Agenda
Gallatin Regional Board of Zoning Appeals

Thursday, May 22, 2014 **Regional Board of Zoning Appeals - 5:30 p.m.**
DR. J. DEOTHA MALONE COUNCIL CHAMBERS **CITY HALL**

- **Call to Order**
- **Invocation**
- **Pledge of Allegiance**
- **Roll Call**
- **Approve Prior Minutes – February 13, 2008**
- **GRBZA Resolution No. 2014-02**
  Election of Officers

REGULAR AGENDA

1. GRBZA Resolution No. 2014-01 **PC0283-14**
HENLEY, JOHN - ADMINISTRATIVE APPEAL
HENLEY, JOHN

PUBLIC HEARING
Appeal of administrative decision requiring discontinuance of non-permitted use in the Agricultural residential (A) zoning district.

2. OTHER BUSINESS

3. MOVE TO ADJOURN

ORIGINAL

MINUTES OF THE GALLATIN
REGIONAL BOARD OF ZONING APPEALS
SPECIAL-CALLED MEETING

February 13, 2008

MEMBERS PRESENT	STAFF PRESENT
James Robert Ramsey, Chair	Katherine Schoch, Assistant City Planner
Velma Brinkley	Robert Kalisz, Planner I
Rick Orgain	Marianne Mudrak, Board Secretary

MEMBERS ABSENT	OTHERS
L. K. Lannom, Secretary	Applicants

The Gallatin Regional Board of Zoning Appeals met in a special-called meeting on Wednesday, February 13, 2008 at 5:30 p.m., in the History Room of Gallatin City Hall. Mr. James Robert Ramsey, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Item 1
Approve Prior Minutes

Dr. Orgain motioned to approve the minutes from the, November 29, 2007 Gallatin Regional Board of Zoning Appeals meeting without correction. Ms. Brinkley seconded the motion and the motion passed by unanimous vote.

Item 2
B-1-08R – Mr. Randy James – Destiny Cheer & Fitness Center – Public Hearing –Applicant requests approval of a Conditional Use Permit per Section 15.06.060 C. of the Gallatin Zoning Ordinance in order to build a 17,820 square foot cheer and fitness center on 3.60 (+\-) acres located at 421 Harris Lane. Applicant also requests approval of a variance from the Floor Area Ratio (FAR) requirement per Section 06.02.050 C. of the Gallatin Zoning Ordinance and a variance from the Maximum Lot Coverage Requirement per Section 06.02.050 B. of the Gallatin Zoning Ordinance.

Ms. Schoch presented the staff report and stated that the property is zoned Agricultural (A) and Group Assembly Limited is a conditional use in the A zone district. Ms. Schoch stated that no portion of the property is located in a flood plain. Ms. Schoch stated that the property contains an existing barn and house at the back of the lot. Ms. Schoch stated that included with the packet is a building floor plan and the architectural elevations. Ms. Schoch stated that in the staff report are the definitions from the Gallatin Zoning Ordinance, applicable

Zoning Ordinance regulations, parking requirements and access issues, general requirements for Conditional Use Permit, and Special Conditions for Group Assembly Limited and extensive activities.

Ms. Schoch stated that the proposed structure would be in light brick with a light color metal roof to match the metal siding. Ms. Schoch stated that the interior floor plan is the reason for the variance request. Ms. Schoch stated that the interior of the building has been split into four quadrants with some running and tumbling areas needed for this type of cheerleading facility. Ms. Schoch stated that the building has been scaled down from the original size; therefore, the applicants would like to use the existing home as an office and the existing barn as a storage facility.

Ms. Schoch stated that 41 parking spaces are proposed along with two handicapped spaces. Ms. Schoch stated that staff recommends approval of the parking spaces. Ms. Schoch stated that the Police Department recommended additional site lighting, which can be addressed at the site plan stage. Ms. Schoch stated that if the variances are approved a site plan must be submitted and approved by the Planning Commission. Ms. Schoch stated that this building meets all requirements for the Conditional Use Permit and meets all the requirements for Group Assembly Use.

Ms. Schoch stated that this case is unusual because it meets all of the conditions as mentioned, but the bulk regulations in the Agricultural zone district to do not allow for this specific size building.

Ms. Schoch stated that staff does not recommend that the Regional Board of Zoning Appeals grant approval of the variance requests because the requests do not meet the Standards for a Variance as stipulated in the Gallatin Zone Ordinance Section 15.04.024.B. and Section 15.05.030.A-J. Ms. Schoch said if the Board grants approval of the variances, a condition should be added to the approval that prevents the applicant from expanding the building in the future unless the property is rezoned.

Ms Schoch stated that staff recommends that the Board approve the Conditional Use Permit with the conditions listed in the staff report.

Ms. Schoch added that this will require a Public Hearing.

Ms. Nora James, applicant, stated that she is one of the owners of the business established in 2006. Ms. James stated that the business was located in Hendersonville; however, the owners of the building sold the property and they must move out. Ms. James stated that it has been difficult to find land or a building. Ms. James stated that this location meets all of the criteria. Ms. James stated that the proposed building will be a great looking entrance coming into Gallatin. Ms. James stated that the owners will work with the community and the children that use the facility come in to practice their cheerleading, do their homework and socialize. Ms. James stated that there is a positive outlook to the facility for the children.

Mr. Randy James, applicant, stated that he is the other owner of the facility. Mr. James stated that a 45 feet by 45 feet spring competition size floor is required. Mr. James stated that the gym takes up the bulk of the space. Mr. James stated that they like Gallatin and want to be a part of the community. Mr. James stated that the kids that come to the facility do not have close knit families and they use this facility as a second home. Mr. James stated that the age group using the facility is 4 to 18 years old, plus adults who come for physical fitness.

Chair Ramsey opened the public hearing. No one came forward to speak; therefore, Chair Ramsey closed the public hearing.

Chair Ramsey asked if this item is brought to the Planning Commission would the City of Gallatin architectural guidelines be enforceable in an Agricultural zone. Ms. Schoch stated that they would be enforceable. Ms. Schoch stated that the applicant is proposing 64 percent brick, but would be open to increase the brick if the Planning Commission required.

Chair Ramsey asked if the 41 parking spaces were adequate. Ms. Schoch stated that based on the capacity set by the Fire Department, the 41 spaces are adequate. Chair Ramsey asked if the drive would be circular. Ms. Schoch stated that it would not be circular; however, a circular drive is not required by the State as it is for a daycare facility.

Chair Ramsey stated that the Agricultural zone is highly restrictive because it is not intended to be developed. Mr. Ramsey stated that the building is not large for the property size.

Ms. Brinkley stated that it is her understanding that there can be no expansion of the building.

Chair Ramsey stated that Ms. Brinkley is correct and the applicant would have to come back to apply to change the zoning in order to expand.

Ms. Brinkley asked how the new building will mesh with the present structures. Mr. James stated that the existing structures would not be visible. Ms. Schoch stated that the building is compatible with the church on the next property.

Chair Ramsey asked the Board to consider the Conditional Use Permit. Ms. Brinkley motioned to approve the Conditional Use Permit with the following conditions:

1. This Conditional Use Permit has an expiration date of two (2) years from the date of approval. The Regional Board of Zoning Appeals shall review the application every two (2) years to verify that the use is still operating under a Conditional Use Permit. The applicant may apply to extend the approval of the Conditional Use Permit at that time.
2. The applicant must show the existing water main on the Bison Trail Extension.
3. The applicant must provide information regarding the vertical clearance of the power line on the property.
4. The applicant must correct the Conditional Use Permit Exhibit according to the Planning Division's Checkprint comments.

5. The applicant must submit a site plan to the Planning Division for review and approval by the Planning Commission.
6. The applicant must submit three (3) corrected, folded copies of the Conditional Use Permit Exhibit to the Planning Division.

Dr. Orgain seconded the motion and the motion passed by unanimous vote.

Chair Ramsey asked the Board to consider the two variances, floor area ratio and maximum lot coverage.

Dr. Orgain stated that he is concerned about setting a precedent. Ms. Schoch stated that staff must go by the Zoning Ordinance, but the Board is able to take into consideration the testimony of the applicant. Chair Ramsey stated that he is not concerned and feels that they would not be setting a precedent. Ms. Brinkley stated that each case should be considered individually.

Ms. Schoch stated that the impact of this facility on the area will be less than with rezoning.

Ms. Brinkley stated that it is her understanding that the children are transported from school by the applicant's van. Mr. James stated that they own a 15-passenger van to pick up children. Ms. James stated that some of the private schools have vans and will also transport the children to their facility.

Dr. Orgain moved to grant the variance for the floor area ratio because there was no public opposition and there will be no harm to the zone with the condition that the applicant may not expand the building in the future unless the property is rezoned.

Ms. Brinkley seconded the motion and the motion passed by unanimous vote.

Mr. Ramsey motioned to grant the variance for the maximum lot coverage because it does not set a precedent and the facility has already been granted a Conditional Use Permit and testimony has been made that this structure is the smallest structure that will meet the use and it is a minor variance with the following condition that the applicant may not expand the building in the future unless the property is rezoned.

DDr. Orgain seconded the motion and the motion passed by unanimous vote.

Item 2
Other Business

There was no Other Business.

Item 3
Move to Adjourn

There being no further business, Chair Ramsey adjourned the meeting at 6:05 p.m.

Respectfully submitted:

_____
Marianne Mudrak, Board Secretary

Approved:

_____ _____
James Robert Ramsey, Chair L.K. Lannom, Secretary

RESOLUTION FOR THE ELECTION OF 2014 GALLATIN REGIONAL BOARD OF ZONING APPEALS OFFICERS - CHAIR, VICE-CHAIR, AND SECRETARY-

WHEREAS, THE CITY OF GALLATIN REGIONAL BOARD OF ZONING APPEALS pursuant to T.C.A. 13-7-205, and Article 15, Section 15.04.025, Gallatin Zoning Ordinance is authorized to elected officers each year for the Board of Appeals; and

WHEREAS, THE CITY OF GALLATIN REGIONAL BOARD OF ZONING APPEALS considered the Election of Officers for the City of Gallatin at its regular meeting on May 22, 2014; and

WHEREAS, THE CITY OF GALLATIN REGIONAL BOARD OF ZONING APPEALS has voted on the election of Chair, Vice-Chair, and Secretary of the Gallatin Municipal Board of Zoning Appeals for 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE GALLATIN REGIAONL BOARD OF ZONING APPEALS as follows.

Section 1. Action – The Gallatin Regional Board of Zoning Appeals hereby approves the Election of Officers as follows:

1. Chair: _____
2. Vice-Chair: _____
3. Secretary: _____

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD ZONING APPEALS 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: 5/22/14

_____, Chairman

_____
, Secretary

APPROVED AS TO FORM:

_____
JOE H. THOMPSON
CITY ATTORNEY

I: RBZA\Election of Officers\Resolution 2014-02

PLANNING DEPARTMENT STAFF REPORT
Election of Regional Board of Zoning Appeals Officers for 2014
Date: May 22, 2014

REQUEST:	**ELECTION OF BOARD OF ZONING APPEALS OFFICERS**
STAFF CONTACT:	**WILLIAM D. MCCORD, AICP - CITY PLANNER**
RBZA DATE:	**MAY 22, 2014**
RECOMMENDATION:	**APPROVAL OF RESOLUTION 2014-02**

ACTION ITEM:

The Regional Board of Zoning Appeals shall elect officers each year as required by Article 15, Section 15.04.025, Gallatin Zoning Ordinance as authorized by T.C.A., Section 13-7-205. This requires the selection of a Chairman, Vice-Chairman and Secretary who shall serve for one (1) year and may, upon reelection, serve succeeding terms. This usually occurs in January of each year or as soon as the RBZA meets in the year.

RECOMMENDATION:

Nominate and elect a Chairman, Vice-Chairman and Secretary for the Regional Board of Zoning Appeals to serve for all of 2014 and approval of Resolution 2014-02.

EXHIBITS –

RBZA Resolution 2014-02

ITEM 1

GRBZA Resolution No. 2014-01

RESOLUTION OF THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS DENYING AN APPEAL FROM THE ZONING ADMINISTRATOR'S DECISION CONCERNING THE USE OF PROPERTY AT 154 ALBRIGHT LANE PER ARTICLE 15, SECTION 15.04 OF THE ZONING ORDINANCE OF GALLATIN, TENNESSEE– (PC0283-14)

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS considered a request for an appeal of the Zoning Administrator's interpretation of the Ordinance as it relates to the use of property at 154 Albright Lane as permitted by T.C.A. Title 13, Section 13-7-302 and Article 15, Section 15.04.020 B of the Gallatin Zoning Ordinance; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Regional Board of Zoning Appeals Staff Report and evidence and testimony presented during the meeting; and

WHEREAS, THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS is required in its deliberations, pursuant to Gallatin Zoning Ordinance Section 15.04.024. A and Section 15.04.028, to consider such requests based on the evidence presented at the hearing before the Board; and

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS makes the following findings pursuant to T.C.A. Section 13-7-302 and Section 15.04.020 of the Gallatin Zoning Ordinance:

Section 1. The Board met to determine the appellants request and made the following findings:

A. The Regional Board of Zoning Appeals empowered to hear and decide the case;
B. The evidence presented before the Board clearly indicates that the appellant is operating a use on the subject property not permitted by the City of Gallatin Zoning Ordinance;
C. The appellant, the city and the public were provided notice and given the opportunity to present the case before the Board per Section 15.04.028, Gallatin Zoning Ordinance;
D. The Zoning Administrator has not acted in error or acted in an arbitrary manner to enforce the Zoning Ordinance as it pertains to this case;

Section 2. Action – The request for an appeal to permit the operation of a commercial trucking terminal/repair facility as a Transport and Warehousing Activity at 154 Albright Lane is denied as determined by

the Board as set forth in Gallatin Zoning Ordinance, Section 15.04.020, and Section 15.04.030 and requires that the use be discontinued.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE REGIONAL BOARD OF ZONING APPEALS 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: ___/__/___

_____

James Robert Ramsey, Chair

_____

L.K. Lannom, Secretary

APPROVED AS TO FORM:

_____

JOE H. THOMPSON
CITY ATTORNEY

ITEM 1
PLANNING DEPARTMENT STAFF REPORT to the REGIONAL ZONING BOARD OF APPEALS

Appeal of Administrative Decision (PC0283-14)
John Henley 154 Albright Lane

PUBLIC COMMENT

REQUEST:	**APPEAL OF ADMINISTRATIVE DECISION REQUIRING DISCONTINUANCE OF NON-PERMITTED USE IN THE AGRICULTURAL RESIDENTIAL (A) ZONING DISTRICT**
OWNER:	**JOHN HENLEY**
APPLICANT/APPELLANT:	**JOHN HENLEY**
STAFF RECOMMENDATION:	**RECOMMEND DENIAL OF APPEAL**
STAFF CONTACT:	**WILLIAM D. MCCORD,AICP**
RBZA MEETING DATE:	**MAY 22,2014**

PROPERTY OVERVIEW: The Owner/Applicant is appealing the administrative decision by the City Planner requiring that the owner to discontinue operation of a commercial trucking terminal/repair facility use as a Transport and Warehousing Activity on a 2.51 acre lot (Lot 3-B) in the Carl Austin Acres Subdivision, zoned Agricultural Residential (A), located on the west side of Albright Lane in the City of Gallatin Planning Region. (Exhibit 1)

CASE BACKGROUND and ANALYSIS

Mr. Henley, appellant, acquired the 2.51 acre lot at 154 Albright Lane on November 7, 2012. At the time of purchase the property was zoned Agricultural (A) by the City of Gallatin and was vacant. The property is not located within the City limits but is in the City's Planning Region. The State has granted the City zoning authority in the Planning Region per T.C.A. Title 13, Section 13-7-302 and as authorized by several statutes, including Section 13-3-301, Section 13-3-302, Section 13-7-201 and 13-7-202 (Exhibit 2), and the City has established such authority in the City's Zoning Ordinance, Section 15.04.020 B. Furthermore, T.C.A., Section 13-7-208 authorizes the City administrative official to enforce the zoning ordinance and the City has enacted such enabling legislation for enforcement in Article 15, Section 15.01 et. seq. (Exhibit 3)

The City began receiving complaints about the trucking operation in the late Summer 2013. Staff responded by sending Mr. Henley a letter on September 16th noting that the use of the property was in violation of the City's zoning regulations (Exhibit 4). The owner indicated that he was not operating a

business from the location. Initially, the City indicated that that it did not appear that a business was being operated from the property (Exhibit 5). However, upon further investigation staff determined otherwise.

Prior to receiving the complaints, the owner obtained a building permit for a private barn (Permit #P0333723-13) (Exhibit 5).

Shortly afterwards "some residents" discussed the issue with the Mayor and on October 14, 2013 staff asked for a legal opinion from the City Attorney to determine the definition of a business. After a request for additional information by the City Attorney, staff provided the information and the opinion was rendered on October 21st (Exhibit 7).

In December 2013, the City again received a complaint about the operation and photograph appear to indicate the use on the property(Exhibit 8). Then on March 25, 2014 additional staff correspondence also indicated that the owner denied operating a business from the property but that dump trucks are being parked on the property (Exhibit 9).

Staff reviewed the site on several occasions and observed that large trucks (dump trucks) were parked on the property. The trucks observed included placard signs indicating Longhorn Trucking and DC Hauling. The County issued a business license for Longhorn Trucking in May 2011 for 1213 Woodvale Drive, an address in the City of Gallatin in the R-15 zoning district. (Licenses are renewed yearly by the state who notifies the County Clerk's office to issue the renewal.) Upon review of the Tennessee Secretary of State's website (Business Entity Detail) no local address was found for Longhorn Trucking. (A Longhorn Trucking, LLC located in Limestone, Tennessee does appear in the registry.) The Secretary of State's Business License office indicated that Longhorn Trucking in Gallatin is a self-prorietor type business. A conversation between the Zoning Administrator and Mr. Henley took place on March 26, 2014 where Mr. Henley indicated that he was licensed by the County. Staff confirmed this by conversation with the Clerk's office.

Staff then prepared a formal action notice of the zoning code violation (certified letter), which was sent to Mr. Henley on March 27, requesting that the commercial trucking terminal/repair facility use be discontinued (Exhibit 10). This included a description of the violation with attachments referencing several sections of the code.

A variance can not be considered for the trucking terminal/repair facility use on the property since use variances are prohibited per Section 15.05.050, G.Z.O. The Code states that:

> "Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district."

As permitted by code and as described in the letter, Mr. Henley filed an appeal of the City Planner's letter and interpretation of the code with the City on April 25, 2014 (Exhibit 11). In Mr. Henley's appeal application he states that the purpose of the appeal is "to appeal City Planner's opinion that the building is being used for commercial purposes not in compliance with the current zoning."

Staff advertised the appeal request in the local newspaper as required by Section 15.04.028, G.Z.O. and provided notice to the owner and adjacent property owners (Exhibit 12).

Per T.C.A. Title 13, Section 13-7-207 (1) and Article 15, Section 15.04.024 the Board of Zoning Appeals shall

> "hear and decide appeals from any order, requirements, decision or determination by the Zoning Administrator, whereby it is alleged in writing that the Zoning Administrator is in error or has acted in an arbitrary manner."

In addition, On May 5th City staff discussed with the Planning Commission the pending case and gave them the opportunity to render an opinion on the issue as permitted by Sections 15.04.023 and 15.04.028 of the Gallatin Zoning Ordinance. The Planning Commission elected not to issue an opinion.

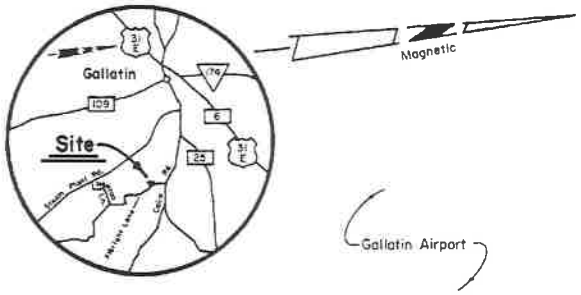
A finding(s) that the use/operation of the property is occurring in violation of the Zoning Ordinance will require the owner/operator to discontinue the non-permitted use/activity.

RECOMMENDATION

As indicated in Exhibit 10, the property is zoned Agricultural Residential (A) and trucking terminal/repair facility use as a Transport and Warehouse Commercial activity is not a permitted use in the 'A' zoning district. Based on the record provided herein staff request that the Regional Zoning Board of Appeals find the owner of the property in violation of Article 06, Section 06.02.010 and Article 11.00 Section 11.04.030 and 11.09.091 of the Gallatin Zoning Ordinance and approve a GRZBA Resolution #2014-01 finding the activity in violation of the Zoning Ordinance and require that the use be discontinued.

EXHIBITS:

Exhibit 1	**Location Map and Copy of the Plat for Carl Austin Acres Subdivision**
Exhibit 2	**Tennessee Code Annotated Title 13, Sections 13-3-301, 13-3-302, 13-7-201, 13-7-202, 13-7-206, 13-7-207, 13-7-208, 13-7-302**
Exhibit 3	**Article 15, Section 15.01 et. seq., Gallatin Zoning Ordinance**
Exhibit 4	**September 16, 2013 letter to John Henley**
Exhibit 5	**Zoning Violation Report**
Exhibit 6	**Building Permit for John Henley at 154 Albright Lane**
Exhibit 7	**City Attorney opinion of business and request for Legal Opinion**
Exhibit 8	**December 23, 2014 e-mail concerning 154 Albright Lane**
Exhibit 9	**March 25, 2014 e-mail concerning 154 Albright Lane**
Exhibit 10	**Certified Letter to Mr. Henley requesting discontinuance of non-permitted use**
Exhibit 11	**Mr. Henley's Appeal application**
Exhibit 12	**Published notice to local newspaper and local notice to adjacent property owners**



LOCATION MAP

N.T.S.

Certificate Of Approval By County Health Department

I hereby certify that the sewage disposal systems installed or proposed for installation in the subdivision entitled Carl Austin Acres fully meet the requirements of the County Health Department and are hereby approved. (SEE NOTE)

By: Jerry Anderson Date: 3-11-88
County Environmentalist

NOTE:
1- TRACT 3A IS APPROVED UNDER CHAPTER 212 PUBLIC ACT OF 1979.
2- TRACT 3B IS NOT TO BE USED AS AN INDEPENDENT BUILDING SITE UNTIL APPROVED BY THE HEALTH DEPARTMENT.

Notes:

1. Property Zoned Agricultural.
2. Property located on Tax Map 127 being Parcel Number 48.
3. Tract Numbers 2, 3 and 4 shown as per Boundary Survey for Mary B. Hayes by Bob Cummings, dated Oct. 25, 1983.
4. Total Area Within Tract Boundary = 5.03 Acres ±

Certificate Of Ownership And Dedication

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Book Number 497, Page 284, County Registrar's Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers or irrevocable dedication for all public roads, utilities, and other facilities have been filed as required by the Gallatin Municipal - Regional Subdivision Regulations.

Owner: Carl E. Austin Date 3-14-88
Owner: Lena H. Austin Date 3 8 88

Certificate Of Accuracy

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Gallatin Municipal - Regional Planning Commission and that the monuments have been or will be placed, as shown hereon, to the specifications in these regulations.

By: Willard Wayne Diel Date: FEB. 29, 1988
Tennessee Registered Land Surveyor No 1077

Certificate Of Approval Of Water Systems

I hereby certify that the water systems outlined or indicated on the final subdivision plat entitled Carl Austin Acres have been installed in accordance with current local and state government requirements or a sufficient bond or cash has been filed which will guarantee said installation.

Water System: [illegible] Date 3/14/88
Name, Title and Agency or Authorized Approving Agent

Certificate Of Approval Of Bonding Of Roads

I hereby certify: (1) that all designed roads on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the Gallatin Municipal - Regional Subdivision Regulations, or (2) that a surety bond has been posted with the planning commission to assure completion of all required improvements in case of default.

By: Roy [illegible] Date 3-14-88
County Road Superintendent or Superintendent of Public Works, as appropriate

Certificate Of Approval Of Sewer Systems

No Sewer System

I hereby certify that the sewer system outlined or indicated on the final subdivision plat entitled Carl Austin Acres having been installed in accordance with current local and state government requirements or a sufficient bond or cash has been filed which will guarantee said installation.

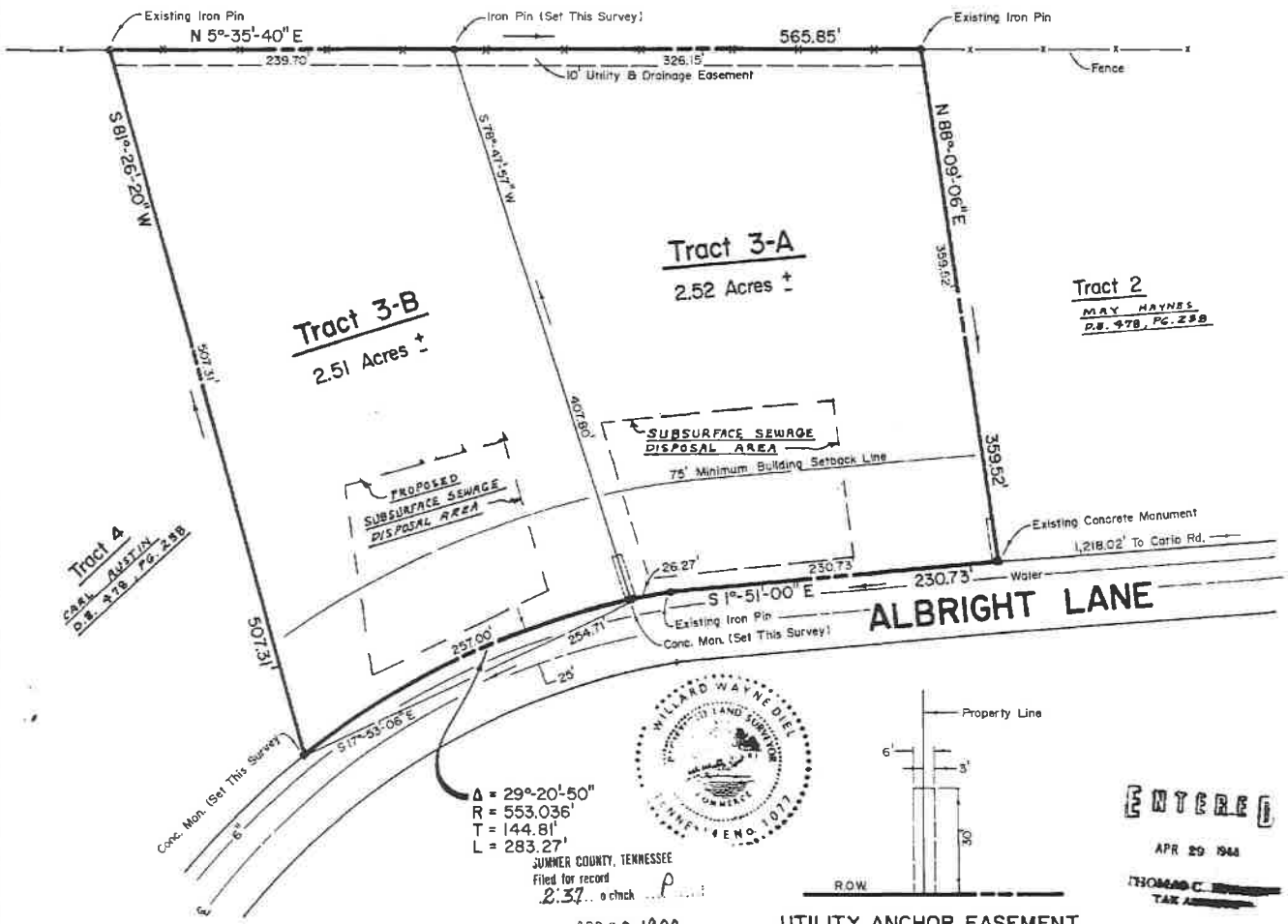
Sewer System: Date
Name, Title and Agency or Authorized Approving Agent

Certificate Of Approval For Recording

I hereby certify that the subdivision plat shown has been found to comply with the Gallatin Municipal - Regional Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for for recording in the office of the county register.

By: [illegible] Date 4-25-88
Secretary, Planning Commission

By: R [illegible] Date 4/25/88
Chairman's Initials



UTILITY ANCHOR EASEMENT

N.T.S.

SUMNER COUNTY, TENNESSEE
Filed for record
2:37 o'clock P
APR 29, 1988
Registered in Plat Book 12 Page 211
KATHRYN BROWN, Register of Deeds

ENTERED
APR 29 1988
THOMAS C. [illegible]
TAX ASSESSOR

CARL AUSTIN ACRES

3rd CIVIL DISTRICT, SUMNER COUNTY, TENNESSEE

OWNERS & DEVELOPERS - CARL AUSTIN & LENA H. AUSTIN
142 ALBRIGHT LANE, GALLATIN, TN. 37066

60 30 0 60 120
Scale: 1" = 60'

Diel Engineering & Surveying
135 Windsor Dr.
Gallatin, Tennessee 37066

February 20, 1988

Sheet No. 1 Of 1

2240

EXHIBIT 1

Henley Property (Case #PC0283-14)

EXHIBIT 2

Tennessee Code Annotated

13-3-301. Regional plan Municipality adopting.

(a) It is the function and duty of a regional planning commission to make and adopt a general regional plan for the physical development of the territory of the region. Any such plan shall include the planning of municipal territory to the extent which, in the commissioner's judgment, the same is related to the planning of the region as a whole; provided, that the plan shall not be deemed an official plan or part of the official plan of any municipality having a municipal planning commission unless adopted as such by the municipal planning commission. The board of aldermen or commissioners or other chief legislative body of any municipality may designate the regional planning commission of a region in which such municipality is located as the planning commission of such municipality, and, in the event of such designation, the regional planning commission shall have such powers regarding the planning of the municipality, and the plan of the municipality made and adopted by the regional planning commission shall have the same force and effect as provided by law for municipal planning commissions and municipal plans.

(b) The regional plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the regional planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character and extent of public ways, ground and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for power, light, heat, sanitation, transportation, communication, water and other purposes; the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways, grounds, open spaces, buildings, properties, utilities or terminals; the general character, location and extent of community centers, town sites or housing developments; the location and extent of forests, agricultural areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of urban development, and the identification of areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for development to occur; a land classification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation and other purposes.

13-3-302. General purpose of plan.

The regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the inhabitants, as well as efficiency and economy in the process of development, including, among other things, such distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to transportation, health, safety, civic activities and educational and cultural opportunities, reduce the wastes of financial and human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic utilization, conservation and production of the supply of food, water, minerals, drainage, sanitary and other facilities and resources, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined that the services are necessary in order for development to occur.

13-7-201. Grant of power.

(a) (1) For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the board of aldermen, board of commissioners or other chief legislative body of any municipality by whatever title designated, and hereinafter designated as chief legislative body, is empowered, in accordance with the conditions and the procedure specified in this part and part 3 of this chapter, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined the services are necessary in order for development to occur. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated there under. Protection and encouragement of access to sunlight for solar energy systems may be considered in promulgating zoning regulations pursuant to this section

13-7-202. Zoning plan.

Whenever the planning commission of the municipality makes and certifies to the chief legislative body a zoning plan, including both the full text of a zoning ordinance and the maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures,

additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(d) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(e) The provisions of subsections (b)-(d) apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.

(f) The provisions of subsections (b)-(e) do not apply to any municipality defined as a premiere type tourist resort according to § 67-6-103(a)(3)(B).

(g) Except as provided in subsection (l), the provisions of subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located. Anytime after the thirty (30) month cessation, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations. For the purposes of this subsection (g), the thirty (30) month period of continuous ceased operation shall be tolled by:

(1) The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

(2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within thirty (30) months of cessation of continuous use;

(3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial or other business use operates or is located; or

(4) The reactivation of the non-conforming use any time prior to the end of the thirty (30) month period; provided, however, that the restrictions of subsections (g) and (i) shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

(h) The provisions of subsections (b)-(d) shall apply to an off-site sign which, for the purposes of this subsection (h), means any sign that advertises or gives direction to any business, product, service, attraction, or any other purpose or interest, other than the industrial, commercial or other business establishment located on the site where the sign is located; provided, however, that any expansion shall be limited as follows:

(1) Any off-site sign smaller than a standard 8-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of at least five feet four inches (5¢ 4^2) to six feet two inches (6¢ 2^2) in height and eleven feet four inches (11¢ 4^2) to twelve feet two inches (12¢ 2^2) in width shall not be expanded to a size greater than a standard 8-sheet poster;

(2) Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of twelve feet three inches (12¢ 3^2) in height and twenty-four feet six inches (24¢ 6^2) in width;

(3) Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of ten feet (10¢) to fourteen feet (14¢) in height and thirty-six feet (36¢) to forty-eight feet (48¢) in width;

13-7-302. Establishment of zones or districts outside municipality.

Power is hereby granted to the chief legislative body of any municipality to establish by ordinance zones or districts in territory adjoining but outside of such municipality and lying within planning regions in which the municipal planning commission has been designated as the regional planning commission under § 13-3-102, and in which territory the county has no zoning already in force; provided, that prior to final enactment of such ordinance, six (6) months' notice of intent shall have been filed with the county executive of the county or counties within which the municipality and/or region lies. Within such zones or districts, the municipality may, by ordinance regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings, and structures.

EXHIBIT 3

ARTICLE 15.00
ADMINISTRATION AND ENFORCEMENT

15.01 Organization and Purpose

The administration of this Ordinance is hereby vested in two offices of the government of the City of Gallatin, Tennessee, as follows:

The Office of Zoning Administrator
The Board of Zoning Appeals

It is the purpose of this Article to set out the authority of each of these two offices and then describe the procedures and substantive standards with respect to the following administrative functions:

Issuance of Zoning Permit
Issuance of Use and Occupancy Permits
Temporary Use and Occupancy Permits
Performance Standards
Variances
Conditional Use Permits
Amendments

15.02 Appointment and Duties of the Zoning Administrator

15.02.010 Zoning Administrator

The duly appointed City Planner for the City of Gallatin shall also serve as the Zoning Administrator.

15.02.020 Duties of the Office of Zoning Administrator

The Zoning Administrator shall enforce this Ordinance, and in addition thereto and in furtherance of said authority he shall:

A. Issue all zoning permits, and make and maintain records thereof;

B. Issue all use and occupancy permits, and make and maintain all records thereof;

C. Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this Ordinance;

D. Maintain permanent and current records of this Ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore;

E. Provide information to the public on all matters relating to this Ordinance;

F. Receive, file and forward to all necessary agencies all applications for conditional uses, and for amendments to this Ordinance;

G. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance;

H. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Planning Commission at least annually.

15.02.030 Powers of the Zoning Administrator Regarding the Issuance of Permits

The Zoning Administrator shall have the power to grant zoning permits, and make inspections of land and buildings necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plan or issue any zoning permits for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance nor to vary its terms and provisions in carrying out his duties.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

15.02.040 Powers of the Zoning Administrator to Enforce Performance Standards

The Zoning Administrator shall enforce performance standards in accordance with the procedure set forth in Sections 15.02.040 A through 15.02.040 F.

A. New Construction, or Extension or Enlargement of Existing Uses - In all districts where performance standards apply, any request for a zoning permit for manufacturing or other uses shall be accompanied by a certification from a licensed registered Professional Engineer of Tennessee that the proposed activity can meet the applicable performance standards. If the Zoning Administrator has reasonable belief that a violation may occur, despite the opinion of the Engineer then he may:

1. require the submission of additional data sufficient to support the applicant's claim,

2. reject the application, pending receipt of additional supporting data.

B. Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards - Determinations necessary for administration and enforcement of performance standards set forth in this Ordinance range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement.

Where determinations can be made by the Zoning Administrator or other City employees, using equipment normally available to the City or obtainable without extraordinary expense, such determination shall be made before notice of violation is issued.

Where technical complexity or extraordinary expense make it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

C. Performance Standards Relating to Emission of Smoke, Fire, and Explosive Hazards Where Flash Point of Flammable Material Is Known, Humidity, Heat, Glare and Electromagnetic Interference - If the Zoning Administrator finds, after making determinations in the manner set forth in Article 14.00 of this Ordinance that there is a violation of performance standards relating to emission of smoke, fire, and explosive hazards where the flash point of flammable materials is known, heat, humidity, glare, or electromagnetic influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Section 15.08 of this Article.

D. Performance Standards Relating to Measurements of Particulate Matter, Vibration, Noise, Fire and Explosive Hazards Where Flash Point of Materials is Not Known, Toxic and Noxious Matter, Odorous Matter, and Radiation Hazards - If in the considered judgment of the Zoning Administrator there is probable violation of the performance standards set forth in Article 14.00 concerning emission of particulate matter, vibration, noise, fire and explosive hazards where flash point is not known, toxic and noxious matter, odorous matter, or radiation hazards the procedures, in Section 15.08 shall be followed.

E. Violation of Performance Standards - Procedure for Notice and Testing - If, in the considered judgment of the Zoning Administrator, there is probable violation of the performance standards as set forth in Article 14.00 concerning emission of particulate matter, vibration, noise, fire, and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter, or radiation hazards the following procedures shall be followed:

1. The Zoning Administrator shall give written notice, by registered mail or other means insuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by the Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Ordinance.

2. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this Ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of determination will be paid by the City.

   If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.

3. If there is no reply within the time limit set (thus establishing admission of violation as provided herein and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.

   If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Administrator may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.

   If a reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violation continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 15.08 of this Article.

   If no violation is found, the costs of the determinations shall be paid by the City without assessment against the properties or persons involved.

F. Violation of Performance Standards for Uses Existing at the Time of Passage of Zoning Ordinance or Amendment - When uses are non-conforming at the time of passage of this Ordinance, or subsequent amendment, and must conform, the Zoning Administrator shall give notice of the fact that the use is non-conforming and prescribe a date for conformance, said date being established in accordance with Section 13.02.040.

The owner of the use may submit a certification from a licensed registered Professional Engineer of Tennessee that the necessary steps have been taken to produce conformance to the performance standards. When the Zoning Administrator has reasonable belief that the non-conformance has not been eliminated, then he may cause tests to be made in accordance with the procedures established in Section 15.02.040 E. When the landowner does not eliminate the non-conformance after its existence has been established, the Zoning Administrator may proceed in accordance with the procedures set forth in Section 15.08 to have the violation corrected.

G. Power to Make Measurement of Manufacturing or other Uses in Districts Where Performance Standards Apply - Not withstanding the foregoing provisions, in any district where performance standards apply, the Zoning Administrator may cause to have made scientific tests of any use to determine its performance characteristics, whether or not a violation exists. The costs of such tests are to be sustained by the City.

H. Right of Entry Upon Land - The Zoning Administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the City for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.

1. Conflict with State or Federal Enforcement - Where any of the performance standards contained herein are enforced by appropriate state or federal authorities, the Zoning Administrator shall be exempted from such enforcement. However, this shall not be construed as preventing the City of Gallatin from adopting and enforcing stricter standards than federal or state governments if the City so desires.

15.03 Zoning Permits and Use and Occupancy Permits

15.03.010 Zoning Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the Office of the Zoning Administrator.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the City of Gallatin unless the application for such permit has been examined by the Office of the Zoning Administrator

indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any zoning permit or use and occupancy permit issued in conflict with the provisions of this Ordinance shall be null and void.

15.03.020 Site Plan Required

The City Planner shall require that all applications for permits be accompanied by plans and specifications. With the exception of single family detached dwellings, all such applications shall include a plot or site plan showing the information as required below, which shall be approved by the Planning Commission prior to the issuance of the permit.

The following applications shall require plans and specifications to be submitted to and approved by the City Staff and may not require Planning Commission approval. The City Staff may require any additional information deemed necessary to determine compliance with City Ordinances.

A. Site improvements or building additions that:

   1. Are 10% or less in scope or area and,

   2. Do not exceed 5,000 square feet of building area and,

   3. Do not exceed one such addition in any 12 month period.

B. Change in use of a building(s) or site(s) that:

   1. Do not require building additions or site improvements and,

   2. Are permitted uses in the zoning district in which the proposed changes are Located.

C. Residential Buildings or Other Residential Structures Involving Four Units or Less Located on a Single-Zone Lot

   The plot plan of any residential buildings or other structures of residential activity with ten (10) dwelling units or less on a zone lot excepting single-family attached dwellings as described in Section 03.05 shall indicate:

   1. The actual shape, location, and dimensions of the lot;

   2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;

   3. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;

4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

D. All Other Buildings, Structures, and Activities

The site plan for all other buildings, structures, and activities shall include:

1. The actual shape, location, and dimensions of the lot;
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
3. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;
4. Topographic features (contours not greater than 5 foot intervals);
5. Location of all proposed driveways and entrances as well as existing driveways and entrances on surrounding lots;
6. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities where five or more accessory off-street parking spaces are to be provided;
7. Location of all accessory off-street loading berths;
8. Location of open space;
9. Proposed ground coverage, floor area, and building heights;
10. Position of fences and walls;
11. Materials to be used on building facades and fences;
12. Position of screen planting (type of planting specified);
13. Location of windows and courts;
14. Location, type, and size of proposed signs;
15. Proposed means of surface drainage, including drainage calculations and details of the proposed drainage facilities;
16. Location of all easements and rights-of-way;
17. Certification of compliance with applicable performance standards;
18. Location of areas subject to flooding;
19. Percolation tests where subsoil sewage disposal is anticipated;
20. Show required yards, setbacks, and bufferyards;
21. Label zoning for property and surrounding properties;
22. Location, type, and size of proposed waste material collection facility, including bulk container, concrete pad, and opaque enclosure for other than City of Gallatin refuse containers.
23. Nine (9) copies of the site plan. Applicants preparing a site plan using Computer Aided Drafting and Design (CADD) shall be required to submit a digital file of the approved site plan.

15.03.021 Site Plan Voided

A site plan shall become null and void after a period of three (3) years if no construction activity has been initiated based on the approved site plan. Construction activity does not

include grading or excavation. For any site plan approved prior to May 1, 2008, expiration shall occur under the terms of the original site plan approval.

15.03.030 Use and Occupancy Permit Required

No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the Office of the Zoning Administrator. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the Zoning Administrator. This shall not apply to single-family and two-family detached dwellings.

15.03.040 Application for Use and Occupancy Permit

Every application for a zoning permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no zoning permit is required shall be made directly to the Office of the Zoning Administrator.

15.03.050 *Deleted Ordinance No. O1103-19*

15.03.060 Records of Use and Occupancy Permits

A record of all use and occupancy permits issued shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

15.03.070 Final Inspection

No use and occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Office of the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning permit was based and with the applicable performance standards established by Article 11.00 and Article 13.00.

15.03.080 Surety Required

Any application for a zoning permit or building permit which requires the submission of a site plan or Final Master Development Plan shall be accompanied by a surety in the amount of the estimated cost of site improvements including, but not limited to, water and sewer installation, parking lot and driveway paving, construction of border barriers, site grading, erosion control, screening and landscaping.

Any private section of a development will also be required to submit a surety in the amount of the estimated cost of site improvements including, but not limited to, water and sewer installation, parking lot and driveway paving, construction of border barriers, site grading, erosion control, screening and landscaping. If an extension of the surety is permitted, as provided below, a new estimate to reflect an updated cost of completion shall be performed by the Codes/Planning Department and established as the estimate for such extension. The amount of the surety initially, and for any extension, shall be set in the amount of one hundred ten percent (110%) of the estimate by the Codes/Planning Department. The expiration date of the surety initially, and for any extension, shall be set as one (1) year from the initial date of submission of the surety.

The surety shall be in the form of cash, a certified check, or an Irrevocable Letter of Credit. All Irrevocable Letters of Credit submitted to the City must either be payable at a local bank within a 50-mile radius of the corporate limits of the City of Gallatin or specifically state that the letter of credit can be drawn upon by certified mail.

The surety shall name the City of Gallatin as obligee, shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency of surety, and manner of execution. All Irrevocable Letters of Credit shall be issued for such time as the planning commission deems is necessary for the completion of the improvements enumerated in the first paragraph of this section, but shall in no event exceed one (1) year and must contain automatic renewal provisions, in language satisfactory to the City Attorney, that provide for automatic renewal of the Irrevocable Letter of Credit unless the City is provided at least sixty (60) days' notice of non-renewal by the issuer of said Irrevocable Letter of Credit.

Upon proof of difficulty, the developer may petition the City for an extension of time for completion of the improvements. The petition must be in writing on forms provided by the Codes/Planning Department. The Planning Commission may, upon proof of difficulty, grant additional one (1) year extensions.

A surety may be reduced by the City upon actual completion and inspection of site improvements and then only to the ratio that the improvements completed bears to the total improvements for the plan. In no event shall a surety be reduced below fifteen percent (15%) of the principal amount prior to final acceptance of all items covered under the surety. A surety reduction shall be approved a maximum of twice a year and not more than once in any three (3) month period.

15.03.090 Temporary Use and Occupancy Permits

Nothing in this ordinance shall prevent the issuance of a temporary use and occupancy permit, as provided herein. A temporary use and occupancy permit is to be issued for a time period not to exceed one (1) year. In no instance shall a temporary use and occupancy permit be issued for a longer time period than the surety required to secure completion of all site improvements and off-site improvements.

A. Temporary Use and Occupancy Permit – Partially Completed Buildings

Temporary use and occupancy permits may be issued for a portion of a building or structure in process of erection or alteration, provided that such temporary use permit shall not be effective for a time period in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.

B. Temporary Use Permit – Necessary or Seasonal Uses Temporary in Nature

The provisions of this section are necessary to govern the operation of certain seasonal and other temporary uses. Application for a temporary use permit shall be made to the Zoning Administrator. The application shall contain information as to the nature of the proposed use, the anticipated period of operation, the number and location of parking spaces and sanitary facilities. No permit issued, herein under, shall be for a time period in excess of that stipulated below for the individual activity indicated.

1. Circuses, Carnivals and Haunted Houses: May be permitted in the following districts:

   Commercial Districts – CG and CS

   Industrial Districts - IR and IG

   Such permit may be issued for a period not to exceed fifteen (15) days. The time of operation need not be fifteen (15) consecutive days; however, the site must be vacated within thirty (30) days after initiating operation. Such use shall only be permitted on lots where adequate off-street parking can be provided. An adequate form of surety which meets the provisions of Section 15.03.080 shall be posted prior to issuance of a permit to assure clean-up and maintenance of the site. The amount of surety shall be determined by the Zoning Administrator; however, the amount of surety shall be no less than one thousand dollars ($1,000).

2. Christmas Tree Sales: May be permitted in any district. Such temporary use permit may be issued for a period no longer than thirty (30) days.

3. Religious Tent Meetings: May be permitted in any district. Such permit shall be issued for no more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

4. Special Civic or Non-profit Events Including Festivals, Bazaars, etc.: May be permitted in any district. Such permit may be issued for a period no longer than

fifteen (15) days. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

5. Temporary Construction Offices: In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for a particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner.

6. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a temporary use permit may be issued to place a mobile home temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship. Placement of such structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for temporary use permit as provided under this subsection must produce a written statement from the appropriate regulatory authority approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding eighteen (18) months.

7. Temporary Borrow Pits: In any district, a temporary use permit may be issued for the operation of a temporary borrow pit from which soil may be removed to other locations to be utilized as fill material. Such permit may only be issued with an approved site utilization and reclamation plan as the basis for such action. The period of operation shall be as specified in the approved plan. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner.

8. Temporary Tent Type Sales:
   a. Any permit issued shall be for a maximum time period of thirty (30) consecutive days per zone lot. Only one such permit will be issued for each zone lot during a calendar year.
   b. This permit is limited to vacant lots with no other uses or structure of any kind present.
   c. This permit is limited to tents, awnings and/or open air activities; specifically excluding any structure or building.
   d. Adequate off-street parking must be available.
   e. All setback provisions established for the district shall be met.

f. Any violation of these standards shall be considered a zoning violation, punishable as provided herein.

9. Structures for Temporary Sales: A temporary use permit may be issued by the Zoning Administrator for placement of a structure for temporary sales on a zone lot for a maximum of four (4) months in a calendar year. This structure shall meet the following criteria as determined by the Zoning Administrator:
   a. Structure shall have public water service.
   b. Structure shall have public electrical service.
   c. Structure shall be served by sanitary sewer or septic system.
   d. Structure shall be securely anchored to the site.
   e. Supports and anchors must be screened from public view.
   f. Upon removal of the temporary structure, all evidence shall be totally removed from the premises from which the activity is conducted.

10. Model Homes and Subdivision/Builder Information and Sales Offices

In any residential or mixed use district, a temporary use permit may be issued by the Zoning Administrator to allow the use of a dwelling unit or club house as a model home and/or Subdivision and/or building information and sales office. This permit may be modified to reflect moving the model home or information and sales office to a new location in the same subdivision. Said use shall be discontinued when all homes in the subdivision, except the model, have been sold. All regulations pertaining to signs as contained in Article 13.07 shall apply. Any parking lots or other parking areas, other than driveways and parking which are accessory to the dwelling, shall require the submittal of a site plan for review and approval of the Code/Planning Department.

EXHIBIT 4

City of Gallatin

Codes/Planning Dept.

September 16th, 2013

John Henley
1175 Belcher Lane
Hartsville, TN 37074

Dear Mr. Henley:

According to our records, you are the owner(s) of the property located at 154 Albright Lane S.B.E. Tax Map #127//048.03. The current zoning of this property is Agricultural (A).

It was brought to the attention of this office, through several citizen complaints, that a trucking company is operating at 154 Albright Lane. A trucking company operation would be classified, according to the Gallatin Zoning Ordinance, as Transport and Warehousing. Section 06.02.010 of the Gallatin Zoning Ordinance list the Permitted Uses for the Agricultural zone district and Transport and Warehousing is **not a permitted use** within the Agricultural zone district. The building permit (P033723-13) for this project lists the building as a private barn, which under the Agricultural zoning would be permitted.

Additionally, Section 06.01.200 Truck Parking in Residential Zoning Districts prohibits commercial delivery and other large trucks, including tractor trailers, from being parked in residential neighborhoods.

Also, in relation to the building permit, the Codes/Planning Department was not contacted to schedule and complete any of the required inspections for this building. Please contact the Codes/Planning Department in order to discuss how you need to move forward with inspections for this structure. The Codes/Planning Department can be reached at (615) 451-5968.

The non-permitted use of this property will be re-inspected in fourteen (14) working days from the date of this notice. Pursuant to Section 15.08.020 and Section 15.08.030 of the Gallatin Zoning Ordinance, if the property is not in compliance at that time, the City may seek other processes to bring about compliance with the Zoning Ordinance.

Thank you for your cooperation. If you have any questions, please feel free to call this office.

Sincerely,

Kevin Chastine, AICP
Planner II

Addam McCormick, AICP
Interim Building Official

PC 0283-14

EXHIBIT 5

Case Details

Reference No:	V032109-13
Status:	Violation(s) Resolved (Closed)
Assigned Dept:	Codes/Planning
Assigned Staff:	Kevin Chastine
Close Date:	10/3/2013 12:15 PM
Modified:	10/3/2013 12:16 PM by Kevin Chastine
Created:	10/3/2013 12:15 PM by Kevin Chastine

Zoning Violation Details

Summary of Violation:	COMPLAINTS HAVE BEEN BROUGHT FORWARD ABOUT A COMMERICAL HAULING BUSINESS (DUMPTRUCKS) BEING OPERATED FROM THIS LOCATION. **Please note:** The field below's content will be sent to the resident who submitted the request. Please format accordingly.
Result of Violation 1:	AFTER REVIEWING SUBMITTED PHOTOGRAPHS STAFF MAILED (SEPT. 13TH) MR. HENLEY A LETTER REGARDING THE POTENTIAL OF A NON-PERMITTED USE OCCURING ON THIS SITE. AFTER COMPLETING A SITE VISIT ON MONDAY SEPTEMBER 30TH AND RESEARCHING THE LOCATION OF MR. HENLEY'S BUSINESS LISCENSE AND THEN SPEAKING WITH MR. HENLEY ON OCTOBER 3RD STAFF FEELS THAT HE IS NOT RUNNING A COMMERICAL BUSINESS AT THIS ADDRESS. THEREFORE, THERE IS NOT ZONING VIOLATION FOR STAFF TO PURSUE AT THIS TIME. CASE IS RESOLVED.
Summary of Violation 2:	**Please note:** The field below's content will be sent to the resident who submitted the request. Please format accordingly.
Result of Violation 2:	
Summary of Violation 3:	**Please note:** The field below's content will be sent to the resident who submitted the request. Please format accordingly.
Result of Violation 3:	
Mailing Via:	Regular
Certified Mail #:	**Please Note:** This field will be auto-generated into an email to the resident. Please complete with any information you would like to provide.
Result of Permit or Violation:	

Property Address

Address 1:	154 ALBRIGHT LANE
City:	GALLATIN
State/Province:	TN
Zip/Postal Code:	37066
Tax Map/Group/Parcel:	127//048.03
Zoning:	AGRICULTURAL
Subdivision:	
Lot Number:	

Section:	
Historic District?:	N
Special Flood Hazard Area?:	N
Phase:	

Property Owner

First Name:	JOHN
Last Name:	HENLEY
Address 1:	1175 BELCHER LANE
City:	HARTSVILLE
State/Province:	TN
Zip/Postal Code:	37074
Email Address:	
Home Phone:	
Work Phone:	
Mobile Phone:	(615) 417-9112
Email Address:	

Property History

Reference No	Case Type	Address	Status	Current Task	Task Due Date	Assigned Staff	Created By	Update Date	Create Date
V032109-13	Zoning Violation	154 ALBRIGHT LANE	Violation (s) Resolved	Initial Inspection	10/3/2013	Kevin Chastine	Kevin Chastine	10/3/2013	10/3/2013
P033723-13	Residential Building Permit	154 Albright Lane	Permit Issued	Courtesy	10/10/2013	Cindy Brazel	Cindy Brazel	8/15/2013	6/27/2013

Tasks

	Task	Assigned To	Due Date	Completed	Result	Notes
1	Initial Inspection	Johnny Morris	10/3/2013			
2	Re-Inspection	Johnny Morris	10/13/2013			

Documents

Name	Data Type	File Size	Create Date	Comments
154_Albright_Lane_Non-Permitted-Use.doc	application/msword	51200	10/3/2013 12:15:08 PM	

Fees Charged

Group	Fee	Cost	Amount Charged	Payments and Deductions

There are no fees for this case

Payments

Group	Fee	Type	Date	Amount

There are no results

Other Deductions

Group	Fee	Type	Date	Amount

There are no results

Contractors

Contractor Name	Contractor Type	Active	Expiration Date	Create Date

History

Date	Staff Name	Action	New Value	Old Value
10/3/2013 12:16:00 PM	Kevin Chastine	Result of Violation 1	AFTER REVIEWING SUBMITTED PHOTOGRAPHS STAFF MAILED (SEPT. 13TH) MR. HENLEY A LETTER REGARDING THE POTENTIAL OF A NON-PERMITTED USE OCCURING ON THIS SITE. AFTER COMPLETING A SITE VISIT ON MONDAY SEPTEMBER 30TH AND RESEARCHING THE LOCATION OF MR. HENLEY'S BUSINESS LISCENSE AND THEN SPEAKING WITH MR. HENLEY ON OCTOBER 3RD STAFF FEELS THAT HE IS NOT RUNNING A COMMERICAL BUSINESS AT THIS ADDRESS. THEREFORE, THERE IS NOT ZONING VIOLATION FOR STAFF TO PURSUE AT THIS TIME. CASE IS RESOLVED.	AFTER REVIEWING SUBMITTED PHOTOGRAPHS STAFF MAILED MR. HENLEY A LETTER REGARDING THE POTENTIAL OF A NON-PERMITTED USE OCCURING ON THIS SITE. AFTER COMPLETING A SITE VISIT ON MONDAY SEPTEMBER 30TH AND RESEARCHING THE LOCATION OF MR. HENLEY'S BUSINESS LISCENSE AND THEN SPEAKING WITH MR. HENLEY ON OCTOBER 3RD STAFF FEELS THAT HE IS NOT RUNNING A COMMERICAL BUSINESS AT THIS ADDRESS. THEREFORE, THERE IS NOT ZONING VIOLATION OF STAFF TO PURSUE AT THIS TIME. CASE IS RESOLVED.
10/3/2013 12:16:00 PM	Kevin Chastine	Result of Permit or Violation		
10/3/2013 12:15:00 PM	Kevin Chastine	Document Added	154_Albright_Lane_Non-Permitted-Use.doc	
10/3/2013 12:15:00 PM	Kevin Chastine	Item Created By Staff Member		

Kevin Chastine

From: Katherine Schoch
Sent: Monday, September 30, 2013 3:47 PM
To: Kevin Chastine
Subject: RE: 154 Albright Lane - Site Visit

I agree. It doesn't appear that there is a business being operated from this structure.
Thanks.

Katherine Schoch, AICP
Interim Zoning Admin. /Assist. Director

City of Gallatin
Codes/Planning Department
132 West Main Street, Room 201
Gallatin, TN 37066

P: (615) 451-5796
F: (615) 452-0348
C: (615) 533-7716

www.gallatinonthemove.com

From: Kevin Chastine
Sent: Monday, September 30, 2013 3:40 PM
To: Katherine Schoch
Subject: 154 Albright Lane - Site Visit

Katherine,

The re-inspection for 154 Albright Lane is scheduled for this Thursday, but another complain was made this morning regarding a horse trail that had been brought to the site
over the weekend. Since there was a new complaint I visited the site today and took the two (2) attached photographs of the site with the location of the horse trailer.

I do not believe the horse trail is a violation of any type in regards to the use of the property.

Please advise with any comments about or insights from the attached photographs.

Kevin Chastine, AICP
Planner II
Codes/Planning Department

PC0283-14

City of Gallatin
132 West Main Street
Gallatin, TN 37066
615-451-5796
kevin.chastine@gallatin-tn.gov

EXHIBIT 6

Project Address
154 Albright Lane
Permit Number
P033723-13

BUILDING PERMIT

City of Gallatin Codes/Planning Dept.
132 W. Main Street Gallatin, TN 37066
Phone: 451-5968 • Fax: 452-0348
Inspection Hotline: 451-5970
Date Issued: 7/3/2013

Permit Number: P033723-13

Job Location
154 Albright Lane
Gallatin, TN 37066
Carl Austin Acres Lot 3-B
127//48.03

Owner/Occupant
John Henley
170 Albright Ln
Gallatin, TN 37066

Contractor
Owner-Builder

Building Characteristics & Notes
Type of Construction: VB
Describe Work: private barn, see soil perk test for pins
Heated Square Feet: 2000 Total Sq. Feet: 2000 No. of Stories: 1
Occupancy Group: S1 Census Code: 4343u Zone Dist.: A
Setbacks: zoned Agricultural and the barn is exempt form from zoning
Special Conditions:

Valuation of Construction: 30000.00
Total Fees Charged: $175.00

This permit becomes null and void if work or construction authorized is not commenced within six (6) months, or if construction or work is suspended or abandoned for a period of six (6) months at any time after work is started.

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

John Henley 7-3-13
Permittee Signature Date

Addam McCormick, AICP 7/3/2013
Authorized Agent Date

Applicant must complete SHADED spaces.
Incomplete applications will not be processed!

BUILDING PERMIT APPLICATION 1

Jurisdiction of Gallatin, Tennessee

REC'D JUN 26 2013

SBE Map # _____ Group _____ Parcel _____

Date Applied _____, 20____ Date Issued _____, 20____

154 170

PROJECT ADDRESS 1. 3-B Albright LN		SUBDIVISION Carl Austin Acres	PHASE	SECTION	LOT NO. 3-B
OWNER 2. John Henley	MAIL ADDRESS 1175 Belcher LN. Hartsville	ZIP TN 37074	PHONE 417-9112		
CONTRACTOR 3. N/A owner Builder	MAIL ADDRESS Same	PHONE 417-9112	GC LICENSE NO.		
ARCHITECT OR ENGINEER 4.	MAIL ADDRESS	PHONE	A/E LICENSE NO.		

Class of Work 5. ☑NEW CONSTRUCTION ☐MOBILE HOME ☐ADDITION ☐SINGLE-WIDE ☐ALTERATION ☐DOUBLE-WIDE ☐REPAIR ☐MODULAR HOME ☐MOVE ☐CHANGE OF USE ☐REMOVE

Describe Work 6. 40' X 50' Garage

Use of Building 7. Personal use

Change of use from 8.

Change of use to

9. Contract Price	10. Valuation	11. Heated Area Sq. Ft.	12. Sq. Ft. All Other Areas
30K		N/A	2,000

HAS THIS BUILDING SITE BEEN FILLED? YES / NO If YES, you must provide geotechnic testing and foundation design by an engineer licensed to practice in Tennessee.

ARCHIVED / /

PROJECT ADDRESS 154 Albright Lane

PERMIT # 033723-13

INSPECTIONS	SETBACKS	FOOTING	SLAB	FRAMING	MEC	FINAL
REJECTED DATE						
APPROVED DATE						

SPECIAL CONDITIONS:

Type of Const. VB		Occupancy Group S1	Plan Rev. Fee 34500 - 110
Size of Bldg. (Total) Sq. Ft.		No. of Stories 1	$ —
Fire Dist. Yes No		Zone Dist.	Permit Fee 32600 - 110
Fire Sprinklers Required Yes No		Census Code 434U	$ 175.00
Hazard Class	Height	Max. Occ. Load	No. of Dwelling Units 1

RECEIVED BY	PLANS CHECKED	APPROVED FOR ISSUANCE		
		Zoning	Fire Dept.	Building

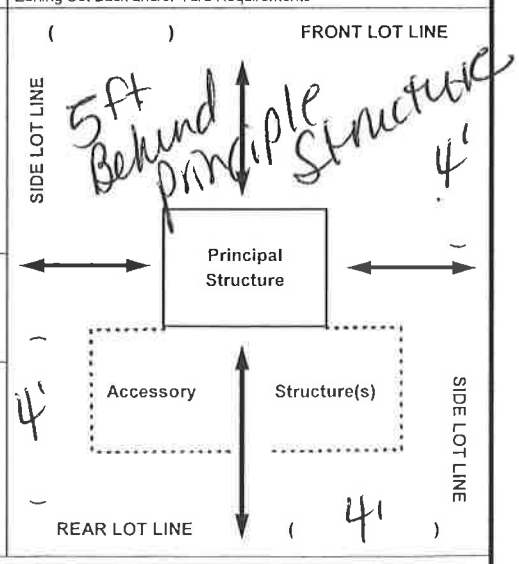
Special Requirements

Minimum Floor Elevation Including Basement

Minimum Driveway Culvert Size

Non-Concrete Culverts Require Concrete Headwalls

Zoning Set Back and/or Yard Requirements



NOTICE - PLEASE READ!

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

IN THE EVENT THE LICENSED CONTRACTOR DISCLOSED HEREON IS REPLACED ON THIS PROJECT, THE CITY CODES DIVISION SHALL BE IMMEDIATELY NOTIFIED. FAILURE TO NOTIFY MAY RESULT IN REVOCATION OF THIS PERMIT AND IS A VIOLATION OF STATE LAW.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

A CERTIFICATE OF OCCUPANCY IS REQUIRED PRIOR TO USE.

SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT (DATE)

John Henley 6/26/13

SIGNATURE OF OWNER (DATE)

John Henley 6/26/13

NOTICE OF PUBLIC DISCLOSURE

All documents, including, but not limited to, application, plans, drawings, designs, and all other written material filed with the City of Gallatin Codes, Engineering, and/or Planning Divisions shall be available to the general public for inspection and copy in accordance with the Tennessee Open Records Law.

EXHIBIT 7

Kevin Chastine

From: Joe Thompson
Sent: Monday, October 21, 2013 11:09 AM
To: Kevin Chastine
Cc: Jo Ann Graves; Katherine Schoch
Subject: RE: Request for Legal Opinion

Follow Up Flag: Follow up
Flag Status: Completed

Kevin.

Your violation letter is fine, and your review of the case is fine. You did everything a professional planner should.

Where is the request for the "legal definition of business" coming from? I know it's not planning, because that's a layperson question.

I see no need to address this issue.

Joe Thompson
City Attorney
Room 212
132 West Main Street
Gallatin, TN 37066
Ph. (615)230-0681

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From: Kevin Chastine
Sent: Thursday, October 17, 2013 11:10 AM
To: Joe Thompson
Subject: RE: Request for Legal Opinion

Joe,

The property at 154 Albright Lane is currently zoned Agricultural.

The Home Occupation ordinance would not apply in this situation because there is no home. The property owner has only constructed a garage with two (2) roll-up doors.

SUMMARY

The property owner applied for a building permit to construct a "barn".

Residents of the area began calling and stopping by to speak with Jim about the garage and commercial dump truck operation that was operating out of the garage.

As Jim left for his surgery Katherine asked me to write a violation letter and send it to Mr. Henley, the property owner.

As soon as Mr. Henley received the letter he called me and asked what he needed to do. As we talked he explained he stored his trucks at this location and there was not a business operating at this location.

After this conversation I called the Sumner County Clerk to determine if he had a County business license, which he did. The license is located at 1213 Woodvale Drive, which is a home within the city limits.

The City does not have a business license for Mr. Henley and his business, Longhorn Trucking.

As I researched the property there is no mailbox at the location, no signage, no material for him to haul in his dump trucks, no evidence of people coming to the site to hire the company and no apparent office space within the garage.

After speaking with Katherine we decided there was no business operating, but Mr. Henley parking his dump trucks in his garage as a place to store his trucks.

Some residents came last week and we all sat down with the Mayor and they talked about how the trucks go in and out of the location all day long. They feel like although there are no signs of a business operating there the in and out of the trucks indicate the operation of a dispatch center for the trucks. The direction of the meeting was to contact you and determine how a business is defined and/or classified. Could the actions of an owner be used to define/determine that a business is operating at a specific location.

Thanks!

Kevin Chastine, AICP
Planner II
Codes/Planning Department
City of Gallatin
132 West Main Street
Gallatin, TN 37066
615-451-5796
kevin.chastine@gallatin-tn.gov

From: Joe Thompson
Sent: Wednesday, October 16, 2013 10:46 AM
To: Kevin Chastine
Subject: FW: Request for Legal Opinion

Kevin,

I need more information before I can respond to your request. At a minimum, I need:

- Current Zoning of property.
- Copy of the violation letter that was sent.
- Does home occupation come into play at all?
- Anything else you think might sharpen the issue/s.

Joe Thompson
City Attorney
Room 212
132 West Main Street
Gallatin, TN 37066
Ph. (615)230-0681

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From: Jamiann Hannah
Sent: Monday, October 14, 2013 9:42 AM
To: Joe Thompson
Subject: FW: Request for Legal Opinion

JamiAnn Hannah, RMPE
Risk Management Coordinator
City of Gallatin, Tennessee
132 West Main Street
Room 212
Gallatin, TN 37066
Phone: (615) 230-0681
Fax: (615) 230-0657

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From: Kevin Chastine
Sent: Monday, October 14, 2013 9:09 AM

To: Jamiann Hannah; Amy Martin
Subject: Request for Legal Opinion

Jamiann,

Please find attached a Request for Legal Opinion in regards to a potential business operation in our Planning Region.

Thank you!

Kevin Chastine, AICP
Planner II
Codes/Planning Department
City of Gallatin
132 West Main Street
Gallatin, TN 37066
615-451-5796
kevin.chastine@gallatin-tn.gov

REQUEST FOR LEGAL SERVICES

Date: 10/14/2013

Department: Codes/Planning Requested by: Kevin Chastine Phone: 615-451-5796

Subject: Definition of a Business

Resolution: ☐ Ordinance: ☐ Contract: ☐ RFP/Q: ☐ Legal Opinion: ☒
Ethics Opinion: ☐ Other: ☐

Please indicate the nature of your request and the purpose of the contract or document to be reviewed:

The Codes/Planning Department began receiving complaints regarding a potential commercial dump truck hauling business at 154 Albright Lane, which is located within our Planning Region. Staff sent him a violation letter and began investigating whether or not a business was operating at this location. The owner has indicated to Staff he is not operating a business at this location and Staff cannot find anything contrary to his statement. There is no mailbox, signage, office, material to be sold/hauled, or equipment other than two (2) dump trucks he owns. To Staff it appears the owner has built a garage on his property to store his dump trucks. Residents of the area have now informed us the trucks go in and out of the site throughout the day as if this location is acting as the headquarters/dispatch center of the hauling company. Staff has referenced both T.C.A. and the Gallatin Municipal Code, but could not find a definition for business.

Staff has two (2) questions regarding this situation:

1.) What is the legal definition of a business?
2.) Are there legal cases where the action of an owner indicates a business is operating although other factors indicate no business is operating?

☒Date response requested by: 10/18/2013

List Attachments:

RESPONSE BY CITY ATTORNEY'S OFFICE

☐**APPROVED SUBJECT TO CHANGES SHOWN** ☐**REPLY ATTACHED** ☐**OTHER**
☐**APPROVED AS TO FORM**

Attorney's Signature:_____ Date:

PC0283.14

EXHIBIT 8

Kevin Chastine

From: Addam McCormick
Sent: Friday, December 27, 2013 8:22 AM
To: Kevin Chastine
Subject: RE: Albright Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Kevin,

If we can wait until the first week of year that would be great. Steve is out this week so I am having to fill in for him.

Addam,

From: Kevin Chastine
Sent: Monday, December 23, 2013 4:11 PM
To: Addam McCormick; Katherine Schoch; Robert Kalisz
Subject: Albright Lane

Hello Everybody!

George, one of the neighbors from Albright Lane, called me on Friday and then came by the office today (Monday the 23rd).

Since I will be out until the 31st I wanted to give you all an updated in case he calls and/or comes back in to the office.

George says Mr. Henley has installed car lifts inside the garage now and is working on cars. He also says he has been working on dump trucks from
a company called DC Hauling out of Castilian Springs. If this is the case then there may be some validity to the idea he is running a business. George also
said there are trucks going in and out at around 11 at night as well and it is disturbing him and other neighbors due to headlights shining into bedroom windows.

George said that Mr. Fisher, the electrical inspector, has inspected the building. If this is true I was hoping Addam might be able to talk to Mr. Fisher and
see what he notice or inspected while on the site. Mr. Fisher might be able to give us an idea of what is in the building.

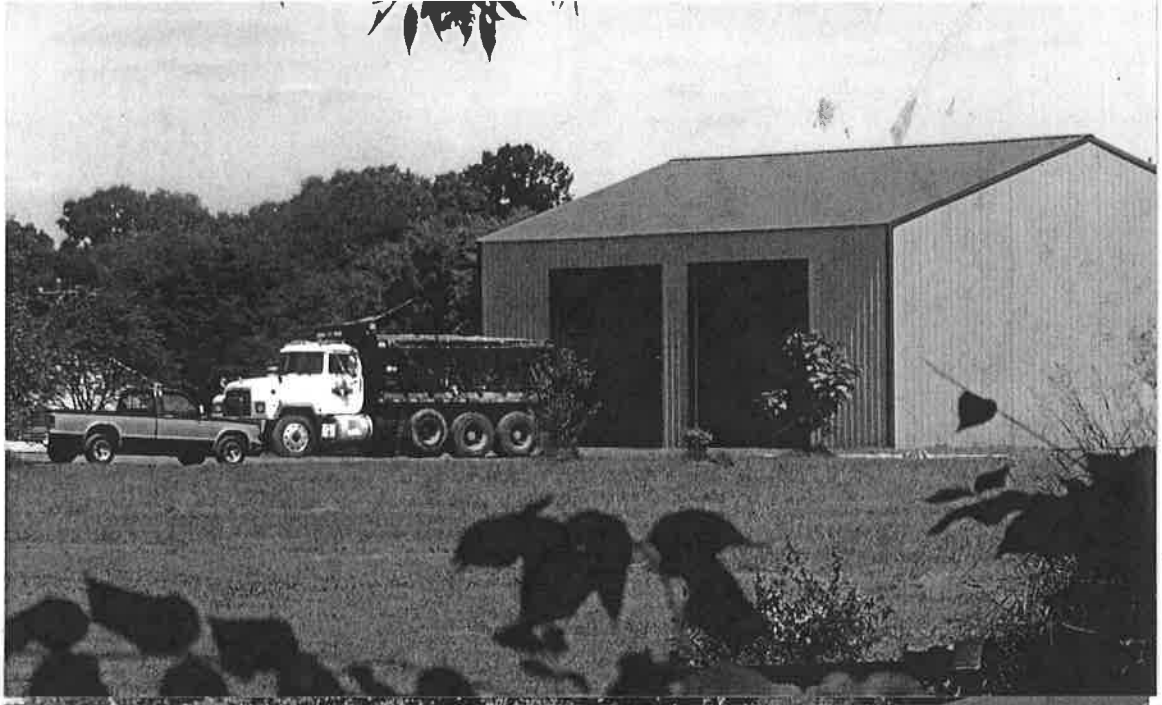
My thought at this time is maybe Addam setting up a building inspection and we can go with him and see what is going on out there.

I just wanted everyone to have any update just in case something comes up while I am out.

Kevin Chastine, AICP
Planner II
Codes/Planning Department
City of Gallatin
132 West Main Street

PC0283-14

Gallatin, TN 37066
615-451-5796
kevin.chastine@gallatin-tn.gov



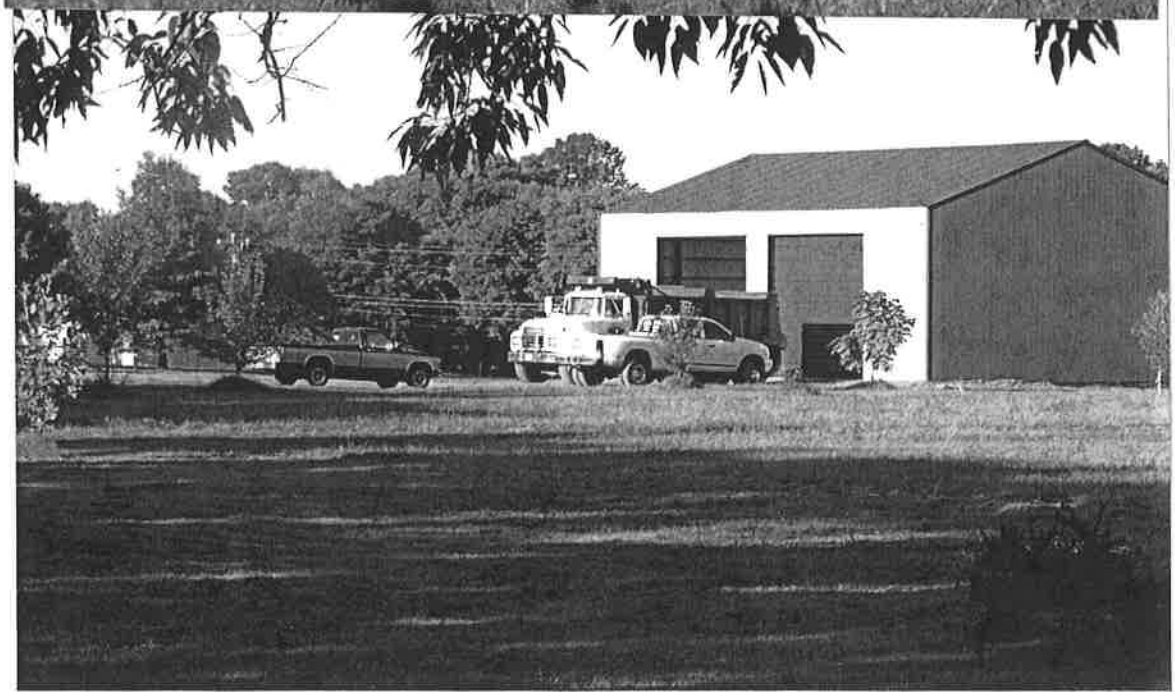


EXHIBIT 9

William McCord

From: Addam McCormick
Sent: Tuesday, March 25, 2014 9:11 AM
To: Kevin Chastine; William McCord
Cc: Chuck Stuart
Subject: ALBRIGHT LANE

ALL,

I talked to Mr. John Henley 417-9112 about 154 Albright Lane. Per owner stated that a business is not being run out of the facility. He said he owns three dump trucks and parks them on-site and he works on the trucks and his personal vehicles only. He stated he does not store any materials he hauls with the trucks. He stated he has discussed this issue with Planning Dept representatives before.

I talked to Mr. Henley about his building since no building inspections were requested. He stated the building is a wood pole barn type structure and that the state electrical inspections had been completed. I told him we have not received any request inspections. He said when he obtained the permit he was told by lady in the office that since it was a private barn no inspections would be required. I told him we typically want to see the structure but I would first talk to Building Official if the city would need to complete an inspection.

I told him the city had received complaints. He asked if the complaints were from neighbors or a neighbor. I told him neighbors based on previous meeting with owners.

He said to call him if we want to meet him on-site and review his operation or the building. John Henley 417-9112.
Longhorn Trucking

Addam

left message 3-26 @ 9:40 a.m.
Has a business license w/ City of Gallatin - Longhorn Trucking 0096324
parks trucks and does some repair work
Sole proprietor

PC0283-14

EXHIBIT 10

City of Gallatin

William D. McCord, AICP
City planner
WILLIAM.MCCORD@GALLATIN-TN.GOV

Planning Department

Katherine Schoch
Assistant City planner
KATHERINE.SCHOCH@GALLATIN-TN.GOV

March 27, 2014

Mr. John Henley
1175 Belcher Lane
Hartsville, TN 37074

Re: Use of property at 154 Albright Lane (Longhorn Trucking) - Tax ID # 127//048.03 000 - Lot 3B, Carl Austin Acres Subdivision (P.B. 12, Page 214, R.O.S.C.)

Dear Mr. Henley:

The City has continued to receive complaints about the use occurring on the referenced property. City staff investigated the complaints and observed that the property is being used as either a commercial truck transportation terminal and/or truck repair facility within a recently constructed metal building with two large garage doors. The property is located in the City's Planning Area and is zoned Agricultural (A) by the City. The City has authority under State Statute (T.C.A. Section 13-4-201) to regulate zoning in areas outside the City but within the City's Planning Area. Commercial truck terminals or parking lots are not permitted in the Agricultural (A) zoning district except in conjunction with a permitted use. In addition, several sections of the Zoning Code prohibit or limit truck parking in residential neighborhoods including Article 06, Section 06.01.200, and Article 11.01 and Sections 11.04.030 and 11.09.091 (see Attachment 2). Use of the property for this purpose is in violation of the City's Zoning Code and possibly Chapter 10, Article IV, Section 10-92 of the Code of Ordinances (See Attachment 1).

On September 16, 2013, the City sent you a letter concerning the use of the structure and the need to obtain building inspections. No final building inspection has been conducted and no certificate of occupancy has been issued for the building as required by Article 15, Section 15.03.030, Gallatin Zoning Ordinance. Tennessee Code Annotated allows certain agricultural structures to be exempt from having to obtain a building permit. However, this does not apply to buildings not used for agricultural purposes.

Article 06, Section 06.02.010 of the Gallatin Zoning Code permits only residential and agricultural uses and structures and accessory structures on the property (See attachment 2). This allows for the placement, erection, or construction of buildings in the Agricultural district that are necessary and in support of or accessory to agricultural uses. The code does not allow for the placement, erection, or construction of buildings for non-agricultural or non-permitted uses.

Furthermore, under Article 15, Section 15.02.020 C., the Zoning Administrator has the authority to enforce the Zoning Code. Based on a review of City records, no zoning permit was issued for the building/use as required by Section 15.03.010. (See Attachment 3) Based on the above listed citations, the commercial trucking terminal/repair facility use is non-compliant with the Gallatin Zoning Ordinance and must be discontinued/removed from the property within 30 days of receipt of this letter.

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Penalties for violations of the zoning ordinance are described in Article 15, Section 15.08.020, G.Z.O. Failure to comply may result in a summons to appear in Municipal Court as described in Chapter 6, Article III of the Gallatin Municipal Code.

Should you wish to appeal this decision, you may file an appeal as described in Article 15, Section 15.04.024.A, Gallatin Zoning Ordinance (see Attachment 4). An application for appeals must be filed with the Gallatin Planning Department which will then schedule a hearing date before the Gallatin Regional Board of Zoning Appeals. Filing an appeal will stay enforcement action pending a decision on the appeal. An application for an appeal is attached. Please take appropriate steps to remedy this situation. The Planning Department can assist you in identifying locations within the City or planning area where a trucking terminal/truck repair facility is permitted.

Sincerely,

William D. McCord, AICP
City Planner

Cc; Chuck Stuart, Codes Director

Attachments –
Attachment 1 - Chapter 10, Article IV, Section 10-92
Attachment 2 - Article 6.00, Sections 06.01.200, 06.02, 11.04.030, 11.09.091,Gallatin Zoning Ordinance
Attachment 3 - Article 15.00, Section 15.02, 15.02.030, 15.03, 15.03.010, 15.03.030, G.Z.O.
Attachment 4 - Article 15, Section 15.04, 15.04.024, 15.08, 15.08.020, G.Z.O.
Attachment - Board of Zoning Appeal Application.

This notice has been provided by the City of Gallatin Planning Department in compliance with Article 15, Section 15.02.040. E.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. John Henley
1175 Belcher Lane
Hartsville TN 37

HARTSVILLE TN 37074
MAR 29 2014

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X John Henley ☐ Agent ☒ Addressee

B. Received by (Printed Name) John Henley
C. Date of Delivery 3/31/14

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) USPS 7006 0810 0004 6754 3043

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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GALLATIN TN
MAR 28 2014
Postmark Here
USPS 37066

Sent To MR. John HENLEY
Street, Apt. No.; or PO Box No. 1175 Belcher LANE
City, State, ZIP+4 HARTSVILLE, TN 37074

PS Form 3800, June 2002 See Reverse for Instructions

ATTACHMENT 1

unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time are prohibited.
(Code 1979, § 10-233(1)(a))
Cross reference—Traffic and vehicles, ch. 16.

Sec. 10-89. Radios, phonographs, etc.

The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital; or in any dwelling, hotel, or other type of residence; or of any person in the vicinity is prohibited.
(Code 1979, § 10-233(1)(b))

Sec. 10-90. Yelling, shouting, etc.

Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity is prohibited.
(Code 1979, § 10-233(1)(c))
Cross reference—Streets, sidewalks and other public ways and places, ch. 15.

Sec. 10-91. Pets.

The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity is prohibited.
(Code 1979, § 10-233(1)(d))
Cross reference—Animals, ch. 4.

Sec. 10-92. Use of vehicle.

The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise is prohibited.
(Code 1979, § 10-233(1)(e))

rimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(b) The acts, among others enumerated in this article, are declared to be loud, disturbing, and unnecessary noises in violation of this Code, but this enumeration shall not be deemed to be exclusive.
(Code 1979, § 10-233)

Sec. 10-87. Exceptions.

None of the terms or prohibitions in sections 10-86 through 10-99 shall apply to or be enforced against:

(1) *City vehicles.* Any vehicle of the city while engaged upon necessary public business.

(2) *Repair of streets, etc.* Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(3) *Noncommercial and nonprofit use of loudspeakers or amplifiers.* The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

(Code 1979, § 10-233(2))

Sec. 10-88. Blowing horns.

The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any

ATTACHMENT 2

ARTICLE 6.00
RESIDENTIAL DISTRICT REGULATIONS

06.01 General Purposes of Residential Districts

The residential districts established in this Ordinance are designed to promote and protect the health, safety morals, convenience, order, prosperity, and other aspects of the general welfare. These general goals include, among others, the following more specified purposes:

06.01.010 To provide sufficient space in appropriate locations for residential developments to adequately meet the housing needs of the present and expected future population of the urban area, with due allowance for the need for a variety of choices in site selections;

06.01.020 To permit improved movement on the public ways and effectively utilize existing public ways, and as far as possible, to mitigate the effects of heavy traffic and more particularly all through traffic, in residential areas;

06.01.030 To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other dangers, and against offensive matter, heat, obtrusive lighting, glare, humidity, and other objectionable influences;

06.01.040 To protect residential areas against undue congestion, as far as possible, by regulating the density of population, the intensity of activity, and the bulk of buildings in relation to the surrounding land and to one another, and by providing for off-street parking spaces for automotive vehicles;

06.01.050 To require the provision of open-space in residential areas wherever practicable; and to encourage the provision of better standards of open space by permitting moderately larger bulk, higher density, and greater intensity with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break up the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living;

06.01.060 To provide for access for light and air to windows and for privacy, as far as possible, by controls over the height of buildings and structures;

06.01.070 To provide appropriate space for public and private educational, religious, recreational, and similar facilities and public utilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and to coordinate the intensity of residential land use with the appropriate community facilities;

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06.01.080 To provide a zoning framework conducive to freedom of architectural design in order to encourage the development of more attractive and economical building forms;

06.01.090 To provide sufficient space in appropriate locations for agricultural activities;

06.01.100 To promote the most desirable use of land and direction of building development in accordance with a well considered general plan to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the community's tax revenues.

06.01.200 Truck Parking in Residential Zoning Districts

Commercial delivery and other large trucks, including tractor trailers, are not permitted in residential neighborhoods, including but not limited to R40, R20, R15, R10, and R6 zoning districts. This includes the tractor and the trailer, whether separate or joined together. No truck having a Gross Vehicle Weight, GVW, of more than 10,000 pounds shall be parked on a lot or on a street fronting the lot, except for the occasional delivery of personal items intended for use in the residence. This would include furniture, appliances, parcels, mail, or home services such as plumbing repair, carpet cleaning, upholstery repair, or similar activities. Delivery by trucks must be made between the hours of 7:00 A.M. and 9:00 P.M. Service trucks which are owner-operated and which are used solely for the purpose of providing building repair or maintenance are not subject to the provisions of this section.

06.02 Purposes and Intent of A-Agricultural Residential Districts

These districts are designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities which generally occur and characterize rural rather than urban areas. These districts are designed, furthermore, to provide for very low density residential development generally on unsubdivided tracts of land whereon public sanitary service is least practical. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts or which are benefited by an open environment without creating objectionable or undesirable influences upon residential developments or influences which are incompatible with rural environment.

06.02.010 Principal Permitted Uses and Structures

Within the A-Agricultural Districts as shown on the Gallatin Regional Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities
- Dwelling One-Family Detached

Community Facility Activities
- Essential Service

Agricultural Activities
- Plant Nursery
- Crop and Animal Raising

06.02.020 Principal Permitted Accessory Uses

A. Living quarters of persons regularly employed on the premises;

B. Private barns, stables, sheds, and other farm buildings;

C. Private garages and parking areas;

D. Outdoor recreation facilities exclusively for the use of the residents;

E. Signs in compliance with the regulations set forth in Section 13.07;

F. Home occupations as defined and subject to the provisions of this Ordinance;

G. Accessory uses or structures customarily incidental to the above permitted uses.

06.02.030 Conditional Uses

The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities
- Bed and Breakfast Home

Community Facility Activities
- Limited Child and Adult Care
- Nursing Home
- Community Assembly
- Non-assembly Cultural
- Health Care
- Utility and Vehicular
- Intermediate Impact
- Place of Worship
- Community Education

Commercial Activities
- Group Assembly Limited
- Group Assembly Extensive

06.02.040 Prohibited Uses

Any uses or structures not of a nature specifically permitted herein by right, by accessory use or by conditional use.

06.02.050 Bulk Regulations

The bulk regulations appearing below apply to buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions; provided, however, that all barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations.

A. Minimum Required Lot Area - Within the A Districts, the minimum required lot area shall be 2 ½ acres.

B. Maximum Lot Coverage Permitted - The maximum zone lot coverage for all structures, including accessory structures, shall not exceed ten (10) percent of the total lot area.

C. Floor Area Ratio - The maximum floor area ratio shall be 0.11

06.02.060 Yard Requirements

A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstructions prohibited at street intersections, adjustments for lot area remainder, and exceptions to these provisions are contained in Articