths, fee collection boxes or any other type similar device, which identifies or advertises a product or service dispensed by the machine or equipment, or offered on the same zone lot in which it is located.

Face/Sign Face – See, Display Surface Area

Flags - Any fabric, or bunting containing distinctive colors or patterns, and used as a symbol of government, institution, business, or other entity. Neither the flag, flagpole nor other support structure may extend over a public right-of-way unless approved by City Council, or an adjoining property line.

Flagpole, Ground - A freestanding structure on a parcel of record and used for the sole purpose of displaying flags of political entities. For purposes of the Sign Ordinance, a flagpole is deemed to be a sign support structure and subject to all requirements applicable to sign support structures as found in the International Building Code.

Flagpole, Outrigger Wall-Mounted – An outrigger wall-mounted flagpole is one that extends outward from a wall at an inclined angle.

Flashing Sign – Shall be construed to be any sign that flashes or blinks, appears to flash or blink or gives a spectacular or twinkle illusion.

Freestanding/Ground Sign – A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Frontage-Business - The façade of the business that abuts the required front yard as stipulated in this zoning code shall be considered the business frontage.

Frontage-Primary Business - For individual businesses with multiple frontages the primary business frontage shall be considered the façade of the business that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this façade.

Frontage-Secondary Business - An additional elevation not designated as a primary business frontage that has a public entrance to the business, faces a public right-of-way, has a drive-thru window and/or a primary parking area.

Frontage-Street - The length of the property line(s) of any single lot or zone lot along a public way.

Grade Level – The finished average ground elevation around the perimeter of the sign.

Grand Opening – The introduction, promotion, or announcement of a new business, or the announcement, introduction or promotion of an established business changing ownership or location. “Grand Opening” does not mean an annual or occasional promotion of retail sales, or service by a business.

Height (of Sign) - The vertical distance measured from the base of the sign at grade level to the top of the sign structure.

Human Directionals - Also known as sign twirlers, sign spinners, human arrows, sign holders, and mascots.

Illuminated Sign - A sign lighted by or exposed to artificial lighting either by lights on or in the sign not directed toward the sign.

Illuminated Sign (Direct) - All illuminated signs not included in the definition of “Luminous Background” or “Illuminated Sign (Indirect).”

Illuminated Sign (Indirect) - Illumination of a sign that is affected by a source of light not contained within or on the sign itself.

Incidental Sign - A sign which includes information of a general directive or informational nature such as no parking, handicapped parking, loading area, self-service, and rest room; which bears no advertising matter.

Inflatable and Airborne Sign – A stationary or mobile inflated device of any nature used to attract attention.

Legal Notices or Official Instruments - Any sign erected and maintained by public officials or public agencies.

Luminous Background - A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Menu Board - A permanently affixed freestanding or wall-mounted sign displaying food and beverage information sold in connection with a restaurant.

Multi-Tenant Development - A permanent on-premises freestanding sign, in non-residential, mixed use and industrial zone districts, to advertise businesses within a multi-tenant development with 5 or more tenants; is approved under one (1) preliminary master development plan or site plan; with or without individual street frontage and with a common parking lot or private drive. Multi-Tenant Developments that do not qualify for a Multi-Tenant Development sign shall share a single ground sign per Subsections 13.07.065 and 13.07.075.F.

Multi-Tenant Wall-Mounted Sign – An identification sign for a commercial site with two (2) or more tenants, displaying the names of each tenant on the site.

Neon Sign - A sign containing glass tube lighting that is bent to form letters, symbols, or other shapes. Gas and phosphors are used in combination to create a colored light.

Nonconforming Sign - A sign lawfully existing and maintained at the time of adoption, revision, or amendment of this ordinance, which has subsequently come

under the requirements of this ordinance, but no longer conforms because of said revision or amendment.

Off-Premises Sign - A permanent or temporary sign that directs attention to a profession, business, commodity, service, product, event or entertainment not located or sold on the premises on which the sign is located.

On-Premises Sign - Any sign identifying or advertising a profession, business, commodity, service, product, event or entertainment located on the premises where the sign is installed and maintained.

Out Parcel - Individual lots located within a multi-tenant development; a tract of land adjacent to a larger tract of which it was originally an integral part.

Pennant Streamer - A geometric shaped sign, with or without a logo, made of flexible materials suspended from one (1) or two (2) corners on a stringer with other such signs to create the impression of a line.

Political Sign - A temporary sign expressing support for a candidate for public office or another position regarding a public figure or a public issue, but bearing no commercial message whatsoever.

Portable Sign - Any sign, by design or construction, intended to be easily and readily relocated, and not permanently affixed to the ground, a frame, a building, or other structure. Portable signs shall include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Projecting Sign - A projecting sign is any sign that is permanently attached to a building and projects outward. A projecting sign may project outward over a sidewalk if the building is built to the right-of-way.

Public Purpose Sign – A temporary or permanent sign erected by a governmental or quasi-governmental entity for the sole purpose of displaying public awareness or public health, safety and welfare information. Public purpose signs may be erected on public property with permission from the appropriate governmental entity/agency.

Raceway - Individual letters mounted on a track (raceway). Track (raceway) is then mounted to the wall.

Real Estate Sign - A sign advertising property or a building for sale, lease, rent, or auction upon which the sign is located.

Real Estate/Auction Directional Sign - A temporary sign that provides off-premise directional assistance to the property for sale, auction or lease.

Residential Sign - An accessory sign which indicates the names and/or address of the occupant or a permitted home occupation.

Right-Of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, utility poles and drainage facilities.

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign - A sign erected on a roof or signs that project above the highest point of the roof line.

Sandwich Board - A sandwich board sign, also known as an A-Frame sign, is a double faced temporary sign that is placed on the sidewalk in front of a business only during business hours.

Sign - Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration); emblem (including device, graphic, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:

1. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and;
2. Is used to announce, direct attention, or advertise.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - A sign intended to display messages of a temporary nature. Portable signs or any sign not permanently embedded in the ground or permanently affixed to a building or structure embedded in the ground are considered temporary signs.

Traffic Control Sign - Temporary or permanent signs identifying traffic control measures, such as stop, yield, and similar signs, the sign face of which meet the Manual for Uniform Traffic Control Devices and which contain no logo or commercial message of any sort.

Vehicle Sign - A permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Wall-Mounted Sign - A sign fastened parallel to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign.

Warning Sign - Indicates the dangers of trespassing, swimming, animals, or similar hazards for non-residential uses.

Wind Sign - Any banner, pennant, ribbon, spinner, streamer, inflatable sign, balloons, or similar device, or object or material, fastened in such a manner as to move upon being subjected to pressure by wind.

Window Sign - A sign posted, placed, painted, or affixed to the interior or exterior surface of a window or door of a building with its message intended to be visible and readable from the public way.

Zoning Administrator or Designee – Zoning Administrator or designee charged with enforcement of this ordinance.

REGULATIONS

13.07.050 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained, any sign not expressly authorized by, or exempted from, this Section. Refer to Subsection 13.07.045 for definition of each type of sign.

- A. Animated Signs
- B. Beacons
- C. Billboards
- D. Electronic Display Screen Signs are prohibited within the City of Gallatin. Electronic display screen signs existing prior to February 19, 2008 shall be operated according to standards specified in the Gallatin Municipal Code
- E. Electronic Message Center Signs are prohibited within the City of Gallatin. Electronic message center signs existing prior to February 19, 2008 shall be operated according to standards specified in the Gallatin Municipal Code
- F. Flashing Signs (Applies to interior if visible from outside, and exterior signage)
- G. Human Directionals are prohibited off-premise and in the rights-of-way
- H. Pennant Streamers
- I. Portable Signs

J. Roof Signs

K. Vehicle Signs

1. Residential Districts: Any sign which is contained in, suspended from, attached to, or painted on a vehicle such as, but not limited to, vehicular trailers, trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implants or implements of husbandry, parked on any street or on private or public property for more than seventy-two (72) consecutive hours and which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or other similar purposes are prohibited. This is separate from the provisions of Section 12.14 Home Occupations. Vehicles parked on the property for the purpose of current construction shall be permitted for a maximum of thirty (30) consecutive days or, until an approved final inspection is received for construction in which a permit is required.
2. Non-Residential Districts: Any sign which is contained in, suspended from, attached to, or painted on a vehicle or vehicular trailer, unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation in the everyday and ordinary course of business of the owner thereof and parked in a single designated parking place. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign.

Delivery vehicles used primarily for the transportation of goods, containing any form of company signage advertising the identity of a business or products available are strictly prohibited and shall be parked behind the front line of the building unless being actively loaded or unloaded. If parking on the property behind the front line is not possible, a delivery vehicle shall be parked in a single designated parking place, or as shown on an approved final master development plan or site plan.

- L. Nonconforming sign(s), except as permitted by T.C.A. 13-7-208 as amended from time to time.
- M. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Article or other regulations of the City of Gallatin
- N. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device

- O. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals
- P. Signs erected on public or private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise permitted by the Mayor and Aldermen
- Q. Signs that emit audible sound, odor, or visible matter such as smoke or steam
- R. Signs containing red, green or blue lights that might be confused with traffic control lights which are: (1) located within five (5) feet of public rights-of-way or (2) located within one hundred (100) feet of traffic control lights
- S. Signs that are of such intensity or brilliance as to cause glare or impair vision. The Zoning Administrator or designee shall determine whether the intensity or brilliance causes glare or impedes vision according to Subsection 13.07.090
- T. Exterior or interior decorative lighting including but not limited to, strings, strips or individual bulbs containing, LED, neon or incandescent lighting, which are displayed to attract the attention of the public. This does not include traditional holiday decorations.
- U. The following signs are generally prohibited unless special conditions apply as specified under Subsection 13.07.060:
 - 1. Banners
 - 2. Inflatable and Airborne Signs
 - 3. Off-Premise Signs
 - 4. Temporary Signs
 - 5. Wind Signs

13.07.055 Exempt Signs

A. Guidance and Restrictions for the Use of Sign

- 1. The following exempt signs shall not require a permit, but are subject to the restrictions imposed by Section 13.06 and other relevant parts of this Article.
- 2. An exempt sign shall not be erected so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.
- 3. The Zoning Administrator or designee shall determine whether a sign's placement is hazardous or vision is obstructed.
- 4. Signs shall not be located in the rights-of-way.

B. Permissible Exempt Signs

1. Building Marker
2. Commemorative Sign
3. Equipment/Machinery Signage
4. Flagpoles for one-family and two-family dwellings
5. Holiday lights and decorations with no commercial message
6. Incidental Signs
7. Legal Notices and Official Instruments
8. Traffic Control Signs must meet the requirements in the Manual for Uniform Traffic Control Devices.
9. Warning Signs

13.07.060 Temporary Signs

A. Guidance and Restrictions for the Use of Signs

1. Temporary signs are permitted to indicate temporary special events. Special events shall include, but are not limited to, grand openings, new business locations, business closings, and special promotional events such as seasonal sales, services, and product promotions.
2. Temporary signs are also permitted to indicate the availability of goods for sale within a temporary structure, such as a tent.
3. A temporary sign shall not be constructed of or operated by electrical, electronic, or mechanical parts or erected so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.
4. Temporary signs shall be non-illuminated and not harmful to minors as defined by this Subsection.
5. The Zoning Administrator or designee shall determine whether a sign's placement is hazardous or vision is obstructed.
6. Temporary signs shall not be mounted on a street sign or a public utility pole.
7. Signs shall not be located in the rights-of-way.

B. Permissible Temporary Signs and Restrictions

The following temporary signs are subject to the restrictions imposed by this Subsection and other relevant parts of this Article.

Types of Signs	Permissible Zone District	Maximum Sign Face Area per side	Maximum Height	Minimum Setback	Maximum Number of Signs	May be Displayed Beginning	Must be Removed	Sign Permit Required	Other Conditions
Banners	Non-Residential and Mixed Use	60 sq. ft.	N/A	N/A	1 banner is permitted at a time. It is permissible to change the message displayed on the banner during the display period authorized by the sign permit.	See Other Conditions	See Other Conditions	Yes	On-premise only. Permitted for 30 consecutive days, 3 times a year. Banner must be wall-mounted, hung flat on the building and secured at all corners and sides.
Banners (Grand Opening)	Non-Residential and Mixed Use	60 sq. ft.	N/A	N/A	1 banner	7 days prior to the official grand opening to the public, or upon issuance of the Certificate of Occupancy or Use and Occupancy Permit, whichever applies	See other Conditions	Yes	On- premise only, permitted for 30 consecutive days, shall be wall-mounted, grand opening banners are not applicable 45 days after the official grand opening to the public
Community Event	All	N/A	N/A	N/A	N/A	No sooner than 14 days prior to event	Within 3 days after the event	No	May be on or off-premise, wall-mounted or freestanding.
Contractor	All	6 sq. ft.	3 ft.	N/A	1 per lot	After issuance of permit if a permit is required, or first day of project if no permit is required	Within 14 days after completion of project	No	On-premise only. If a sign is displayed pursuant to this section, but the project is discontinued for a period of 60 days, the message shall be removed pending continuation of project activities.
Development-In-Progress	All	32 sq. ft.	10 ft.	10 ft. from right-of-way	1 per development entrance	After the issuance of a building permit	Prior to issuance of Certificate of Occupancy in non-residential and mixed use zone districts; upon 80% build out or 3 years whichever occurs first in residential and mixed use zone districts	No	On-premise only. Signs are not permitted on single residential lots. Signs shall be spaced at least 100 ft. from all other signs on property.

Types of Signs	Permissible Zone District	Maximum Sign Face Area per side	Maximum Height	Minimum Setback	Maximum Number of Signs	May be Displayed Beginning	Must be Removed	Sign Permit Required	Other Conditions
Garage/Yard Sale	All	6 sq. ft.	3 ft.	N/A	1 per lot	No sooner than 4 days before event	Within 2 days after event	No	May be on or off-premise. Only permitted Friday through Sunday, and on holidays.
Inflatable & Airborne Signs (Tethered)	All	18 inches in diameter or 1 sq. ft.	Shall not extend above roofline	15 ft. from right-of-way	N/A	Friday	Sunday	No	On-premise only. Only permitted 4 times per year, Friday through Sunday, and on holidays.
Political	All	16 sq. ft.	6 ft.	5 ft.	N/A	No sooner than 30 days prior to a primary election	Within 7 days after a primary election for losing candidates; within 7 days after a general election for all candidates	No	Shall be placed on private property with the permission of the property owner.
Public Purpose	All	N/A	N/A	N/A	N/A	See Other Conditions		No	Approval by Mayor or City Council required. May be on or off-premise.
Real Estate	Non-Residential and Mixed Use	32 sq. ft.	10 ft.	5 ft. from right-of-way	1 per street front	As long as property is for sale, lease or auction		No	On-premise only
	Residential and Mixed Use	12 sq. ft.	6 ft.						
Real Estate Open House	Residential	12 sq. ft.	6 ft.	5 ft. from right-of-way	1 per street front	Friday	Sunday	No	May be on or off-premise. Only permitted Friday through Sunday only, and on holidays.
Real Estate Development	All	32 sq. ft.	10 ft.	10 ft. from right-of-way	1 per development entrance	after the issuance of a building permit	Prior to issuance of Certificate of Occupancy in non-residential and mixed use zone districts; upon 80% build out or 3 years whichever occurs first in residential and mixed use zone districts	No	On-premise only. Signs are not permitted on single residential lots. Signs shall be spaced at least 100 ft. from all other signs on property.
Real Estate Auction Directional	All	24 sq. ft.	6 ft.	10 ft. from right-of-way	4	No sooner than 14 days prior to event	Within 3 days after the event	No	Off-premise
Real Estate Directional	All	6 sq. ft.	3 ft.	10 ft. from right-of-way	1 per street front	As long as property is for sale, lease or auction		No	Off-premise
Sandwich Board/A-Frame	Non-Residential and Mixed Use	8 sq. ft.	4 ft.	There must be 5 ft. between sign and front of building for ADA compliance	1	N/A	N/A	No	On-premise only. Must be located on the sidewalk directly in front of the business
Interior Window Signs	Non-Residential and Mixed Use	20% window area per façade	N/A	N/A	N/A	N/A	N/A	No	Window panels separated by muntins, mullions or piers shall be considered as one continuous window area

13.07.065 General Provisions for Permanent On-Premises Signs

A. Guidance for the Use of Signs

1. An on-premises sign is for the purpose of conveying information in clear, concise, safe, and compatible units to general motorists and pedestrians on travel ways and within each site.
2. A permanent on-premises sign may be permitted as a freestanding or wall-mounted sign subject to the restrictions imposed by this Subsection and other relevant restrictions imposed by this Article.
3. A single tenant or multi-tenant sign shall be considered an on-premises sign when located within the boundaries of the same approved site plan or final master development plan authorized by this ordinance.
4. A permit is required for all permanent signs unless otherwise exempt under Subsection 13.07.055.
5. All electrical service to freestanding signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.

B. Setback and Height Requirements

Refer to Subsection 13.07.100 for illustrations of proper setback and height measurements

1. The height of freestanding/ground signs shall be computed as the distance from the base of the sign at grade level to the top of the sign structure. The maximum height for all freestanding/ground signs is eight (8) feet above grade level. The maximum ground clearance between the bottom of the sign and grade level shall be three (3) feet.
2. The leading edge of freestanding/ground signs shall have a minimum setback of five (5) feet from the right-of-way, provided the placement of the sign does not interfere with the sight triangle per Subsection 13.06.050. Should the City's General Development and Transportation Plan state a greater right-of-way width than currently exists, the greater right-of-way width shall apply. Refer to Subsection 13.07.125 for an example on determining the sight triangle.
3. On-premises wall-mounted signs shall not extend above the roof line of the structure. On-premises wall-mounted signs shall not extend above the top of the wall or parapet more than twenty-five percent (25%) of the height of such sign, to a maximum of eighteen (18) inches for a solid panel sign, or fifty percent (50%) of the height of the letter for individual mounted letters.

4. The setback requirement from all electrical lines for flagpoles shall be equal to the length of the flagpole plus an additional ten (10) feet. (Ex. The setback for a twenty (20) foot tall flagpole would be thirty (30) feet.)

C. Calculation of Sign Area

1. Refer to Subsections 13.07.100 and 13.07.105 for guidance on calculating sign areas, and Subsections 13.07.110 and 13.07.115 for maximum amount permitted per zone district. Refer to Subsection 13.07.120 for Multi-Tenant Development and Out Parcel signs.
2. All signs shall be measured by standard geometric shapes.
3. The combined calculation of all wall-mounted signs shall be less than or equal to the maximum signage permitted per business.
4. Cabinet signs shall not project more than ten (10) inches from the building or structure.
5. Channel Letter signs shall not project more than a total of sixteen (16) inches from the building or structure
6. Raceway signs shall not project more than a total of sixteen (16) inches from the building or structure.
7. When a freestanding sign has more than one sign face, the area of the sign shall be the area of largest display that is visible from any single direction.

D. Material and Style

1. The various parts of a sign shall be compatible.
2. Any multi-faced sign shall have the same name and same message on all used faces.

3. Appropriate Materials

The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation.

- a. Brick
- b. Natural stone, including panels, or imitation stone;
- c. Stained split-face block;
- d. Finished wood;
- e. Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split face block, or stone;
- f. Metal panels, when used in combination with brick, split-face block, or stone; and

- g. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

4. Prohibited Materials

The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

- a. Exposed metal poles, when not enclosed by a masonry veneer;
- b. Smooth-face concrete blocks, whether painted or unpainted;
- c. Metal panels, when used without brick, split-face block, or stone; and
- d. Plastic, or other synthetic materials, when used without brick, split face block, or stone.
- e. Unfinished wood

E. Master Signage Plan

A Master Signage Plan shall be submitted for approval to the Codes/Planning Department before a sign permit is issued.

1. A Master Signage Plan shall be included in final master development plans, site plans, or any other plans required by the City of Gallatin for the proposed development. If applicable, flagpoles shall be included in the master signage plan for all residential and non-residential developments.
2. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of this ordinance currently in effect.
3. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan shall be enforced in the same way as any provision of this ordinance. In case of any conflict between a provision of a Master Signage Plan and one (1) or more provisions of the City of Gallatin ordinances, the City of Gallatin ordinances shall control.

13.07.070 Permitted Permanent On-Premises Signs in Residential and Mixed Use Zone Districts

Permanent on-premises freestanding signs and on-premises wall-mounted signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

- A. Each residential development containing three (3) through fifteen (15) dwelling units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premise freestanding sign per development entry from a public

street, up to a maximum of two (2) from a public street, with a maximum size sign face of eighteen (18) square feet each. The following provisions shall apply:

1. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;
 2. No residential freestanding sign shall exceed eight (8) feet in height;
 3. All residential freestanding signs shall be illuminated by direct and steady means only;
 4. Each residential freestanding sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.
- B. Each residential development containing at least sixteen (16) units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premise freestanding sign per development entry from a public street, up to a maximum of three (3) from a public street, with a maximum size sign face of thirty-two (32) square feet each. The following provisions shall apply:

The on-premises signage at each development entry shall be one (1) of the following:

1. A double-sided freestanding sign located perpendicular to the public street and containing up to thirty-two (32) square feet per sign face;
2. A single-sided freestanding sign located parallel to the public street and containing up to thirty-two (32) square feet for the one (1) sign face.
3. A flared wall, or similar, to which two (2) single-sided signs are attached or imbedded and each sign does not exceed twenty-four (24) square feet. This includes two (2) one-sided signs located on each side of a subdivision entrance;
4. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;
5. No residential identification sign shall exceed eight (8) feet in height;
6. All residential identification signs may be illuminated by direct and steady means only;
7. Each residential identification sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

- C. One (1) flat wall-mounted sign with a maximum of thirty-two (32) square feet in area, for each street frontage, may be placed on the street facing facade of a building that contains a minimum of sixteen (16) dwelling units, provided that it is:
 - 1. Illuminated by direct and steady means only; and
 - 2. Does not extend more than six (6) inches from the facade of the building.
- D. Flagpoles, Residential Development – Each residential development approved under one (1) plat, final master development plan or site plan shall be permitted up to a maximum of two (2) ground flagpoles per development; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Combined size and weight of all flags must meet the wind load requirements per pole.
- E. Home Occupation Signs – There may be one (1) home occupation sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building. Refer to Home Occupations in Section 12.14 of the Gallatin Zoning Ordinance. Home Occupation Signs do not require a permit.
- F. Residential Signs – No permit required. Any sign of a type described below which does not exceed two (2) square feet in area:
 - 1. A sign giving a property identification name or number or name(s) of occupant, one (1) sign per lot;
 - 2. A mailbox sign [one (1) sign per dwelling unit], and;
 - 3. A sign(s) posted on property relating to private parking, trespassing, or dangerous animals [limited to one (1) sign per zone lot if less than one (1) acre in size].

13.07.075 Permitted Permanent On-Premises Signs in Non-Residential and Mixed Use Zone Districts

- A. Awning Signs – Awning signs shall be displayed on the valance/curtain area of the awning only. Signage shall be non-illuminated; the display surface area (lettering) shall not exceed six (6) square feet; and the height of letters shall not exceed one (1) foot. Such signs shall be limited to identification of the name and/or address of the buildings or establishment contained therein and such awning shall not extend to within two (2) feet of any public vehicular travel way.
- B. Changeable Copy Sign (Automated) – The background of each changeable copy portion of the sign must be of a single, constant color. The copy or other message displayed shall not be changed more often than eight (8) times in a twenty-four (24) hour period.

- C. Directional Signs – Permitted within non-residential and mixed use zone districts. Signs shall not exceed six (6) square feet in sign face area, two and one-half (2.5) feet in height, and shall have a minimum setback of two (2) feet from the right-of-way. Signs shall not be located in the rights-of-way.
- D. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Only one (1) flag may contain a commercial logo or message. Combined size and weight of all flags must meet the wind load requirements per pole.
- E. Flagpoles, Outrigger Wall-Mounted – Shall be outrigger wall-mounted flagpoles only; a maximum of three (3) per principal building; no more than two (2) flags per pole. Only one (1) flag may contain a commercial logo or message. Flagpoles shall not exceed a maximum of twelve (12) feet in length
- F. Freestanding/Ground Sign - The face of any one (1) freestanding/ground sign shall be less than or equal to one (1) square foot per one (1) linear foot of street frontage. One (1) freestanding/ground sign shall be permitted along a public right-of-way for any commercial business whether the development has a single or multiple occupant(s). In no case however, shall more than three (3) freestanding/ground signs be permitted for any development regardless of the number of roadways which front the development. See Subsection 13.07.110 for maximum square footage per zone district. See Subsection 13.07.120 for Multi-Tenant Development and Out Parcel Signs.
- G. Menu Boards
1. Freestanding – Two (2) freestanding menu board signs shall be permitted per drive-thru lane. Each freestanding drive-thru menu board shall be spaced a minimum of ten (10) feet apart, and from other freestanding signs on the property. A single freestanding menu board sign shall not exceed fifty (50) square feet in area including all attached signs. The total aggregate of all freestanding menu board signs in a single drive-thru lane shall not exceed sixty (60) square feet in area. The maximum sign height shall not exceed eight (8) feet.
 2. Wall-Mounted – Two (2) wall-mounted menu board signs shall be permitted in a drive-thru lane. The total aggregate of all wall-mounted menu board signs shall not exceed twenty-four (24) square feet.
- H. Suspended Signs – Suspended signs shall be permitted under covered walkways attached to buildings at entrances to businesses. There shall only be one (1) suspended sign per entrance, and the suspended sign may have copy on both sides. A suspended sign shall not exceed two (2) square feet in area, and the bottom edge of a suspended sign shall be no less than seven and a half (7.5) feet above the sidewalk. A suspended sign shall not be illuminated.

I. Wall-Mounted Signs

1. Single Business Frontage

Each business with an outside public entrance shall be allowed signage in an amount equal to one (1) square foot per one (1) linear foot of the front width of the business.

2. Multiple Business Frontages – as defined in Subsection 13.07.045

a. Primary Business Frontage - The business shall be allowed signage in an amount equal to one (1) square foot per one (1) linear foot of the façade of the business that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this façade. In no case shall more than the above calculated amount be permitted on the primary business front.

b. Secondary Business Frontage – The business shall be allowed signage in an amount equal to twenty-five percent (25%) of one (1) square foot per one (1) linear foot of the width of one (1) secondary business front. The amount of signage allowed for the secondary business frontage may be divided up and used on additional sides of the business except for on the primary business frontage.

3. Canopy Signs – Whether the canopy is attached or freestanding, canopy signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for the business.

4. Multi-Tenant Signs – Shall be allowed signage equal to one (1) square foot per one (1) linear foot of the front width of the business. Each retail use or office use, or multiple retail and office uses sharing a common entrance, shall be allowed to have at least one (1) wall-mounted sign not to exceed thirty (30) square feet.

In buildings where multiple businesses or tenants share a common outside public entrance and have individual inside public entrances, one (1) additional wall-mounted sign, not exceeding forty (40) square feet, shall be allowed for building identification.

5. Window Signs – Exterior window signs shall not cover more than twenty (20%) percent of the window area per facade. Window panels separated by muntins, mullions or piers shall be considered as one continuous window area. Window signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for business.

13.07.080 Permanent Signs in the CC Zone District

A. Purpose and Intent

The purpose of this Subsection is to establish specific context sensitive requirements for signage and awnings permitted in the CC zone district that are reflective of the unique urban development patterns permitted in the CC zone downtown district.

B. Permitted Signs

1. Projecting Signs:

- a. A projecting sign is considered a double faced sign.
- b. The maximum size of a projecting sign shall be fourteen (14) square feet [seven (7) square feet per face].
- c. A projecting sign shall not project more than three and a half (3.5) feet from the wall of the building.
- d. The bottom edge of a projecting sign shall be no less than seven and a half (7.5) feet above the sidewalk.
- e. There shall be no more than one (1) projecting sign per business entrance per elevation.
- f. The top edge of the sign bracket shall be located no higher than the bottom of the second story window sill, unless necessary to meet clearance requirements in Subsection 13.07.080B.1.d.
- g. The use of a projecting sign shaped to illustrate the business, also known as a Symbol Sign, is appropriate.

2. Wall-Mounted Signs:

- a. The following design guidelines shall apply to wall-mounted signs for buildings that are located within five (5) feet or less of the right-of-way.
 - i. The sign area of a wall-mounted sign shall not exceed one (1) square foot of sign for every linear foot of street frontage of the building, up to a maximum of fifty (50) square feet.
 - ii. A wall-mounted sign shall have a maximum height of twenty-four (24) inches.
 - iii. The lettering or logo on a wall-mounted sign shall not exceed sixteen (16) inches in height.
 - iv. A wall-mounted sign shall not extend more than six (6) inches from the wall of the building.

- v. A wall-mounted sign shall be located between the top of the storefront and the bottom of the second story windows and shall not cover any part of the storefront or second story windows.
- b. The following design guidelines apply to wall-mounted signs for buildings that are located more than five (5) feet away from the right-of-way.
 - i. The sign area of a wall-mounted sign shall not exceed one (1) square foot of sign for every linear foot of the front face of the building, up to a maximum of one hundred (100) square feet.
 - ii. A wall-mounted sign shall have a maximum height of thirty (30) inches.
 - iii. A wall-mounted sign shall not extend more than six (6) inches from the wall of the building.
 - iv. There shall be no more than one (1) wall-mounted sign per primary business entrance and a maximum of two (2) wall-mounted signs per building.

3. Window Signs:

- a. Window signs shall not cover more than twenty percent (20%) of the glass area of a window.
- b. The lettering of a window sign shall not exceed a height of eight (8) inches.
- c. There shall be no more than two (2) window signs per business.
- d. Window signs shall be made of vinyl letters and/or logo or painted by a sign painter. Large hand painted signs and temporary signs shall be avoided.

4. Multi-Tenant or Directory Signs:

- a. If the multi-tenant sign is a projecting sign it shall follow the guidelines for projecting signs in Subsection 13.07.080.B.1, with the following exception:
 - i. The maximum size of a multi-tenant projecting sign shall be fourteen (14) square feet [seven (7) square feet per face].
- b. If the multi-tenant sign is a wall-mounted sign it shall be:
 - i. Considered a single sided sign.
 - ii. The sign shall be a maximum of twelve (12) square feet.
 - iii. The sign shall be a maximum width of three (3) feet.

5. Sandwich Board or A-Frame Signs:

- a. The maximum size of sandwich board signs shall be sixteen (16) square feet [eight (8) square feet per face] with a maximum height of four (4) feet.
- b. There shall be no more than one (1) sandwich board sign per business and the sign shall be located in front of the business it advertises.
- c. There shall be a minimum distance of five (5) feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.
- d. No sandwich board shall be located that interferes with vehicular sight distances at intersections, vehicular parking, or usage of street furniture.

No lighting of any kind is permitted on sandwich boards.

6. Awning Signs:

- a. Lettering on an awning shall be confined to the valance area on the front and sides of the awning.
- b. A space shall be provided between the top and bottom of the valance and the edge of the lettering on the valance.
- c. Business logos are not permitted on any part of the awning, only lettering for the business name and/or address.
- d. Backlit or internally lit awnings shall not be permitted within the CC zone district.

7. Canopy Signs – Whether the canopy is attached or freestanding, canopy signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for the business.

8. Monument Sign:

- a. The maximum height of a freestanding sign in the CC district is six (6) feet from grade level.
- b. The maximum square footage of a freestanding sign is thirty (30) square feet total or fifteen (15) square feet per sign face.
- c. A freestanding sign shall have a minimum setback of five (5) feet from the public right-of-way.
- d. Internally lit freestanding signs are not permitted within the CC zone district.

9. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Only one (1) flag may contain a commercial logo or message. Combined size and weight of all flags must meet the wind load requirements per pole.

10. Flag Poles, Outrigger Wall-Mounted

- a. The maximum number of wall mounted flag poles is two (2) per building.
- b. The maximum number of flags is two (2) per building.
- c. The wall mount shall not be installed above the top of the storefront windows or the top of the primary entrance.
- d. The maximum height of the flagpole tip is sixteen (16) feet above the sidewalk.
- e. The bottom edge of a flag, flying on the wall mounted pole, shall be no less than seven and a half (7.5) feet above the sidewalk.

C. Maximum Number of Signs:

1. Each building is permitted two (2) sign types facing each street upon which the building fronts.
2. Each of the two (2) permitted signs shall be a different type.
3. Two (2) windows signs count as one (1) sign when more than one (1) sign type is being installed.

D. Sign Materials

1. Permitted Materials:

All signs permitted under Subsection 13.07.080 shall be constructed of wood, metal, synthetic wood material, and/or encased Styrofoam.

2. Prohibited Materials:

Signs permitted under Subsection 13.07.080 shall not be constructed of extruded plastic, unfinished wood, and/or unfinished metal. This Subsection shall not prohibit the use of extruded plastic lettering.

E. Performance Standards for Glare and Maximum Illumination

1. All signage in the CC zone district shall conform to the performance standards for glare and illumination found in Subsection 13.07.090

2. In addition to the provisions of Subsection 13.07.090, illuminated signage shall not:
 - a. Have blinking, flashing, or fluttering lights or other illuminating devices which change light intensity, brightness, or color.
 - b. Have colored lights that may be confused with or construed as a traffic control device.
 - c. Have exposed bulbs illuminating the exterior surface of any sign.
 - d. Internally illuminated signs are not permitted, but backlighting is permitted

F. Awnings

1. Awning Shapes:

- a. An awning shall follow the shape of the door or window it is being installed over.
- b. Awnings shall be a sloped, curved, or arched in terms of their shape.

2. Materials:

- a. Awnings shall be constructed of a fabric material.
- b. Metal awnings may be appropriate and will be reviewed for appropriateness on a case by case basis.

3. General Awning Guidelines:

- a. Retractable awnings are not permitted within the CC zone district.
- b. An awning shall be installed to fit within the width and height of the storefront or doorway on which it is being installed.
- c. The bottom edge of an awning shall be no less than seven and a half (7.5) feet above the sidewalk and such awning shall not extend to within two (2) feet of any public vehicular travel way.
- d. For any building containing a single business the color, pattern, and mounting characteristics for awnings shall be the same.
- e. All awnings for a single business shall be aligned horizontally unless severe topography requires an awning to slope.
- f. All awnings shall be properly maintained and kept in good repair.

- g. Liability insurance and a signed hold harmless agreement are required.

G. Liability Insurance

1. If a sign or awning projects above or is located on a public sidewalk as permitted by the provisions of this ordinance, the issuance of and continuation of any permit sought shall be conditioned upon the owner furnishing and maintaining adequate liability insurance coverage for the protection of the general public in an amount and form satisfactory to the City Attorney. The owner shall also agree to hold the City harmless from any damages resulting from the placement and maintenance of said sign or awning and this shall be accomplished by a separate written agreement provided on forms approved by the City Attorney binding upon the applicants, their heirs, personal representatives, assigns, and successors.
2. The sign or awning owner, its servants, agents or employees, shall be fully and completely responsible for the repair and maintenance of said structure or device at all times and as a condition precedent to the issuance of any permit sought, by separate written agreement binding upon it, its heirs, personal representatives, assigns or successors, agree that in the event it becomes necessary to widen or relocate the public way, alley, street, or thoroughfare, the applicant, their heirs, its personal representatives, assigns and successors, shall be required to bear the expense of the removal or relocation of the sign or awning and without compensation from the city.

13.07.085 Community Facility On-Premises Signs in Residential Zone Districts

A. Signs for Community Facilities:

Each service/institution/public facility shall be permitted one (1) on-premise sign. The sign shall not exceed sixty (60) square feet in area, equally divided between not more than two (2) sign faces.

The maximum height of a freestanding sign shall be eight (8) feet. The minimum setback shall be fifteen (15) feet from the right-of-way. The sign shall not encroach in required side yard setbacks of the zone district and only one (1) such freestanding sign shall be permitted per street frontage.

- B. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Combined size and weight of all flags must meet the wind load requirements per pole.
- C. Educational Campus – A comprehensive plan for the signage of a college or university campus, as defined in Subsection 13.07.045, must be prepared by an architect or engineer and submitted to the Codes/Planning Department for review and approval before a sign permit is issued.

D. All Other Districts - Community Facilities shall be permitted the signage of the zone district occupied by the facility.

13.07.090 Performance Standards Regulating Glare and Illuminated Sign Brightness

A. Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

B. Limitation of Glare

In all zone districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles.

C. Illuminated Sign Brightness - The brightness and surface illumination of all illuminated signs shall not exceed the provisions below in the zone district indicated:

<u>Luminous Background:</u>	<u>Indirect Illumination:</u>	<u>Districts:</u>
150-Foot Lamberts	50-Foot Candles	PNC, MRO, MUG, MUL, CSL, OR, MPO
200-Foot Lamberts	75-Foot Candles	CG, CS, PGC, GO, PBP, IR, IG

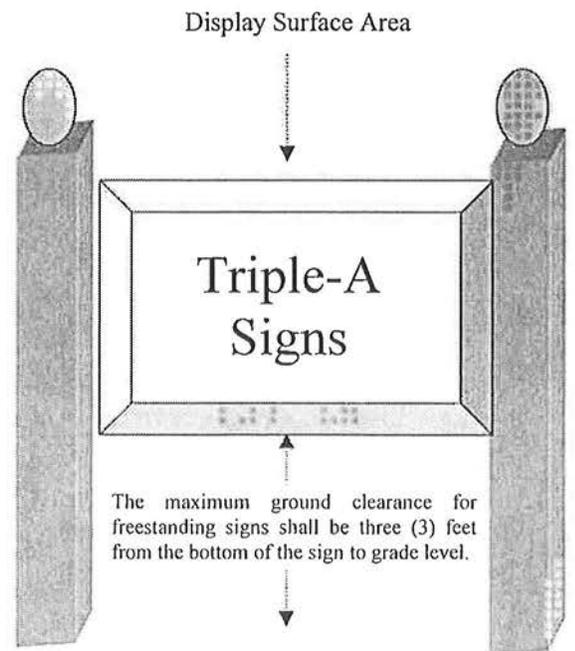
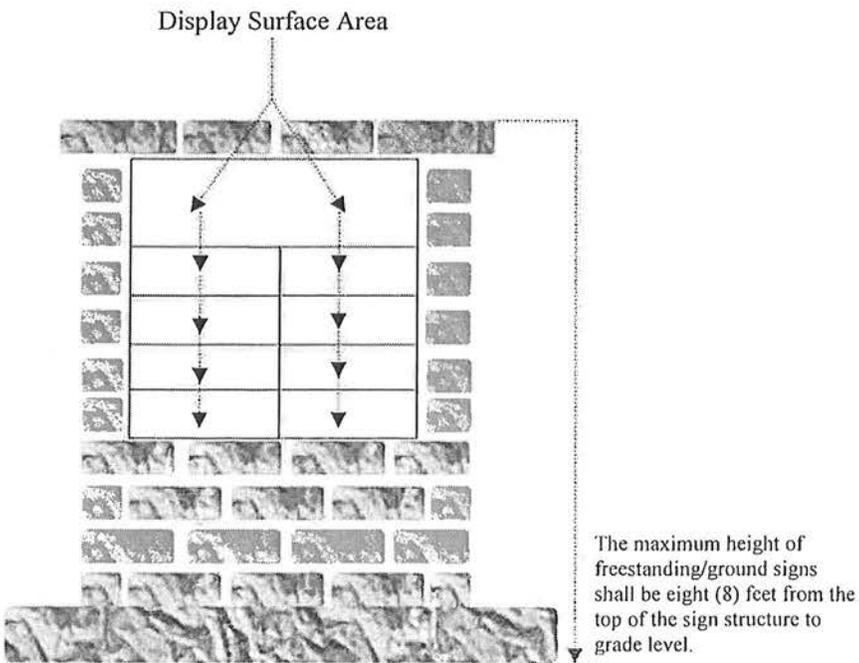
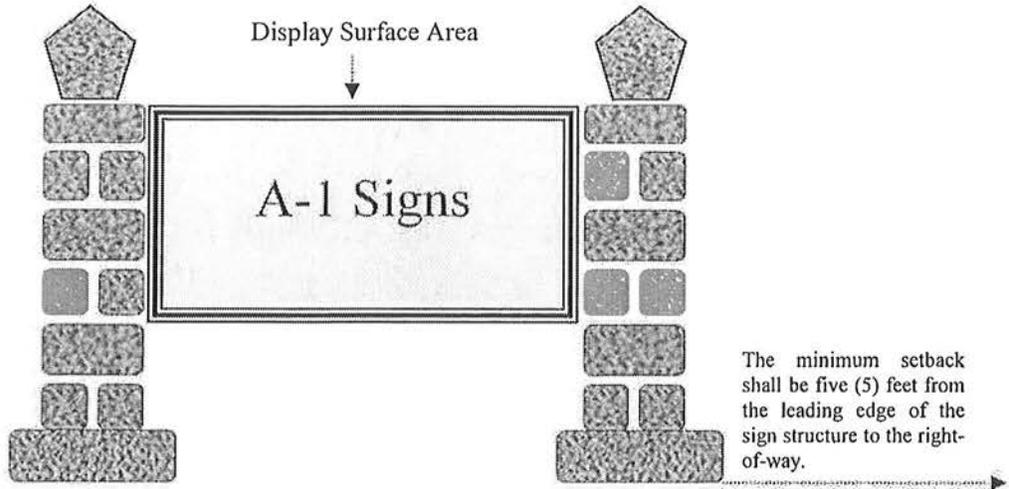
- a. If illuminated, signs shall be illuminated only by the following means:
 - i. A steady, stationary light of reasonable intensity in accordance with Performance Standards, shielded, and directed solely at the sign;
 - ii. Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent residential districts, in accordance with Performance Standards; and
 - iii. Internal illumination, steady, and stationary through translucent materials. This Subsection includes steady, non-flashing neon lighting.

13.07.095 Alternative Plan Approval

Upon the request of any owner of property to which this Subsection applies, the Planning Commission may approve an alternative master signage plan which is not in strict compliance with the requirements of this Subsection, if the Planning Commission finds that such alternative plan meets the purpose and intent of the requirements of this Subsection and the alternative master signage plan is clearly equal to or superior to a plan that would be in strict compliance with this Subsection. In making the determination, the

Planning Commission may consider the topography, shape, size, or other natural features of the property and the size, location, materials, design, color, and other natural or man-made elements of the proposed signage which could impact the proposal's conformance to these standards.

13.07.100 Freestanding Sign Height, Setback Requirements and Display Surface Area



13.07.105 Wall-Mounted Signs Display Surface Area Calculations

Raceway

Individual letters mounted on a track (raceway). Track (raceway) is then mounted to the wall.

5' x 8' = 40 sq. ft.

3' x 20' = 60 sq. ft.

40 sq. ft. + 60 sq. ft. = 100 sq. ft.

Total of 100 sq. ft.

Channel Letters

Individual letters mounted directly to the wall.

4' x 4' = 16 sq. ft.

2' x 2' = 4 sq. ft./letter x 12 letters = 48 sq. ft.

16 sq. ft. + 48 sq. ft. = 64 sq. ft.

Total of 64 sq. ft.

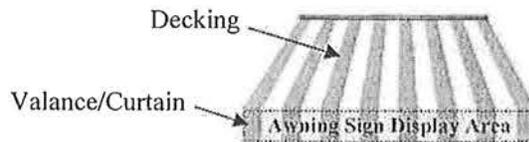
Cabinet Sign

Sign panel(s) within a frame.

4' x 7' = 28 sq. ft.

Awning Sign

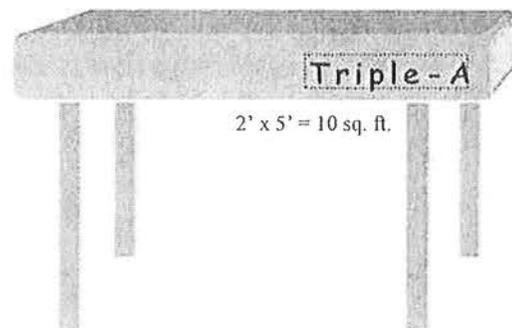
Awning signage is only permitted on the valance/curtain area of the awning.



Canopy Sign

Calculated as part of the wall-mounted signage

- Made of rigid or non-rigid material
- Attached or detached



When measuring wall-mounted signs, multiple geometric shapes should be used, rather than one (1) rectangle. Examples above illustrate the proper method to use when measuring channel letter signs, raceways and cabinet signs. This is to assure that “air space” or “the background wall” are not included as part of the sign area and allows the applicant to maximize the allowable signage.

13.07.110 - Non-Residential and Mixed-Use Zone Districts Freestanding Sign Basic Allowances

Zone District	Maximum Total Aggregate of all freestanding signs permitted per zone lot					
	75 sq. ft.	100 sq. ft.	125 sq. ft.	150 sq. ft.	200 sq. ft.	225 sq. ft.
CG, CS, CSL, PGC, PNC, GO, OR, MRO, MU, MUG, MUL, MPO	[Bar chart showing allowances for various zone districts]					
PBP, IR, IG	[Bar chart showing allowances for various zone districts]					

The face of any one (1) sign may be equal to one (1) square foot per one (1) linear foot of street frontage. In no case shall a single sign face or the total aggregate of the freestanding sign exceed the maximum allowed as noted above per the property's zone district.

13.07.115 - Non-Residential and Mixed-Use Zone Districts Wall-Mounted Sign Basic Allowances

Zone District	Maximum Total Aggregate of all wall-mounted signs permitted per business					
	120 sq. ft.	150 sq. ft.	180 sq. ft.	200 sq. ft.	225 sq. ft.	300 sq. ft.
GO, OR, MRO, MU, MUG, MUL, MPO	[Bar chart showing allowances for various zone districts]					
PBP, IR, IG	[Bar chart showing allowances for various zone districts]					
*CC, CG, CS, CSL, PGC, PNC	[Bar chart showing allowances for various zone districts]					

The face of any one (1) primary business frontage sign may be equal to one (1) square foot per one (1) linear foot of the width of the primary business frontage. The face of any one (1) secondary business frontage sign may be equal to twenty-five percent (25 %) of one (1) square foot per one (1) linear foot of the width of the secondary business frontage. In no case shall a single sign face or the total aggregate of all wall signs per business exceed the maximum allowed as noted above per the property's zone district.

* Additional restrictions apply in the CC Zone District. Refer to Section 13.07.080

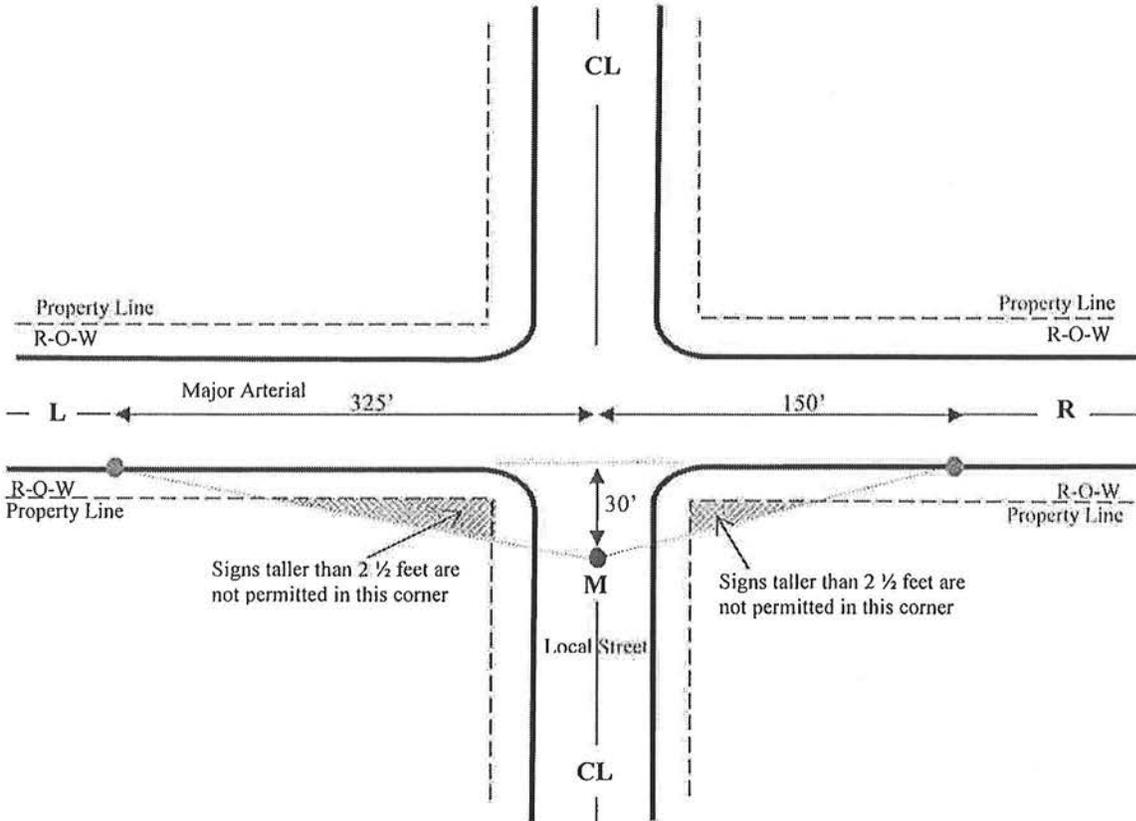
** In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one (1) additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

13.07.120 – Multi-Tenant Development and Out Parcel Signs

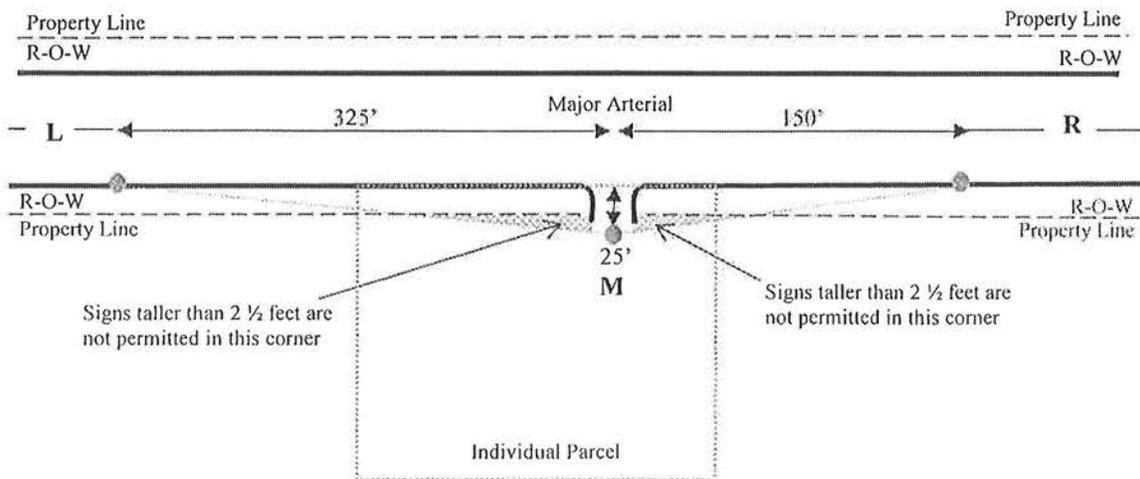
Maximum Number of Signs	1 per development access, minimum of 350 feet apart, maximum of 2 per street front
Maximum Height	12 feet from grade level
Ground Clearance	Maximum of 3 feet from grade level to bottom of sign
Minimum Setback	10 feet from right-of-way
Materials	Shall match the architectural design of the building
Maximum Per Sign Face	120 square feet
Maximum Total Aggregate of all Multi-Tenant Development Signs	300 square feet
Landscaping	The base of all Multi-Tenant Development signs shall be fully landscaped with plants and/or shrubbery
Out Parcel(s)	Maximum of 70 square feet per sign face, maximum height shall not exceed 6 feet tall

13.07.125 – Example for Determining Sight and Traffic Visibility Areas for Signs

Intersection Approach



Driveway Approach



The illustration is not drawn to scale and is only for the purpose of providing an example for determining the sight and traffic visibility areas for the placement of signs. Refer to Subsection 13.06.050 for the required distance per approach.



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: April 23, 2013

TO: Katherine Schoch, Interim Zoning Administrator
City of Gallatin
132 W. Main St.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: April 22, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Text Amendment, 13.07 Sign Regulations PC File:PC0031-12

At the above referenced meeting, the approval for the text amendment was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

- CITY COUNCIL APPROVAL: This item will discussed at a future City Council Meeting

cc: Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0031-12

EXHIBIT C

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 13, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 4

SUBJECT:

Ordinance No. O1304-22

SUMMARY:

Discussion of an amendment to the Zoning Ordinance of the City of Gallatin, Tennessee, Article 13.00, Section 13.07, Sign Regulations. The Planning Commission recommended approval of the amendment at the April 22, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT C

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 27, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 2

SUBJECT:

Ordinance No. O1304-22

SUMMARY:

Discussion of an amendment to the Zoning Ordinance of the City of Gallatin, Tennessee, Article 13.00, Section 13.07, Sign Regulations. The Planning Commission recommended approval of the amendment at the April 22, 2013 Planning Commission meeting.

Council Committee requested this ordinance be reviewed again at the August 27, 2013 Council Committee meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT C

ORDINANCE AMENDING ARTICLE 14.00, PROVISIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS OR OTHER STRUCTURES, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-24, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE that Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures, shall be amended by deleting the Article in its entirety and replacing it with a new Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures, attached hereto as Exhibit B; and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: September 3, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING ARTICLE 14.00, PROVISIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS OR OTHER STRUCTURES, OF THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE – PC0109-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the zoning amendment submitted by the applicant, City of Gallatin, at its regular meeting on July 22, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can is justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

EXHIBIT A

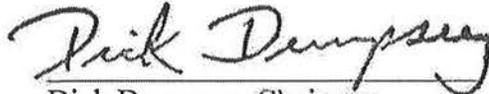
IT IS SO ORDERED.

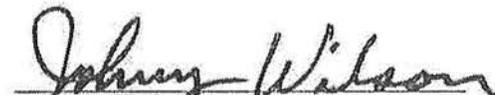
PRESENT AND VOTING

AYE: 7

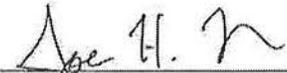
NAY: 0

DATED: 7/22/13


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

EXHIBIT A

ITEM 2 7/22/13 GMRPC MEETING

Public Comment

The City of Gallatin requests approval to amend the Gallatin Zoning Ordinance, Article 14.00, Provisions Governing Non-conforming Uses and Non-complying Buildings or Other Structures. (PC0109-13)

Attachment 2-1 Ordinance O1307-40

ANAYLSIS

The City of Gallatin requests approval of a text amendment to Article 14.00 of the Gallatin Zoning Ordinance pertaining to the provisions governing non-conforming uses and non-complying buildings or Other Structures.

The current Gallatin Zoning Ordinance was adopted in July 1998 and amended in April 2009 to add a new section establishing provisions for non-conforming residential uses and buildings located in commercial zone districts. The State of Tennessee zoning enabling legislation pertaining to non-conforming uses is outlined in Tennessee Code Annotated (TCA) Section 13-7-208; however, state law has been amended several times since the Zoning Ordinance was adopted in 1998. The proposed amendment to Article 14.00 is intended to provide a comprehensive update to the non-conforming use requirements in the Zoning Ordinance in order to make them consistent with the provisions of TCA Section 13-7-208.

In drafting the proposed amendment, Staff researched non-conforming use requirements in comparable communities in Tennessee. The proposed amendment includes deleting Article 14.00 in its entirety and replacing it with a new Article 14.00 that includes updates to the provisions for the continuation, expansion and discontinuance of non-conforming uses as well as amendments to the requirements for non-conforming signs, billboards and multifamily uses. Refer to Attachment 2-1 for additional information about the proposed amendment to Article 14.00.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed Amendment to Article 14.00 to City Council.

ARTICLE 14.00 PROVISIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS OR OTHER STRUCTURES

14.01 Statement of Purpose

The districts established in this Ordinance (as set forth in district regulations in Articles 4.00 through 10.00) are designed to guide the future use of land within the corporate limits and planning region of the City of Gallatin, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible and related uses, thereby promoting and protecting the public health, safety, and general welfare of the community.

In order to protect the health, safety and general welfare of the community, land uses or structures which existed legally upon the commencement of the land use or the construction of the structure, but no longer conform to all the applicable provisions of this Ordinance, shall be restricted by the provisions of this Article to the fullest extent permitted by Tennessee law, including but not limited to the provisions of T.C.A. § 13-7-208, as amended.

Non-conforming uses and structures shall be subject to the following limitations and controls in order to protect and preserve the full use and enjoyment of nearby properties. While legally non-conforming uses are generally permitted to continue by this Article, further investment in such uses may be limited so as to encourage a relocation of the use to an appropriately zoned area.

The following provisions apply to legally non-conforming uses of land, non-conforming improvements to the land, pre-existing lots or parcels of substandard size, and non-conforming signs. These provisions shall be applied in a manner consistent with Tennessee Code Annotated § 13-7-208, as amended.

14.01.010 Conflicts with State or Federal Law

The provisions and requirements of this Article shall be interpreted as necessary by the Zoning Administrator to maintain consistency with applicable State or Federal law.

14.02 Non-Conforming Commercial, Industrial and Business Establishments/Uses

14.02.010 Applicability

For any manner of non-conformity, whether by (1) use, (2) structure, or (3) combination of non-conforming use and non-conforming structure, the following provisions shall apply:

EXHIBIT A

EXHIBIT B

14.02.020 General Provisions

A. Continuation of Non-conforming Uses

Any non-conforming use which existed lawfully at the time of enactment of this Ordinance and which remains non-conforming under the provisions contained herein or any use which shall become non-conforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be continued subject to the provisions of this Article.

B. Change of Non-conforming Uses

For the purpose of this Section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A non-conforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever an owner changes or permits a change from a non-conforming use to a conforming use, such use cannot thereafter be changed back to a non-conforming use.

C. Discontinuance of Non-conforming Industrial, Commercial or Business Establishment Uses

When a non-conforming industrial, commercial or business use of land or a non-conforming use of part or all of a structure is discontinued or abandoned for a period of thirty (30) months, as specified by Tennessee Code Annotated § 13-7-208, as amended, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

D. Repair and Maintenance of Non-conforming Uses and Structures

Nothing in this Section shall prevent the routine maintenance, strengthening or restoring to a safe condition of any part of any non-conforming building or structure declared unsafe by proper authority.

E. Expansion of Non-conforming Uses and Structures

Subject to the provisions of Tennessee Code Annotated § 13-7-208, as amended, non-conforming industrial, commercial, or business establishment uses may be expanded and additional facilities may be constructed which involve an actual continuation and expansion of the non-conforming use, provided there is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners.

EXHIBIT A

EXHIBIT B

F. Destroy Present Facilities and Reconstruct New Facilities

Subject to the provisions of Tennessee Code Annotated § 13-7-208, as amended, non-conforming industrial, commercial, or business establishments uses may destroy present facilities and reconstruct new facilities necessary to the conduct of the business, provided there is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners. Any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site.

14.03 Non-Conforming Residential Uses

14.03.010 Applicability

For any manner of non-conformity, whether by (1) use, (2) structure, or (3) combination of non-conforming use and non-conforming structure, the following provisions shall apply:

14.03.020 General Provisions

A. Continuation of Non-conforming Uses

Any non-conforming residential use which existed lawfully at the time of enactment of this Ordinance and which remains non-conforming under the provisions contained herein or any use which shall become non-conforming upon enactment of this Ordinance, or any subsequent amendments thereto, may be continued subject to the provisions of this Article.

B. Change of Non-conforming Uses

For the purpose of this Section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

Unless otherwise provided for in this Article, a non-conforming residential use may be changed to any conforming use, and the applicable bulk regulations shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever an owner changes or permits a change from a non-conforming residential use to a conforming use, such use cannot thereafter be changed back to a non-conforming use.

C. Discontinuance of Residential Use

Any non-conforming residential use legally established upon the enactment of this Ordinance, or any subsequent amendments thereto, may be continued unless they are discontinued for a period of one (1) year.

EXHIBIT A

EXHIBIT B

D. Repair and Maintenance of Non-conforming Residential Uses and Structures

Nothing in this Section shall prevent the routine maintenance, strengthening or restoring to a safe condition of any part of any non-conforming residential building or structure declared unsafe by proper authority.

E. Expansion of Non-conforming Residential Structures

Unless otherwise provided for in this Article, a non-conforming residential building or structure may be altered, expanded or converted to another permitted use, provided that the alteration, expansion or conversion does not create an increase in the degree of non-conformity.

14.03.030 Non-conforming Residential Uses and Buildings in Commercial Zone Districts

A. Continuation Permitted

Any non-conforming residential use legally established on or before July 8, 1998 that is located in any commercial zone district may be continued unless it is discontinued for a period of one (1) year. Such use may be expanded and its buildings structurally altered or replaced provided that the expansion, alteration or replacement complies with the yard requirements of the residential zone district which most closely matches the lot size containing the non-conforming use as determined by the Zoning Administrator and all applicable development standards in this Ordinance.

B. Change in Residential Use

Changes of use from a non-conforming Single-wide Mobile Home residential use to a non-conforming One-Family Detached Dwelling residential use may be made provided that the change of use complies with the yard requirements of the residential zone district which most closely matches the lot size containing the non-conforming use as determined by the Zoning Administrator and all applicable development standards in this Ordinance.

14.04 Non-Conforming Multifamily Residential Establishments

Non-conforming multifamily residential establishments shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily residential establishment in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster in accordance with the provisions of Tennessee Code Annotated § 13-7-208, as amended.

14.05 Non-Conforming On-Premises Signs14.05.010 Applicability

The following provisions shall apply to legally permitted on-premises signs that were in compliance with all applicable regulations in effect at the time of installation, but were made non-conforming by the adoption of this Ordinance, or subsequent amendments hereto. For the purpose of this Article, a non-conforming on-premises sign or sign structure means any existing permanent on-premises sign or sign structure which does not conform to the provisions of this Ordinance, but was lawfully erected under the sign regulations in effect at the time it was erected. For the purposes of regulating non-conforming signs, the definitions contained in Section 13.07 shall apply.

14.05.020 General Provisions

The utilization of a non-conforming on-premises sign or sign structure may continue subject to the conditions and requirements noted below. When the use of a property changes [including but not limited to the redevelopment of the site or a change in the use of the business(es)], the signs on that property must be brought into compliance with the provisions of this Ordinance.

With the exception of minor repairs and maintenance, which shall include and not be limited to printing, painting, re-facing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance, no substantial improvements to a non-conforming sign or sign structure shall be allowed. Any structural or other substantial improvement to a non-conforming sign shall be deemed an abandonment of the non-conforming status and shall result in the reclassification of such sign as an illegal sign.

14.06 Non-Conforming Billboards

Non-conforming Billboards may be continued and permitted to expand in accordance with the provisions of Tennessee Code Annotated § 13-7-208, as amended.

14.07 Non-Conforming Uses, Buildings Or Structures Located In Special Flood Hazard Areas

The provisions of Article 10.00 shall apply to the continuation, expansion or reconstruction of any non-conforming uses, buildings or structures located within a special flood hazard area.



City of Gallatin, Tennessee

Codes/Planning Department

Gallatin Municipal-Regional Planning Commission
ACTION FORM

DATE: July 24, 2013

TO: Katherine Schoch, Interim Zoning Admin./Assist. Director
City of Gallatin
132 West Main Street
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: July 22, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Text Amendment, GZO Article 14.00 PC File: PC0109-13

At the above referenced meeting, the request for approval of the text amendment was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

- CITY COUNCIL APPROVAL
 - Council Committee: 8/13/13
 - 1st Reading at City Council: 8/20/13
 - Ad runs for Public Hearing by Codes/Planning Department: 8/15/13
 - Public Hearing at City Council: 9/3/13
 - 2nd Reading at City Council: 9/17/13

cc: Mayor Jo Ann Graves
Joe Thompson, City Attorney
PC File PC0109-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 13, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 5

SUBJECT:

Ordinance #O1307-40 amending Zoning Ordinance of the City of Gallatin, Tennessee, Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures.

SUMMARY:

Applicant requests approval of an amendment to the Zoning Ordinance of the City of Gallatin, Tennessee, Article 14.00, Provisions Governing Non-conforming Uses and Non-Complying Buildings or Other Structures, to delete Article 14.00 in its entirety and replace it with a new Article 14.00. The purpose of the proposed amendment is to provide a comprehensive update the Non-Conforming Use regulations. The Planning Commission recommended approval of the amendment at the July 22, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT A

AMENDED ORDINANCE NO. 01309-45

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONE DISTRICT TO PLANNED NEIGHBORHOOD COMMERCIAL (PNC) ZONE DISTRICT – TIGER MANAGEMENT GROUP LLC, OWNER(S) – 3.00 (+/-) ACRES – S.B.E. TAX MAP 126I/B/008.00 – LOCATED ON THE SOUTH SIDE OF NASHVILLE PIKE, WEST OF LOCK 4 RD AT 921 NASHVILLE PIKE

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2013-68 and GMRPC Resolution No. 2013-82, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission as described in Exhibit A and hereby imposes those recommendations as conditions to this zoning amendment; and
2. That based upon the recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property defined and described in Exhibit B, Restaurant / Retail Development Lock 4 Road Preliminary Master Development Plan, attached hereto, shall be amended from the regular zoning district of Multiple, Residential and Office (MRO) zone district to the regular zoning district of Planned Neighborhood Commercial (PNC) zone district, and the Restaurant / Retail Development Lock 4 Road Preliminary Master Development Plan is hereby approved.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING: September 17, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION APPROVING OTHER BUSINESS ITEM #9.2 - A REVISION TO THE
CONCEPTUAL LANDSCAPING PLAN FOR A RESTAURANT AND RETAIL CENTER LOCATED
AT 921 NASHVILLE PIKE - PC0161-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING
COMMISSION considered the revision to the conceptual landscaping plan submitted by the applicant,
Perry Engineering, LLC, at its regular meeting on September 23, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING
COMMISSION has reviewed the application materials and supporting documentation submitted by the
applicant, the analysis, findings and recommendations presented by City Staff and in the Planning
Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the
meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-
REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its
deliberations makes the following findings pursuant to TCA § 13-3-103
and 13-4-102:

1. This revised conceptual landscaping plan is in agreement and consistent
with the recommendations of the General Development and Transportation
Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations
exists are not contravened.
3. It has been determined that there will not have an adverse effect upon
adjoining property owners or any such adverse effect can be justified by
the public good or welfare.
4. It has been determined that no one property owner or small group of
property owners will benefit materially from the approval to the detriment
of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission
approves the revised conceptual landscaping plan with the following
condition:

1. Planning Commission approved the applicant's request to install an eight (8) foot tall
SimTek fence along the rear property line as part of the Type 40 Bufferyard.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE
MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and
after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

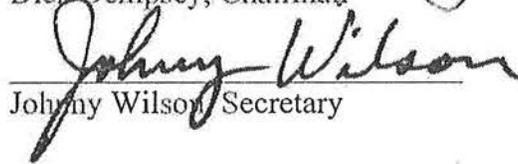
EXHIBIT A

AYE: 6

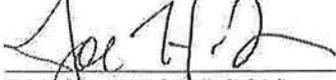
NAY: 0

DATED: 9/23/13


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

EXHIBIT A

GMRPC Resolution No. 2013-68

RESOLUTION RECOMMENDING APPROVAL OF PRELIMINARY MASTER DEVELOPMENT PLAN TO REZONE 3.00 (+/-) ACRES FROM MULTIPLE RESIDENTIAL AND OFFICE (MRO) TO PLANNED NEIGHBORHOOD COMMERCIAL (PNC) IN ORDER TO BUILD A RESTAURANT AND RETAIL CENTER AT 921 NASHVILLE PIKE (PC0161-13)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Master Development Plan submitted by the applicant, Perry Engineering, LLC, at its regular meeting on August 26, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This Preliminary Master Development Plan is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not have an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the Preliminary Master Development Plan to the Gallatin City Council with the following conditions:

1. Planning Commission approve the conceptual architectural elevations as submitted. The Planning Commission shall approve the final architectural plans as part of the approval of the Final Master Development Plan.
2. The applicant shall revise the landscape plan to provide both the required parking lot screening and Type 12 bufferyard around the detention pond located adjacent to Lock 4 Road.
3. The applicant shall submit clarification for approval by the Codes/Planning Department that the calculations used to determine that the additional site trees and shrubs required in Section 08.05.050 B of the Gallatin Zoning Ordinance have been



satisfactorily addressed. The applicant shall revise the landscaping plan as necessary in order to meet the additional site landscaping requirements.

4. Planning Commission shall make a decision on whether or not the proposed alternative Landscaping Plan for the Type 40 buffer yard meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance or whether the applicant shall revise the landscape plan to provide another alternative or whether the plan must be revised to meet the bufferyard requirements as specified by the Gallatin Zoning Ordinance.
5. The applicant shall add a note to the Preliminary Master Development Plan stating that freestanding signs shall be limited to 6-foot tall monument signs. The note must also state that the applicant will provide a detailed sign package as part of the approval of the Final Master Development Plan by the Planning Commission and that the applicant will submit all signage to the Codes/Planning Department for approval and issuance of a sign permit prior to the installation of any signage.
6. The applicant shall revise the Preliminary Master Development Plan to correct the use classifications as described in the staff report and clarify the specific uses in the PNC zone district that are being requested for the 6,400 square foot multi-tenant building rather than listing all of the uses in the PNC zone district.
7. The applicant shall submit for approval by the Engineering Division information showing that the proposed drive-through aisle has sufficient length to store, at minimum, the average traffic volume.
8. The applicant shall revise the PMDP to show the location of the sidewalks adjacent to the right-of-way as required by the Engineering Division.
9. The applicant shall submit three (3) corrected and folded copies of the Preliminary Master Development Plan to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

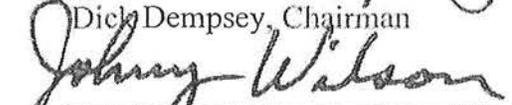
IT IS SO ORDERED.

PRESENT AND VOTING

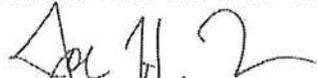
AYE: 7

NAY: 0

DATED: 8/26/13


 Dick Dempsey, Chairman

 Johnny Wilson, Secretary

APPROVED AS TO FORM:



 JOE H. THOMPSON
 CITY ATTORNEY

ITEM 10 8/26/13 GMRPC MEETING

Public Comment

Applicant requests approval of a Preliminary Master Development Plan to rezone 3.00 (+/-) acres from Multiple Residential and Office (MRO) to Planned Neighborhood Commercial (PNC) in order to build a restaurant and retail center at 921 Nashville Pike. (PC0161-13)

Attachment 10-1 Preliminary Master Development Plan
Attachment 10-2 Response Letter from Randy Perry, P.E. dated August 15, 2013
Attachment 10-3 Letter, Richard G. Phillips, P.E. dated August 15, 2013

ANALYSIS

The applicant is requesting approval of a Preliminary Master Development Plan (PMDP) to rezone 3.00 (+/-) acres from Multiple Residential and Office (MRO) to Planned Neighborhood Commercial (PNC) in order to build a restaurant and retail center at 921 Nashville Pike. No portion of this property is located in a special flood hazard area.

Gallatin Zoning Ordinance Section 08.05.010 – General Standards for Making Determinations

Prior to the establishment of a new Planned Neighborhood Commercial District, the Planning Commission is required to review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- B. Will not be hazardous or disturbing to existing or future neighboring uses;
- C. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
- D. Will be served adequately by essential public facilities and services, such as highways, streets, police, and fire protection; drainage structures; refuse disposal; or schools; or that the persons or agencies responsible for the establishments of the proposed use shall be able to provide adequately any such service;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- G. Will be consistent with the intent and purposes of this Ordinance.

The information and analysis contained in this staff report is intended to serve as the required review of the facts and circumstances of the proposed PMDP and rezoning request to ensure that the proposed development will meet the Zoning Ordinance and standards outlined in Section 08.05.010.

Rezoning History

A (PMDP) to rezone this property from Residential-20 (R20) to Multiple Residential and Office (MRO) for a convenience store was recommended by the Planning Commission at the March 27, 2006 meeting and approved by the Gallatin City Council on 2nd reading on April 18, 2006. The

Planning Commission approved a Final Master Development Plan with conditions for the convenience store at the April 24, 2006 meeting. The convenience sales and service project was not developed and the applicant is looking to purchase and rezone the property in order to develop a 6,400 square foot multi-tenant retail building and 4,200 square foot restaurant building on the property.

General Development and Transportation Plan

The PMDP is consistent with the recommendations outlined in the General Development and Transportation Plan Amendment for the Nashville Pike Corridor that was approved by the Planning Commission in 2001 and reaffirmed in the Gallatin on the Move 2020 Plan adopted in 2009. The General Development and Transportation Plan supports the requested PNC zone district.

The applicant has provided the required access management improvements and designed the site layout and architectural plans to be consistent with the standards recommended in Plan. In addition, the applicant has submitted alternative landscape and buffering plans for the rear bufferyard located adjacent to the existing residential uses for the Planning Commission to consider. The access management, landscaping and buffering, and architectural design elements are intended to minimize the potential impacts of the proposed development on the adjacent residential properties.

Proposed Uses

Staff commented during the initial review of the PMDP that the applicant needed to identify the specific use classifications that were being requested as part of the rezoning request and not just label the use as commercial development. The applicant resubmitted the PMDP and labeled the 6,400 square foot building for retail uses and the 4,200 square foot building as a restaurant use. The use classifications need to be corrected to match the use classifications from the Zoning Ordinance and be labeled as General Retail Sales and Services and Food Service.

In addition, the applicant responded by adding a use table to the PMDP that simply lists all of the permitted and conditional uses in the PNC zone district. As presented, General Retail Sales and Service is the only use that would be permitted in the multi-tenant building. The applicant needs to clarify which of the specific uses in the PNC zone district are being requested for the 6,400 square foot multi-tenant building rather than listing all of the uses in the PNC zone district.

Parking

The parking requirements for the site were based on the General Retail Sales and Services [1 parking space for every 250 square feet] and Food Service [1 parking space for every four (4) person seating capacity] use classifications. As proposed, the development is required to provide a total of 54 parking spaces. The applicant has shown a total of 87 parking spaces, which exceeds the number of required parking spaces by 33 parking spaces. The 87 parking spaces are broken down as 83 regular spaces, and 4 handicapped spaces. The applicant has removed the parking that was originally shown behind the 6,400 square foot building and has shown the area as loading zone. The landscaping plans need to be corrected to show the area as a loading zone instead of parking.

Access

The applicant has provided the access management recommendations contained in the General Development Plan Amendment for the Nashville Pike Corridor. The existing backage road will be extended from the adjoining Wendy's development to Lock 4 Road. The applicant will also provide the required cross access easements and shared driveway connection onto Nashville Pike. The

EXHIBIT A

applicant has revised the site layout to remove the parking spaces shown behind the 6,400 square foot building and has angled the dumpster accesses to provide additional room for loading and unloading.

Landscaping and Bufferyards

Type 12, 15, and 40 bufferyards are required on this site. The applicant has shown the required Type 15 bufferyard along the northern property boundary along Nashville Pike. The Type 12 bufferyard along the east property boundaries along Lock 4 Road is shown as an alternative bufferyard due to the location of the proposed plant material. The Type 40 bufferyard located along southern property boundary is also shown as an alternative bufferyard and the applicant has submitted two (2) alternatives for the Planning Commission to consider for this bufferyard.

The Alternative Type 12 bufferyard along the eastern property boundary shows the required trees being planted in the bufferyard. However, the applicant is requesting an alternative plan to permit the bufferyard landscaping near the detention pond to be installed up adjacent to the parking area rather than in the 12-foot bufferyard along Lock 4 Road. Staff is concerned that no landscaping is being proposed to screen the proposed detention pond from Lock 4 Road. The applicant needs to revise the plans to provide both the required parking lot screening and Type 12 bufferyard around the detention pond adjacent to Lock 4 Road.

The Type 40 bufferyard located along southern property boundary is shown as an alternative bufferyard and the applicant has submitted two (2) alternatives for the Planning Commission to consider. The Zoning Ordinance requires Type 40 bufferyards to consist of a strip of landscaped area, a minimum of forty (40) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of 10 feet, plus one medium evergreen tree (ultimate height 20-40 feet) for every 15 feet planted on triangular staggered spacing, plus one small deciduous or ornamental tree for every 80 linear feet, plus one large deciduous tree (ultimate height 50+ feet) for every eighty 80 linear feet measured along the opaque barrier. The landscape materials are required to be planted on the side of the opaque barrier that abuts the less intense zoning district or development.

The Zoning Ordinance states that the opaque barrier may be achieved with either:

- A masonry wall, a minimum of three (3) feet in height, of a design approved by the City Planner.
- A hedge-like screen or a random or informal screen plantings of broadleaf evergreen shrubs or approved deciduous plant material, capable of providing a substantially opaque barrier and attaining a minimum height of four (4) feet within three (3) years of planting. Hedges shall be planted initially at minimum spacings and sizes to adequately provide a substantially opaque barrier within two years of planting.
- A landscaped earth berm with a maximum slope of 3:1, rising no less than two and one-half (2.5) feet above the existing grade at the lot line separating the development parcel from adjacent properties, or
- Any combination of these methods that achieves the cumulative minimum height prescribed in each bufferyard type.

In addition, the General Development and Transportation Plan and Zoning Ordinance encourage the preservation of healthy existing tree vegetation within a required bufferyard. The preservation of each healthy existing tree (at least four and one-half inches caliper) may be counted as one tree towards the fulfillment of the landscape requirements.

EXHIBIT A

The General Development Plan Amendment recommended that the bufferyard types recommended in the access management portion of the plan be provided between the existing residential neighborhood and the developing property and that a minimum of a 10-foot tall opaque barrier be provided in this area. The Plan recommended that the opaque barrier could be obtained through a combination of a landscaped earth berm and masonry wall or an acceptable alternative fence design (such as pressure treated shadow box fence). The landscaping must be designed to achieve the required height within three years as specified by the Zoning Ordinance.

The Zoning Ordinance permits the Planning Commission to approve an Alternative Plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements and the alternative buffer yard plan is clearly superior to a plan that would be in strict compliance with this Ordinance. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property; the suitability of any alternative screening or buffering proposals; and other similar factors.

Alternative 1 for Type 40 bufferyard

The first alternative shows a heavily landscaped bufferyard that includes the preservation of 30 existing large canopy trees and the installation of 63 medium evergreens, 12 small understory trees and 24 large evergreen shrubs. The proposed landscaping exceeds the required plant material and proposes to achieve the opaque barrier through the installation of the additional plant material. A 15-foot drainage easement is located in the bufferyard and limits the installation of a berm in this area. In addition, in order to install a landscaped earth berm or brick screen wall in this area would require that most of the existing trees to be removed to install the opaque barrier. Staff believes that that the proposed bufferyard landscaping can meet the intent of the Type 40 bufferyard requirements along most of the bufferyard. However, staff is concerned about how well the proposed buffer will screen the area that is adjacent to the existing single family residence near to Lock 4 Road. The Planning Commission should review additional options for a combination of additional landscape materials and an alternative fence design in this area.

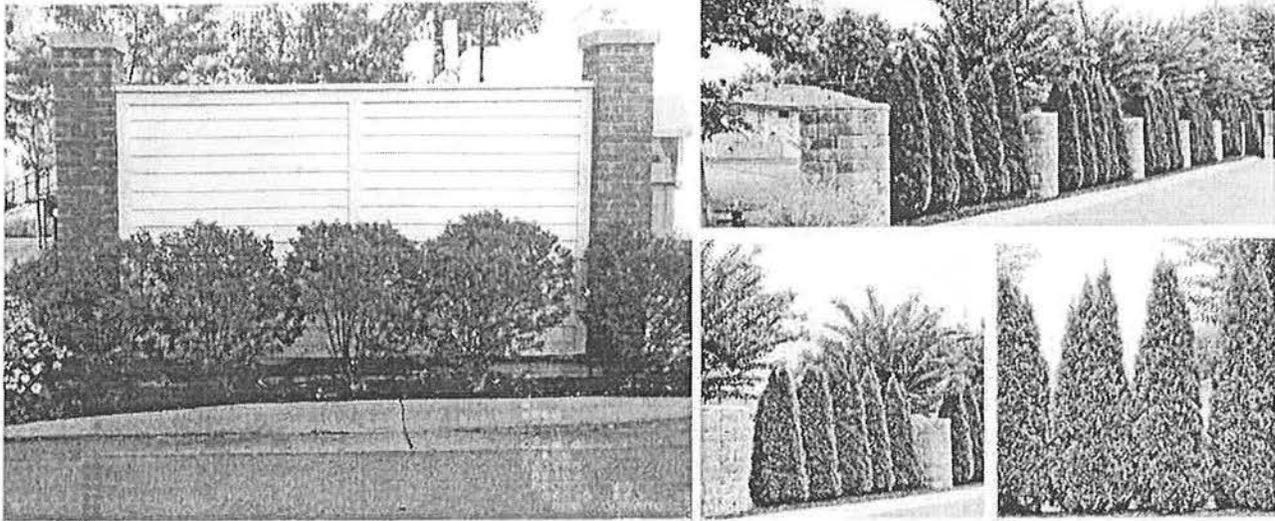
Alternative 2 for Type 40 bufferyard

The second alternative for the Type 40 bufferyard that the applicant submitted calls for the installation of a 10-foot tall fence, the preservation of the existing trees and the installation of the minimum required plant material. The applicant has not provided any details about the proposed design or materials for the 10-foot tall fence. Two developments in the Nashville Pike corridor were previously approved and developed with 10-foot tall wood fences. These fences have not aged well and have proven to be a continuous maintenance issue and have not achieved the desired aesthetically pleasing opaque barrier requirement. Staff does not recommend this alternative.

Other Examples of Alternative Designs for Opaque Barrier

The Planning Commission may want to consider additional options for achieving the opaque barrier requirement, including brick or stone columns with composite fence materials or landscaping located between the columns. The required plant material for the Type 40 bufferyard would still be required.

EXHIBIT A



Additional Landscaping Requirements

The PNC zone district also has additional landscaping requirements, which are outlined in Section 08.05.050.B of the Gallatin Zoning Ordinance. The applicant needs to clarify the calculations that were used to show that the required additional site trees and shrubs that have been provided to meet these requirements. The additional site trees (minimum of 2-inch caliper) shall be provided exclusive of the required landscape bufferyard requirements and the additional required shrubs (minimum 18-inch high) may be counted towards the required bufferyard and site landscaping requirements but shall be exclusive of the required continuous parking lot screening required in Section 13.05 of the Zoning Ordinance.

The Planning Commission shall make a decision on whether or not the proposed alternative bufferyard plan meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance (GZO) or if the applicant shall meet the bufferyard requirements of the GZO.

Signage

The General Development Plan Amendment for the Nashville Pike Corridor noted that signage plays an important role in the visual appearance and character of the Corridor and that signage should not detract from the continuity or identity of the streetscape. The Plan recommended that freestanding signage in this area be limited to monument style signage with a maximum height of six (6) feet. All of the developments that have been approved in this corridor since the Plan was adopted in 2001 have complied with the signage requirement.

Staff recommends that the applicant add a note to the plan stating that freestanding signs are to be 6-foot tall monument signs. The note must also state that the applicant will provide a detailed sign package as part of the approval of the Final Master Development Plan by the Planning Commission and that the applicant will also submit all signage to the Codes/Planning Department for approval and issuance of a sign permit prior to the installation of any signage.

Architectural Elevations

The applicant submitted conceptual architectural plans that meet or exceed the architectural standards required by the Zoning Ordinance. The proposed buildings meet the 70 percent masonry requirement in Section 13.08 of the Gallatin Zoning Ordinance with a mixture of brick and EIFS on

EXHIBIT A

all four (4) elevations. The rooftop mechanical equipment will also be screened from view as required by the Zoning Ordinance.

Photometric Plan

The applicant has submitted a photometric plan that meets the Zoning Ordinance requirements for maximum height of light fixtures and levels along the property boundaries. The applicant has not provided details of the proposed 30' foot tall poles or light fixtures. All fixtures must be of a shoe box design with a 90 degree cutoff fixture to minimize glare and shield and contain light on the property. A detailed photometric plan must be submitted and approved by the Planning Commission as part of the approval of the Final Master Development Plan.

Engineering Division Comments

The applicant has addressed the majority of the Engineering Division comments with the exception of the following items:

- Indicate that the drive-through aisle has sufficient length to store, at minimum, the average volume.
- Place sidewalks adjacent to the right-of-way for greater aesthetics and public use.

The applicant shall submit the required information about the drive-through aisle and revise the PMDP to show the location of the sidewalks adjacent to the right-of-way as required by the Engineering Division.

Departmental Comments

The applicant has satisfactorily completed all other departmental comments.

Findings

Based on the review and analysis of the PMDP and rezoning request described in the staff report above, the proposed project will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area. The proposed project will be designed to be consistent with the recommendations of the General Development Plan and consistent with the intent and purpose of the Zoning Ordinance.

The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The Gallatin Zoning Ordinance contains performance and design standards that the use must meet in order to ensure the compatibility of the proposed use. The property has been vacant for the past several years since the property was purchased by the current owner for the development of a gas station and convenience store and the single family house on the property were demolished.

The City Departments that provide services to this property have reviewed the plan and have indicated that the essential public facilities and services are available and can be provided to the property in accordance with established city requirements for the provision of such services.

The proposed use of the property for a restaurant and general retail sales and services is less intensive than the currently approved convenience sales and service use. The proposed use will be designed and operated in accordance with adopted city codes and will be required to meet Zoning Ordinance design and performance standard requirements.

EXHIBIT A

RECOMMENDATION

Based on the findings presented in staff report, Staff recommends that the Planning Commission recommend approval of the Preliminary Master Development Plan to the Gallatin City Council with the following conditions:

1. Planning Commission approve the conceptual architectural elevations as submitted. The Planning Commission shall approve the final architectural plans as part of the approval of the Final Master Development Plan.
2. The applicant shall revise the landscape plan to provide both the required parking lot screening and Type 12 bufferyard around the detention pond located adjacent to Lock 4 Road.
3. The applicant shall submit clarification for approval by the Codes/Planning Department that the calculations used to determine that the additional site trees and shrubs required in Section 08.05.050.B of the Gallatin Zoning Ordinance have been satisfactorily addressed. The applicant shall revise the landscaping plan as necessary in order to meet the additional site landscaping requirements.
4. Planning Commission shall make a decision on whether or not the proposed alternative Landscaping Plan for the Type 40 buffer yard meets the requirements in Section 13.04.100.C of the Gallatin Zoning Ordinance or whether the applicant shall revise the landscape plan to provide another alternative or whether the plan must be revised to meet the bufferyard requirements as specified by the Gallatin Zoning Ordinance.
5. The applicant shall add a note to the Preliminary Master Development Plan stating that freestanding signs shall be limited to 6-foot tall monument signs. The note must also state that the applicant will provide a detailed sign package as part of the approval of the Final Master Development Plan by the Planning Commission and that the applicant will submit all signage to the Codes/Planning Department for approval and issuance of a sign permit prior to the installation of any signage.
6. The applicant shall revise the Preliminary Master Development Plan to correct the use classifications as described in the staff report and clarify the specific uses in the PNC zone district that are being requested for the 6,400 square foot multi-tenant building rather than listing all of the uses in the PNC zone district.
7. The applicant shall submit for approval by the Engineering Division information showing that the proposed drive-through aisle has sufficient length to store, at minimum, the average traffic volume.
8. The applicant shall revise the PMDP to show the location of the sidewalks adjacent to the right-of-way as required by the Engineering Division.
9. The applicant shall submit three (3) corrected and folded copies of the Preliminary Master Development Plan to the Codes/Planning Department.



KATHERINE SCHOCH, AICP
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ADDAM MCCORMICK, AICP
INTERIM BUILDING OFFICIAL
ADDAM.MCCORMICK@GALLATIN-TN.GOV

Project Comments

Meeting Date: 08/26/2013

RE: PANERA BREAD RESTAURANT, Preliminary Master Development Plan

Reference #: PC0161-13

Department of Public Utilities

Review Date: 07/26/2013

1. NO PROBLEM WITH WATER, SANITARY SEWER, OR NATURAL GAS UTILITIES.

Planning Department

CODES/PLANNING DEPARTMENT PROJECT MANAGER: JIM SVOBODA

REVIEW DATE: 8/7/2013

1. CORRECT YARDS ALONG LOCK 4 RD AND REAR PROPERTY LINE. LOCK 4 RD SHOULD BE A 20-FOOT SIDE YARD A 40-FOOT REAR YARD ADJACENT TO THE RESIDENTIAL PROPERTY.
2. WHAT EXCEPTIONS (RELIEF) ARE BEING REQUESTED FROM BULK REGULATIONS FOR INDIVIDUAL LOTS. THE PROPOSED LOTS APPEAR TO MEET YARD AND SETBACK REQUIREMENTS AS SPECIFIED IN THE PNC ZONE DISTRICT.
3. PROPOSED USE NEEDS TO IDENTIFY SPECIFIC USE CLASSIFICATIONS IN PNC THAT ARE BEING REQUESTED AS PART OF THE REZONING REQUEST NOT JUST AS "COMMERCIAL DEVELOPMENT".
4. RECOMMEND PROVIDING PRELIMINARY INFORMATION ABOUT PROPOSED FREESTANDING SIGNAGE. OTHERWISE CORRECT SIGNAGE NOTE TO ALSO INCLUDE LIMIT TO MAXIMUM HEIGHT OF FREESTANDING SIGN TO BE 6-FEET TALL AND INDICATE THAT SIGNAGE TO BE APPROVED BY PLANNING COMMISSION AS PART OF THE FMDP.
5. LANDSCAPE DATA – BUFFER ALONG LOCK 4 RD SHOULD BE 12-FEET FOR SIDE YARD ABUTTING PUBLIC RIGHT-OF-WAY.
6. PROVIDE REQUIRED PRELIMINARY LANDSCAPING PLAN SHOWING REQUIRED PLANTINGS IN ALL BUFFERS AND SITE LANDSCAPING TO SHOW HOW THE SITE WILL BE DEVELOPED AND SCREENED TO FIT INTO SURROUNDING AREA.
7. SECTION 8.05.050.B REQUIRES ADDITIONAL SITE LANDSCAPING AND SCREENING. PROVIDE AS PART OF LANDSCAPE PLAN AND SHOW CALCULATIONS AND NOTES TO DEMONSTRATE HOW THE REQUIREMENTS ARE BEING MET.
8. TYPE 40 BUFFER ADJACENT TO RESIDENTIAL AREA. NEED TO DEMONSTRATE HOW THE PROPOSED PLAN WILL MEET THE TYPE 40 BUFFER REQUIREMENTS.



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9. ADDRESS ENGINEERING COMMENTS CONCERNING DUMPSTER, PARKING, TRAFFIC CALMING AND DRIVEWAY ACCESSES ALONG BACKAGE ROAD.
10. PROVIDE PRELIMINARY SITE LIGHTING AND PHOTOMETRIC PLAN AS REQUIRED BY ZONING ORDINANCE.
11. PROVIDE PRELIMINARY ESTIMATES OF TRAFFIC VOLUMES AND MOVEMENTS GENERATED BY THE DEVELOPMENT AS REQUIRED BY THE ZONING ORDINANCE AND CITY ENGINEER.
12. SUBMIT SIXTEEN (16) CORRECTED, FOLDED COPIES OF THE RESUBMITTAL DOCUMENTS (1 FULL SIZE AND 15 HALF SIZE IF ORIGINAL PLANS ARE GREATER THAN 18 X 24), AND 16 ARCHITECTURAL ELEVATIONS IF NEEDED.
13. SUBMIT DIGITAL COPIES OF PLANS AND SUPPORTING INFORMATION/CORRESPONDENCE PERTAINING TO THIS PROJECT IN THE FOLLOWING FORMATS: DGN OR DWG FILE (MICROSTATION VERSION "J" SOFTWARE) OF SUBDIVISION PLATS, SITE PLANS, PMDP, AND FMDP. SUBMIT PDF FILES OF ALL PAGES OF SUBDIVISION PLATS, SITE PLANS, PMDP, AND FMDP AND SUBMIT PDF FILES OF ALL SUPPORTING DOCUMENTS AND CORRESPONDENCE. LABEL FILE FORMATS ON CD.
14. SUBMIT A DETAILED RESPONSE LETTER ADDRESSING ALL DEPARTMENTAL REVIEW COMMENTS.
15. **NO CHECKPRINT OR CHECKLIST TO RETURN**
16. RESUBMITTAL DOCUMENTS MUST BE TURNED IN TO THE CODES/PLANNING DEPARTMENT BY 4:30 PM ON 8/15/2013.
17. RESUBMITTALS MUST INCLUDE THE ABOVE INFORMATION IN ORDER TO BE CONSIDERED A COMPLETE RESUBMITTAL.

Codes Department

Review Date: 07/31/2013
NO COMMENTS

Engineering Division

ENGINEERING DIVISION COMMENTS REGARDING PRELIMINARY MASTER DEVELOPMENT PLAN FOR PANERA BREAD RESTAURANT (PC0161-13)

8/21/13 – BDS

ENGINEERING COMMENTS:

- 1.) INDICATE DRIVE-THROUGH AISLE HAS SUFFICIENT LENGTH TO STORE, AT MINIMUM, THE AVERAGE VOLUME.
- 2.) PLACE SIDEWALKS ADJACENT TO ROW FOR GREATER AESTHETICS AND PUBLIC USE.

CITY OF GALLATIN



EXHIBIT A

CODES/PLANNING DEPARTMENT

KATHERINE SCHOCH, AICP
INTERIM ZONING ADMIN. / ASSIST. DIRECTOR
KATHERINE.SCHOCH@GALLATIN-TN.GOV

ADDAM MCCORMICK, AICP
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ENGINEERING DIVISION COMMENTS REGARDING PRELIMINARY MASTER
DEVELOPMENT PLAN FOR PANERA BREAD RESTAURANT (PC0161-13)
REVIEW DATE: 7/29/13 – BDS

GENERAL COMMENTS:

- 1.) SHOW EXISTING CONTOURS

TRANSPORTATION COMMENTS:

- 1.) LABEL WIDTHS OF ACCESS ROADS, DRIVE AISLES, SIDEWALKS, ETC.
- 2.) PER ZONING ORDINANCE SECTION 13.06.010, PROVIDE A TRAFFIC IMPACT STUDY.
- 3.) REMOVE EXISTING ACCESS DRIVE NOT TO BE USED IN FUTURE DEVELOPMENT?
- 4.) IN LIEU OF SPEED HUMP, CONSIDER OTHER TRAFFIC CALMING MEASURES (I.E. INTERSECTION HUMP, NECKDOWNS, ETC.)
- 5.) DUMPSTERS NOT TO BE ACCESSED FROM JOINT ACCESS EASEMENT.
- 6.) REROUTE DRIVE-THROUGH TO ALLOW FOR GREATER QUEUE TO PREVENT INTERFERENCE WITH ACCESS EASEMENT.
- 7.) SIDEWALKS ARE NOT PERMITTED ADJACENT TO STREETS WITHOUT CURBS. SIDEWALK MAY BE MOVED FURTHER FROM STREET.

STORMWATER COMMENTS:

- 1.) EXTEND HEADWALL ADJACENT TO LOCK 4 RD FOR STORMWATER.

Fire Department

Review Date: 07/26/2013

1. SHOW ALL FIRE HYDRANTS OR PROPOSED FIRE HYDRANTS.

Police Department

Review Date: 07/26/2013

REVIEWED: NO COMMENTS

Gallatin Department of Electricity

Review Date: 07/30/2013

O.K.

Sumner County, E-911

Review Date: 07/26/2013

1. RETAIL BUILDING WILL BE ADDRESSED 923 NASHVILLE PIKE.

CITY OF GALLATIN



KATHERINE SCHOCH, AICP
INTERIM ZONING ADMIN. / ASSIST. DIRECTOR
KATHERINE.SCHOCH@GALLATIN-TN.GOV

EXHIBIT A
CODES/PLANNING DEPARTMENT

ADDAM MCCORMICK, AICP
INTERIM BUILDING OFFICIAL
ADDAM.MCCORMICK@GALLATIN-TN.GOV

2. RESTAURANT BUILDING WILL BE ADDRESSED 921 NASHVILLE PIKE.

Industrial Pre-treatment Department

Review Date:

N/A

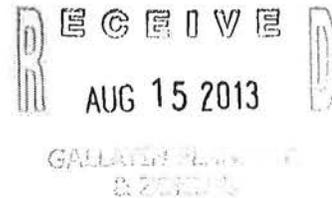


EXHIBIT A

ATTACHMENT 10-2

August 15, 2013

Ms. Katherine Schoch, AICP
Gallatin Codes / Planning Department
132 W. Main Street, Room 201
Gallatin, Tennessee 37066



Re: Restaurant / Retail – Lock 4 Road
Tax Map 126I, Group B, Parcel 8.00
PMDP / Rezoning Re-Submittal

Dear Katherine:

Perry Engineering, LLC respectfully submits the following submittal documentation for the above-referenced project.

- One (1) Copy of Preliminary Master Development Plans (24x36 - folded)
Fifteen (15) Copies of Preliminary Master Development Plans (12x18 - folded)
PMDPs include (Site, Grading, Landscaping, Photometrics)
One (1) Copy of Color Building Elevations (24x36 – folded)
Fifteen (15) Copies of Color Building Elevations (12x18 – folded)
CD with PMDP in .pdf and .dgn format

Landscaping Plans Provided: Sheet L-1.2A – Landscape only rear buffer (double the requirements)
Sheet L-1.2B – Rear buffer with fence (meets Type 40 requirements)
Sheet L-1.3 – Full landscape plan with landscape only rear buffer

Responses to Comments:

Planning:

- 1. Addressed on plans.
2. No relief is being requested other than approval for an alternate buffer along the rear prop line.
3. Addressed on plans.
4. Signage note added to plans indicating signage to be approved by Planning Commission as a part of the FMDP. After reviewing the Zoning Ordinance, we could not locate a maximum height requirement of 6' for freestanding signs in PNC. We request further discussion prior to limiting the height of freestanding signs.
5. Addressed on plans.
6. Landscape Plan provided with resubmittal.
7. Landscape Plan provided with resubmittal.
8. Landscape Plan provided with resubmittal. A Rear Bufferyard Plan also provided.
9. Addressed on plans.
10. Photometric Plan provided with resubmittal.
11. Traffic counts provided with resubmittal.
12 – 17. Acknowledged.

RESUBMITTAL

ATTACHMENT 10-2 EXHIBIT A

Engineering:

1. Addressed on plans.
2. Traffic counts provided with resubmittal.
3. Addressed on plans.
4. Speed hump removed from plans. 5 employee parking spaces behind retail building removed and replaced with a loading area for the retail building.
5. Dumpsters have been rotated to allow for easier access from private drive behind buildings. Dumpster servicing is infrequent and off-hours.
6. Drive-thru has been designed to maximize the number of cars that can stack in the queue. Panera has stated their total sales estimate for this drive thru is only 30%, which is much less than other fast food restaurants with drive thru lanes.
7. Sidewalk has been re-routed to avoid roadside ditches as well as the headwall along Lock 4 Road. A public access easement will be applied to the 6' wide sidewalk.

Stormwater:

1. Sidewalk has been re-routed to avoid headwall along Lock 4 Road.

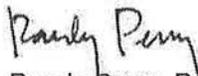
Fire Department:

1. Addressed on plans.

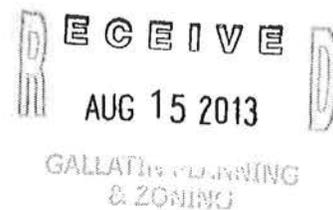
The applicant asks that this request be added to the Planning Commission meeting agenda scheduled for August 26, 2013.

Please advise if you require any additional information.

Sincerely,


Randy Perry, P.E.
Perry Engineering, LLC

cc: Mr. Steve Rudd - Rudd, Seeley, Wallis, LLC



RESUBMITTAL

PP 0161-13

ATTACHMENT 10-3



RGPHILLIPS
CONSULTING
TRAFFIC ENGINEERING & TRANSPORTATION PLANNING

EXHIBIT A

RG Phillips Consulting, LLC
106 Mission Court, Suite 301
Franklin, Tennessee 37067
Office: (615) 719-7826
Direct: (615) 268-5879
Fax: (866) 390-4142
richphillips@rgphillips.net

August 15, 2013

Mr. Randy Perry, P.E.
Perry Engineering
100 North Main Street, Suite F
Goodlettsville, TN 37072

Project:
Restaurant / Retail Development for Lock 4 Road, Gallatin, TN

Randy,

As requested we have collected traffic queuing data for a Panera site in regards to its drive-thru service operations. The site selected is located in Hendersonville and is part of the Glenbrook Shopping Center development.

Observations were conducted at the Glenbrook Panera site on Wednesday, August 14th during the breakfast and lunch time periods. Based on information provided by the developer, operations of the drive-thru were monitored in the morning from 7 AM to 8 AM and during the lunch from 12 PM to 1 PM. The number of the vehicles waiting in the drive-thru line was recorded each minute. In addition, a tally of the total number of vehicles using the drive-thru during the hour was also recorded.

The results indicated that during the AM time period a total of 23 vehicles utilized the drive-thru service during the hour observed. On the average 2 vehicles were in line for service at any given time, and the maximum queue observed during the AM was 5 vehicles.

The lunch time was busier than breakfast, with a total of 47 vehicles using the drive-thru service during the hour observed. On the average 4 vehicles were in line for service and the maximum queue observed during the hour was 7 vehicles.

From the data collected, 6 or fewer vehicles were observed 100% of the time during the AM time period and 92% of the time during the Noon time period. The data collected is presented in tabular form as an attachment.

Hopefully this information will be useful in helping the City of Gallatin staff in their review of the proposed site plan.

Sincerely,

Richard G. Phillips, P.E.

RECEIVED
AUG 20 2013

GALLATIN PLANNING
& ZONING

PC 0161-13

ATTACHMENT 10-3

Glenbrook Panera
 Drive-Thru Vehicle Queue
 August 14, 2013 (7 AM - 8 AM)

EXHIBIT A

7:00 AM	3	7:15 AM	0	7:30 AM	4	7:45 AM	2
7:01 AM	4	7:16 AM	0	7:31 AM	3	7:46 AM	2
7:02 AM	4	7:17 AM	0	7:32 AM	3	7:47 AM	2
7:03 AM	5	7:18 AM	0	7:33 AM	3	7:48 AM	2
7:04 AM	5	7:19 AM	0	7:34 AM	3	7:49 AM	1
7:05 AM	3	7:20 AM	1	7:35 AM	3	7:50 AM	1
7:06 AM	3	7:21 AM	2	7:36 AM	2	7:51 AM	1
7:07 AM	3	7:22 AM	2	7:37 AM	1	7:52 AM	1
7:08 AM	3	7:23 AM	2	7:38 AM	1	7:53 AM	1
7:09 AM	2	7:24 AM	3	7:39 AM	1	7:54 AM	1
7:10 AM	1	7:25 AM	2	7:40 AM	1	7:55 AM	1
7:11 AM	0	7:26 AM	3	7:41 AM	0	7:56 AM	0
7:12 AM	0	7:27 AM	4	7:42 AM	0	7:57 AM	2
7:13 AM	0	7:28 AM	3	7:43 AM	2	7:58 AM	2
7:14 AM	0	7:29 AM	3	7:44 AM	2	7:59 AM	3

PC 0161-13

ATTACHMENT 10-3

EXHIBIT A

Glenbrook Panera
 Drive-Thru Vehicle Queue
 August 14, 2013 (12 PM - 1 PM)

12:00 PM	7	12:15 PM	7	12:30 PM	4	12:45 PM	3
12:01 PM	6	12:16 PM	7	12:31 PM	3	12:46 PM	3
12:02 PM	5	12:17 PM	6	12:32 PM	2	12:47 PM	3
12:03 PM	4	12:18 PM	5	12:33 PM	5	12:48 PM	2
12:04 PM	4	12:19 PM	5	12:34 PM	4	12:49 PM	1
12:05 PM	5	12:20 PM	3	12:35 PM	4	12:50 PM	3
12:06 PM	5	12:21 PM	2	12:36 PM	3	12:51 PM	4
12:07 PM	6	12:22 PM	0	12:37 PM	3	12:52 PM	3
12:08 PM	6	12:23 PM	2	12:38 PM	4	12:53 PM	4
12:09 PM	5	12:24 PM	5	12:39 PM	4	12:54 PM	4
12:10 PM	6	12:25 PM	6	12:40 PM	4	12:55 PM	4
12:11 PM	5	12:26 PM	6	12:41 PM	3	12:56 PM	4
12:12 PM	7	12:27 PM	6	12:42 PM	2	12:57 PM	3
12:13 PM	6	12:28 PM	6	12:43 PM	1	12:58 PM	2
12:14 PM	7	12:29 PM	4	12:44 PM	4	12:59 PM	1

PC 0161-13



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: August 27, 2013

TO: Mr. Randy Perry
Perry Engineering
100 North Main Street
Goodlettsville, TN 37072

FROM: Gallatin Codes/Planning Department

RE: August 26, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Restaurant/Retail – Lock 4 Road File: PC0161-13

At the above referenced meeting, the request for approval of a preliminary master development plan:

- RECOMMENDED
 RECOMMENDED WITH CONDITIONS
 NOT RECOMMENDED
 DEFERRED

Conditions of Approval:

1. Planning Commission approve the conceptual architectural elevations as submitted. The Planning Commission shall approve the final architectural plans as part of the approval of the Final Master Development Plan.
2. The applicant shall revise the landscape plan to provide both the required parking lot screening and Type 12 buffer yard around the detention pond located adjacent to Lock 4 Road.
3. The applicant shall submit clarification for approval by the Codes/Planning Department that the calculations used to determine that the additional site trees and shrubs required in Section 08.05.050.B of the Gallatin Zoning Ordinance have been satisfactorily addressed. The applicant shall revise the landscaping plan as necessary in order to meet the additional site landscaping requirements.
4. The applicant shall work with the Codes/Planning Department to revise the Type 40 Buffer yard to include a fence with brick columns and composite or concrete based materials between the columns. The landscaping in the Type 40 Buffer yard and location of the fence and choice of materials between the columns shall be approved by Planning Commission as part of the Final Master Development Plan.



City of Gallatin, Tennessee

Codes/Planning Department

5. The applicant shall add a note to the Preliminary Master Development Plan stating that freestanding signs shall be limited to 6-foot tall monument signs. The note must also state that the applicant will provide a detailed sign package as part of the approval of the Final Master Development Plan by the Planning Commission and that the applicant will submit all signage to the Codes/Planning Department for approval and issuance of a sign permit prior to the installation of any signage.
6. The applicant shall revise the Preliminary Master Development Plan to correct the use classifications as described in the staff report and clarify the specific uses in the PNC zone district that are being requested for the 6,400 square foot multi-tenant building rather than listing all of the uses in the PNC zone district.
7. The applicant shall submit for approval by the Engineering Division information showing that the proposed drive-through aisle has sufficient length to store, at minimum, the average traffic volume.
8. The applicant shall work with the Engineering Division on a satisfactory agreement for the placement of the sidewalks.
9. The applicant shall submit three (3) corrected and folded copies of the Preliminary Master Development Plan to the Codes/Planning Department.

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

- ZONING PERMIT
- SIGN PACKAGE/PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK
- UTILITY SURETY
- MAINTENANCE SURETY
- SIDEWALK SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- OTHER





City of Gallatin, Tennessee

Codes/Planning Department

CITY COUNCIL APPROVAL

- Council Committee: 9/10/13
- 1st Reading at City Council: 9/17/13
- Ad runs for Public Hearing by Codes/Planning Department: 9/12/13
- Public Hearing 10/1/13
- 2nd Reading at City Council: 10/15/13

cc: Mr. Steve Rudd
PC File PC0161-13



**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

SEPTEMBER 10, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 4

SUBJECT:

Ordinance O1309-45 amending Multiple Residential and Office (MRO) zone district to Planned Neighborhood Commercial (PNC) zone district.

SUMMARY:

Applicant requests approval to amend the Gallatin Zoning Ordinance to rezone property containing 3.00 (+/-) acres, S.B.E. Tax Map #126I/B/008.00 located on the south side of Nashville Pike, west of Lock 4 Road at 921 Nashville Pike. The Gallatin Municipal-Regional Planning Commission recommended approval at the August 26, 2013 Planning Commission meeting.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: September 24, 2013

TO: Mr. Randy Perry
Perry Engineering
100 North Main Street
Goodlettsville, TN 37072

FROM: Gallatin Codes/Planning Department

RE: September 23, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Restaurant/Retail Center Revised Landscaping Plan: PC0161-13

Under Other Business at the above referenced meeting, the request for approval a revised conceptual landscaping plan was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Conditions of Approval:

1. Planning Commission approved the applicant's request to install an eight (8) foot tall SimTek fence along the rear property line as part of the Type 40 Bufferyard.

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

- ZONING PERMIT
- SIGN PACKAGE/PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK
- UTILITY SURETY
- MAINTENANCE SURETY
- SIDEWALK SURETY
- SUBDIVISION SURETY

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- OTHER

- CITY COUNCIL APPROVAL
 - Council Committee: 9/10/13
 - 1st Reading at City Council: 9/17/13
 - Ad runs for Public Hearing by Codes/Planning Department: 9/12/13
 - Public Hearing 10/1/13
 - 2nd Reading at City Council: 10/15/13

cc: Mr. Steve Rudd
PC File PC0161-13

EXHIBIT A

ORDINANCE APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$1,000,000 FOR NATURAL GAS LINE EXTENSIONS UNDER EXISTING CONTRACT "CONTRACT 2012 ANNUAL NATURAL GAS LINE CONSTRUCTION"

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,000,000 is hereby appropriated from the natural gas reserve to be added to the existing "2012 Annual Natural Gas Line Construction" contract with James N. Bush Construction Co., Inc. for the installation of natural gas mains and services in various areas of the City

BE IT FURTHER ORDAINED, BY THE CITY OF GALLATIN, TENNESSEE, that this ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: October 1, 2013

PASSED SECOND READING: _____, 2013

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

September 24, 2013

DEPARTMENT: GPU

AGENDA # █

SUBJECT:

Ordinance No. O1309-48 appropriating additional funds in the amount of \$1,000,000 for natural gas line extensions under existing contract "Contract 2012 Annual Natural Gas Line Construction"

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE NO. O13Ø6-35

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM MID-CENTURY
INSURANCE COMPANY FOR DAMAGE TO A TRAFFIC SIGNAL CABINET ON
LONG HOLLOW PIKE

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$8,483.57 is hereby appropriated from funds received from Mid-Century Insurance Company for damages to a traffic signal cabinet located on Long Hollow Pike. \$5,300 shall be appropriated to account number 11041670-320, Operating Supplies and \$3,183.57 shall be appropriated to 11041670-290., Other Contractual.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

POCATELLO SERVICE CENTER

Check Number: 1602278266

Date: 05/09/2013

PAY NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE
NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE NON-NEGOTIABLE \$8,483.57****

To City of Gallatin
the 132 W MAIN ST RM 212
order GALLATIN, TN, 37066-3232
of

Claimant/Patient: Business City Of Gallatin
Insured: Berdean Jergenson
Date of Loss: 01/30/2013
Claim Unit Number: 8000987971-1-4
Check Number: 1602278266
Payment Under Insured's: Property Damage
Correspondence Reference: 9C1MH1F0
Print Date: 05/09/2013 09:05 AM
Requested By: Shawn B Butler

Jergenson accident

5.13.12 - Sent original check to Rachel in Finance + a
copy to Engineering. Re: Damage to a traffic arterial Box.

(Jut)

370

73-0282 2-10



FARMERS

62-20/311

Mid-Century Insurance Company
POCATELLO SERVICE CENTER
2500 SOUTH FIFTH AVENUE
POCATELLO ID 83204

Claim Unit #
8000987971-1-4

Check No. 1602278266

Date: 05/09/2013

PAY Eight Thousand Four Hundred Eighty Three Dollars And Fifty Seven Cents \$8,483.57****

NOT GOOD AFTER SIX MONTHS

To City of Gallatin
the 132 W MAIN ST RM 212
order GALLATIN, TN, 37066-3232
of

Ron Myhan

Citibank N.A. - One Penns Way - New Castle, DE 19720

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK.

HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT

⑈ 1602278266⑈ ⑆ 031100209⑆

38724485⑈

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

October 8, 2013

DEPARTMENT: **Engineering**

AGENDA # 7

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM MID-CENTURY INSURANCE COMPANY FOR DAMAGE TO A TRAFFIC SIGNAL CABINET ON LONG HOLLOW PIKE

SUMMARY:

The Engineering Division would like to appropriate funds received to reimburse the City for labor and supplies used to repair a traffic signal cabinet on Long Hollow Pike due to a traffic accident.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM NATIONWIDE
MUTUAL FIRE INSURANCE COMPANY AND CANDITO CONSTRUCTION
CORP. FOR DAMAGE TO A TRAFFIC SIGNAL ON NASHVILLE PIKE AT THE
INTERSECTION OF GREEN WAVE DRIVE.

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum
of \$3,742.50 is hereby appropriated from funds received for damages to a traffic signal
located on Nashville Pike at the intersection of Green Wave Drive. The funds shall be
appropriated to account number 11041670-290, Other Contractual.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this Ordinance shall take effect from and after its final passage, the public welfare
requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

CHECK NUMBER 5259763

HARRIS BANK ROSELLE ROSELLE, ILLINOIS 70-1558/719

AMCO Insurance Co.
Payment on behalf of:

Nationwide Mutual Fire Des Moines, Iowa

DATE 4/3/13

IN PAYMENT OF traffic loop wires

POLICY NUMBER AEPG02515342843 LOSS DATE 1-19-2012 CLAIM NUMBER 41869513 INSURED Romie Turner 3,031.27
Three thousand thirty one dollars & 27/100

PAY TO THE ORDER OF City of Gallatin
132 West Main St Gallatin, TN 37066

BY KAAR Coal
94468
Claim Rep. No.

⑈5259763⑈ ⑆071915580⑆ 04⑈ 168⑈ 787⑈ 0⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

Candto Construction Corp.
145 Kelli Clark Court SE
Cartersville, GA 30121
770-529-9971

BB&T
3175 Cobb Galleria Parkway
Atlanta, GA 30339
64-1341/611

35916

06/06/2013

*711.23

PAY TO THE ORDER OF City of Gallatin

SEVEN HUNDRED ELEVEN AND 23/100 DOLLARS

DOLLARS
Security features
included.
Details on back.

City of Gallatin
132 West Main Street
Gallatin TN 37066

This check void after 90 days

[Signature]

AUTHORIZED SIGNATURE

MEMO _____

⑈035916⑈ ⑆061113415⑆0005241825193⑈

110-34350

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

October 8, 2013

DEPARTMENT: Engineering

AGENDA # 8

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FOR DAMAGE TO A TRAFFIC SIGNAL ON NASHVILLE PIKE AT THE INTERSECTION OF GREEN WAVE DRIVE

SUMMARY:

The Engineering Division would like to appropriate funds received to reimburse the City for labor and supplies used to repair a traffic signal on Nashville Pike.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE TO VACATE RIGHT-OF-WAY ON 637 EAST MAIN STREET TO
DANIEL S. AND JOYCE H. HOYLE

WHEREAS, THE CITY OF GALLATIN has determined that it no longer needs
and proposes to vacate certain right-of-way;

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

Section 1. That any portion of right-of-way shown or referenced in lot 2 of
Resubdivision of Lots "J" & "K" And Part Of Lots "I", "L", & "M", Section "E" East End
Addition, Gallatin, Tennessee, Plat Book 12, page 75, recorded June 19, 1987 at the
Sumner County Register of Deeds Office, is wholly vacated and shall no longer be a part
of the street and alley systems of the City of Gallatin and is hereby transferred to Daniel
S. and Joyce H. Hoyle.

Section 2. That the Mayor is authorized to execute any and all documents
necessary to effectuate the terms of this agreement.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE,
that this ordinance shall take effect on final passage, the public welfare requiring such.

Passed first reading: _____

Passed second reading: _____

JO ANN GRAVES, MAYOR

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

RESOLUTION RECOMMENDING ABANDONMENT OF ANY RIGHTS-OF-WAY LOCATED
ON THE PROPERTY AT 637 EAST MAIN STREET TO DANIEL S. AND JOYCE H. HOYLE-
PC0183-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request for abandonment of the rights-of-way submitted by the applicant, Martin Realty House, at its regular meeting on September 23, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The request for abandonment of the rights-of-way is in agreement and consistent with the policies and recommendations in the General Development and Transportation Plan.
2. It has been determined that the legal purposes for which zoning and subdivision regulations exists have not been contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request for abandonment of the rights-of-way to Daniel S. and Joyce H. Hoyle.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

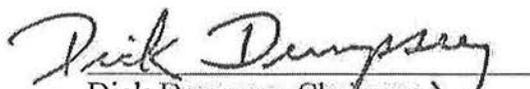
IT IS SO ORDERED.

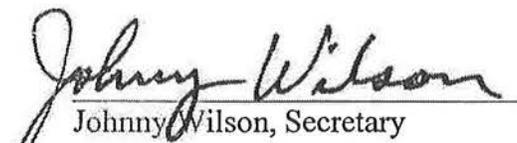
PRESENT AND VOTING

AYE: 6

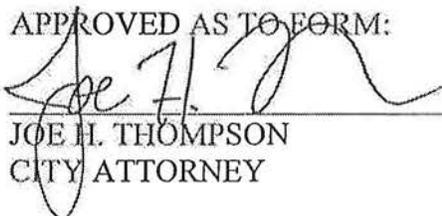
NAY: 0

DATED: 9/23/2013


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:


JOE H. THOMPSON
CITY ATTORNEY

ITEM 4 9/23/13 GMRPC MEETING

Applicant requests an abandonment of any rights-of-way located on the property. Property contains 0.48 (+/-) acres and is located at 637 East Main Street. (PC0183-13)

Attachment 4-1 Minor Subdivision Plat
Attachment 4-2 City Council Ordinance No. O13Ø9-47

ANALYSIS

The applicant is requesting an abandonment of any rights-of-way located on the property. Property contains 0.48 (+/-) acres and is located at 637 East Main Street in the East End Addition Subdivision. The property is currently zoned Residential-10 (R10) with a Historic Overlay (H1) and One-family Detached Dwelling is a permitted use in the R10 H1 zoned district. No portion of the property is located in a special flood hazard area.

Site History

The original establishment of the East End Addition, Sections D and E Subdivision, Deed Book 72, Page(s) 44, was recorded on September 23, 1916 at B. E. Rippey Register. The final plat established a 20 foot wide street right-of-way and a 10 foot wide alley right-of-way located along Lots "J", "K", "L", and "M" in Section "E".

The applicant's property, 637 East Main Street, is Lot 2 of the Resubdivision of Lots "J" & "K" and part of Lots "I", "L", & "M", Section "E" East End Addition, Plat Book 12, Page(s) 75, recorded on June 19, 1987.

Previous Approvals

The Planning Commission approved the final plat for Resubdivision of Lots "J" & "K" and part of Lots "I", "L", & "M", Section "E" East End Addition containing two (2) single-family residential lots along with the 20 foot wide street (unopened) right-of-way and portion of the 10 foot wide alley (unopened) right-of-way at the March 23, 1987 meeting.

At this meeting, Mr. Bill Terry brought to the Planning Commission's attention a 20 foot unopened street on the old subdivision plat. Mr. Terry explained that as the subdivision plat was recorded prior to the adoption of the subdivision regulations by the City and County and since the street was never accepted by the City the new final plat will void the street. The Planning Commission made a motion and approved the subdivision plat.

Engineering Division Comments

The Engineering Division commented that since the 20 foot wide street (unopened) right-of-way and 10 foot wide alley (unopened) right-of-way were never developed or accepted by the City and since there is no current or future significant use of the rights-of-way by the City and to relieve any confusion and clarification for the property owners, the Engineering Division recommends abandonment of any potential rights-of-way on the property.

Other Departmental Comments

The applicant has satisfied all other departmental review comments.

EXHIBIT A

RECOMMENDATION

Staff recommends that the Planning Commission recommends the abandonment of any rights-of-way located on the property to the Gallatin City Council.

CITY OF GALLATIN

KATHERINE SCHOCH, AICP
INTERIM ZONING ADMIN. / ASSIST. DIRECTOR
KATHERINE.SCHOCH@GALLATIN-TN.GOV



EXHIBIT A
CODES/PLANNING DEPARTMENT

ADDAM MCCORMICK, AICP
INTERIM BUILDING OFFICIAL
ADDAM.MCCORMICK@GALLATIN-TN.GOV

Fire Department

Review Date: 09/05/2013

THIS OFFICE HAS NO COMMENTS AT THIS TIME.

ALL APPLICABLE FIRE CODES SHALL BE FOLLOWED.

Police Department

Review Date: 08/30/2013

REVIEWED: NO COMMENTS

Gallatin Department of Electricity

Review Date: 09/04/2013

O.K.

Sumner County, E-911

Review Date: 08/30/2013

NO COMMENTS

Industrial Pre-treatment Department

Review Date:

N/A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: September 25, 2013

TO: Mr. Randy Hampton
Martin Realty House
687 Nashville Pike
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: September 23, 2013, Gallatin Municipal-Regional Planning Commission Meeting
637 East Main Street: PC0183-13

At the above referenced meeting, the request for approval of a Road Abandonment was:

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

- ZONING PERMIT
- SIGN PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK
- UTILITY SURETY
- MAINTENANCE SURETY
- SIDEWALK SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

COUNCIL SUBMITTAL

SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)

OTHER

CITY COUNCIL APPROVAL

- Council Committee: 10/8/2013
- 1st Reading at City Council: 10/15/2013
- 2nd Reading at City Council: 11/05/2013

cc: Mr. and Mrs. Dan Hoyle
PC File PC0183-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

October 8, 2013

DEPARTMENT: **Engineering**

AGENDA # 6

SUBJECT:

Right of Way Abandonment on 637 East Main Street

SUMMARY:

Daniel and Joyce Hoyle has requested that any right of way on the property located at 637 East Main Street be abandoned.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM INSURANCE CLAIMS
FOR DAMAGE TO TRAFFIC SIGNALS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$13,250.75 is hereby appropriated from funds received for damages to traffic signals to account number 11041670-320, Operating Supplies.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

THIS CHECK IS VOID WITHOUT A GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW - BORDER CONTAINS MICROPRINTING



(615) 371-0049

SunTrust
401 Commerce St
Nashville, TN 37219-2405

CHECK NUMBER 1002286

Date: 07/23/2013

64-79
611-TN

VOID AFTER 120 DAYS

\$2,590.00

PAY Twenty Five Hundred Ninety Dollars And 00/100

TO THE ORDER OF Gallatin, City Of
132 West Main St, Room 212
Gallatin, TN 37066-

Two Signatures Required for Amounts over \$50,000

⑈ 1002286⑈ ⑆061100790⑆ 8800624762⑈

The Pool (615)371-0049

Payee: Gallatin, City Of
IRS/SSN: 620762210
Incident Date: 07/07/2013
Claim Number: PR0003553A

Examiner: DDALTON
Claimant Name: Gallatin, City of
Property PRX0000006A

Check Number: 1002286
Check Total: 2,590.00
Check Date: 07/23/2013

From	Through	Account Number Invoice Number	Description Comment	Payment Amount
07/07/2013	07/07/2013		P-Claim Prop damage/settlement	2,590.00

TRAFFIC SIGNAL DAMAGE ON 7/7/13 @ LOCATION #248,
NASHVILLE PIKE @ KROGER.

Gallatin, City Of
132 West Main St, Room 212
Gallatin, TN 37066-

THE BLUE BACKGROUND CONTAINS A HIDDEN VOID FEATURE THAT BECOMES VISIBLE WHEN THE CHECK IS PHOTOCOPIED

Jacobson Logistics - Dedicated

3811 Dixon
Des Moines, IA 50313



Integrated Supply Chain Solutions

Wells Fargo N.A.

420 Montgomery Street
San Francisco, CA 94104

5200015992

11-24/1210

Pay Nine Thousand Seven Hundred Fifty Dollars and 00 Cents

DATE
08/16/2013

AMOUNT
\$9,750.00

to the Order of:

CITY OF GALLATIN

132 WEST MAIN STREET #212
GALLATIN, TN 37066

⑈ 5 2000 1599 2⑈ ⑆ 1 2 1000 248⑆ 4 1 2 1 1 2 1 560⑈

Jacobson Logistics - Dedicated

To: CITY OF GALLATIN

Vendor# 13396

Check Number:

5200015992

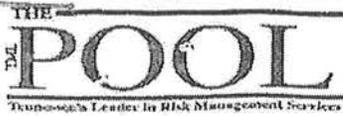
Date:

08/16/2013

Invoice Number	Date	Description	Amount	Discount	Paid Amount
ACC #13-151	07/31/2013		\$9,750.00	\$0.00	\$9,750.00

8-20-13-
Sent original check to Rachel &
copy to Zach in Engineering.
Re: Mast Arm Replacement @
Main St & S. Water

TOTALS: \$9,750.00 \$0.00 \$9,750.00



(615) 371-0049

SunTrust
401 Commerce St
Nashville, TN 37219-2405

CHECK NUMBER 1002287

Date: 07/23/2013

84-79
611-TN

VOID AFTER 120 DAYS

\$\$\$910.75

PAY Nine Hundred Ten Dollars And 75/100

TO THE ORDER OF Gallatin, City Of
132 West Main St, Room 212
Gallatin, TN 37066-

Two Signatures Required for Amounts over \$50,000

⑈ 100 2 28 7 ⑈ ⑆ 06 1 100 7 90 ⑆ 88006 24 76 2 ⑈

The Pool (615)371-0049

Payee: Gallatin, City Of
IRS/SSN: 620762210
Incident Date: 07/18/2013
Claim Number: PR0003554A

Examiner: DDALTON
Claimant Name: City of Gallatin
Property PRX0000005

Check Number: 1002287
Check Total: 910.75
Check Date: 07/23/2013

From	Through	Account Number Invoice Number	Description Comment	Payment Amount
07/18/2013	07/18/2013		P-Claim Prop damage/settlement	910.75

TRAFFIC SIGNAL DAMAGE ON 7/18/13 @ LOCATION # 185,
HANCOCK STREET @ HWY 109.

Gallatin, City Of
132 West Main St, Room 212
Gallatin, TN 37066-

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

October 8, 2013

DEPARTMENT: **Engineering**

AGENDA # 9

SUBJECT:

ORDINANCE APPROPRIATING FUNDS RECEIVED FROM INSURANCE CLAIMS FOR DAMAGE TO TRAFFIC SIGNALS

SUMMARY:

The Engineering Division would like to appropriate funds received from Insurance Claims for labor and supplies used to repair various traffic signals throughout the City.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
BY THE CITY OF GALLATIN, TENNESSEE
THE ESTATES OF FAIRWAY HEIGHTS, PHASE 1

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Estates of Fairway Heights, Phase 1, excluding lot 50, which was re-recorded as part of The Estates of Fairway Heights, Phase 2 Subdivision, Plat Book 27, Page(s) 130, which voids, vacates, and supersedes Lot 50 of The Estates of Fairway Heights, Phase 1;

WHEREAS, THE CITY OF GALLATIN ENGINEERING DIVISION hereby certifies that the public drainage infrastructure, rights-of-way, and public easements described above have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations;

WHEREAS, THE CITY OF GALLATIN PUBLIC UTILITIES DEPARTMENT hereby certifies that the public utility improvements in the development described hereafter have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations and City of Gallatin Municipal Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of way, public easements, and public utility improvements, described in Estates of Fairway Heights, Phase 1 Subdivision, Plat Book 24, Page(s) 236-238, Recorded June 5, 2007 in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING: -

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

RESOLUTION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN
THE ESTATES OF FAIRWAY HEIGHTS, PHASE ONE TO THE GALLATIN CITY
COUNCIL- PC0177-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to recommend acceptance of the public improvements in The Estates of Fairway Heights, Phase One to the Gallatin City Council submitted by the applicant, Fred M. Yates, at its regular meeting on September 23, 2013; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached hereto as Exhibit A, and the evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.
2. It has been determined that the legal purposes for which zoning and subdivision regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the acceptance to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request to accept public improvements in The Estates of Fairway Heights, Phase One to the Gallatin City Council with the condition that the applicant shall submit a maintenance surety in the amount of \$45,000 to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

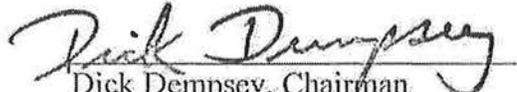
IT IS SO ORDERED.

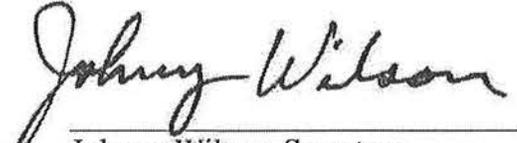
PRESENT AND VOTING

AYE: 6

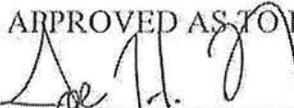
NAY: 0

DATED: 09/23/2013


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

ITEM 3
9/23/13 GMRPC MEETING

EXHIBIT A

Applicant requests acceptance of the public improvements for Bernhart Drive, Star Court, and Paisley Way located in The Estates of Fairway Heights, Phase One. The property contains 24 lots on 8.923 (+/-) acres and is located near Red River Road and Summerlin Drive. (PC0177-13)

Attachment 3-1 The Estates of Fairway Heights, Phase One Final Plat
Attachment 3-2 Resolution No. R1309-45

ANALYSIS

The applicant is requesting acceptance of the public improvements for Bernhart Drive, Star Court, and Paisley Way located in The Estates of Fairway Heights, Phase One. The property contains 24 lots on 8.923 (+/-) acres and is located near Red River Road and Summerlin Drive. This property is zoned Residential-15 (R15) and One-family Detached Dwelling is a permitted use in the R15 zone district. No portion of this property is located in a flood hazard area. Lot 50 of the original approved and recorded final plat for The Estates of Fairway Heights, Phase One has been revised and is approved and recorded as part of The Estates of Fairway Heights, Phase Two, which was recorded on January 12, 2012 (Plat Book 27, page 130).

Previous Approvals

- The Planning Commission approved the Final Plat for The Estates of Fairway Heights, Phase One (PC File #1-51-06C) containing 24 single-family residential lots and one (1) commercial lot (Lot 50) on 10.87 (+/-) acres at the November 27, 2006 meeting.
- The Planning Commission approved an amended Preliminary Master Development Plan for Fairway Heights, Section 2 and a revised Final Master Development Plan for The Estates of Fairway Heights, Phase One (PC9764-11) in order to change the use on Lot 26 and Lot 50 from Commercial to Residential at the February 28, 2011 meeting.
- The Planning Commission approved an amended Preliminary Master Development Plan for Fairway Heights, Section 2 and a revised Final Master Development Plan for The Estates of Fairway Heights, Phase One (PC9764-11) in order to add one (1) lot, revise a bufferyard, amend the phase line, and identify the area as The Estates of Fairway Heights, Phase Two at the April 25, 2011 meeting.
- The Planning Commission approved the Final Plat for The Estates of Fairway Heights, Phase Two (PC9805-11) containing eight (8) single-family residential lots on 3.788 (+/-) acres at the April 25, 2011 meeting. The purpose of this final plat was to subdivide Lot 50 of The Estates of Fairway Heights, Phase One and Lot 1 and Lot 26 of Fairway Heights, Section One into eight (8) single-family residential lots and to identify the lots under The Estates of Fairway Heights, Phase Two.

Engineering Division

The Engineering Division has certified that the transportation, rights-of-way, and public easements described above have been satisfactorily completed and have been installed in accordance with the approved plans and specifications and that there has been full compliance with the City of Gallatin Subdivision Regulations.

Item 3 9/23/13 GMRPC Meeting, Page 1
09/19/13 1:22 PM

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RK

EXHIBIT A

The Engineering Division completed a final inspection and reported that there are no major engineering concerns. In The Estates of Fairway Heights, Phase One there were 24 single-family residential lots approved and a total of 23 single-family residential lots are developed with sidewalks installed for all 24 single-family residential lots.

Section 3-102 of the City of Gallatin Subdivision Regulations, Maintenance Surety, requires that the applicant post a maintenance surety set at 10 percent of the estimated Public Infrastructure costs. The Engineering Division has determined the required maintenance surety amount to be \$45,000, which shall be approved by the Planning Commission and City Council as part of this acceptance. The applicant shall submit a maintenance surety in the amount of \$45,000 to the Codes/Planning Department.

RECOMMENDATION

Staff recommends the Planning Commission recommend acceptance of the public improvements in The Estates of Fairway Heights, Phase One to the City Council with the condition that the applicant shall submit a maintenance surety in the amount of \$45,000 to the Codes/Planning Department.



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INTERIM BUILDING OFFICIAL
ADDAM.MCCORMICK@GALLATIN-TN.GOV

Project Comments

Meeting Date: 09/23/2013

RE: ESTATES OF FAIRWAY HEIGHTS, PHASE 1, ACTIVITY, Street Acceptance

Reference #: PC0177-13

Department of Public Utilities

Review Date: 08/29/2013

NO PROBLEM WITH WATER, SANITARY SEWERS OR NATURAL GAS UTILITIES.

Planning Department

CODES/PLANNING DEPARTMENT PROJECT MANAGER: ROBERT KALISZ
REVIEW DATE: 09/03/2013

1. NO COMMENTS
2. SUBMIT THIRTEEN (13)) CORRECTED, FOLDED COPIES OF THE RESUBMITTAL DOCUMENTS.
3. SUBMIT DIGITAL COPIES OF PLANS AND SUPPORTING INFORMATION/CORRESPONDENCE PERTAINING TO THIS PROJECT IN THE FOLLOWING FORMATS: DGN OR DWG FILE (MICROSTATION VERSION "J" SOFTWARE) OF SUBDIVISION PLATS, SITE PLANS, PMDP, AND FMDP. SUBMIT PDF FILES OF ALL PAGES OF SUBDIVISION PLATS, SITE PLANS, PMDP, AND FMDP AND SUBMIT PDF FILES OF ALL SUPPORTING DOCUMENTS AND CORRESPONDENCE. LABEL FILE FORMATS ON CD.
4. SUBMIT A DETAILED RESPONSE LETTER ADDRESSING ALL DEPARTMENTAL REVIEW COMMENTS.
5. **NO CHECKPRINT & CHECKLIST TO RETURN**
6. RESUBMITTAL DOCUMENTS MUST BE TURNED IN TO THE CODES/PLANNING DEPARTMENT BY 4:30 PM ON 9/12/013.
7. RESUBMITTALS MUST INCLUDE THE ABOVE INFORMATION IN ORDER TO BE CONSIDERED A COMPLETE RESUBMITTAL.

CITY OF GALLATIN

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EXHIBIT A
CODES/PLANNING DEPARTMENT

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Codes Department

Review Date: 09/06/2013

NO COMMENTS

Engineering Division

Review Date: 8/30/2013 : STREET ACCEPTANCE SUBMITTAL : BUCK ROGERS

1. DEVELOPER SHALL SUBMIT MAINTENANCE SURETY IN THE AMOUNT OF \$45,000 FOR A PERIOD OF NO LESS THAN ONE YEAR AFTER FINAL ACCEPTANCE OF ALL PUBLIC INFRASTRUCTURE.

Fire Department

Review Date: 09/05/2013

THIS OFFICE HAS NO COMMENTS AT THIS TIME.
ALL APPLICABLE FIRE CODES SHALL BE FOLLOWED.

Police Department

Review Date: 08/30/2013

REVIEWED: NO COMMENTS

Gallatin Department of Electricity

Review Date: 08/29/2013

O.K.

Sumner County, E-911

Review Date: 08/29/2013

NO COMMENTS

Industrial Pre-treatment Department

Review Date:

N/A



City of Gallatin, Tennessee

Codes/Planning Department

**Gallatin Municipal-Regional Planning Commission
ACTION FORM**

DATE: September 25, 2013

TO: Mr. Fred Yates
931 Lake Park Drive
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: September 23, 2013, Gallatin Municipal-Regional Planning Commission Meeting
The Estates of Fairway Heights, Ph. 1: PC0177-13

At the above referenced meeting, the request for approval of a Public Improvement was:

- RECOMMENDED
 RECOMMENDED WITH CONDITIONS
 NOT RECOMMENDED
 DEFERRED

Conditions of Approval:

1. The applicant shall submit a maintenance surety in the amount of \$45,000 to the Codes/Planning Department.

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

- ZONING PERMIT
 SIGN PERMIT
 LAND DISTURBANCE PERMIT
 SIGNAGE CHECK
 UTILITY SURETY
 MAINTENANCE SURETY
 SIDEWALK SURETY

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL
- SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- OTHER
- CITY COUNCIL APPROVAL
 - Council Committee: 10/8/13
 - 1st Reading at City Council: 10/15/13

cc: PC File PC0177-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

October 8, 2013

DEPARTMENT: **Engineering**

AGENDA # 5

SUBJECT:

Resolution Accepting Public Improvements, Excluding Lot 50, for The Estates of Fairway Heights, Phase 1

SUMMARY:

The Planning Commission approved this resolution on September 23, 2013, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

**A RESOLUTION OF INTENT WITH REGARD TO LIQUOR BY THE DRINK TAXES
FOR THE SUMNER COUNTY SCHOOL SYSTEM**

WHEREAS, T.C.A. § 57-4-306 imposes a tax on the purchase of alcoholic beverages for on-premise consumption, and this tax is remitted to the State; and

WHEREAS, the local portion of the tax is remitted by the State to the City of Gallatin, Tennessee (the City), and one-half of the proceeds remitted to the City are to be paid to the Sumner County School System (the School System); and

WHEREAS, since 1998, when the first liquor by the drink establishment opened within the corporate limits, the City and the School System were unaware that these funds were to be remitted from the City to the School System, and the City desires to pay the School System the amounts owed over a period of five (5) fiscal years beginning with Fiscal Year 2014-2015:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GALLATIN, TENNESSEE, that it is the intent of the City Council to pay the Sumner County School System the amount of \$448,724.55 in five (5) equal installments of \$89,744.91 beginning August 1, 2014, and annually thereafter until paid in full.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this Resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY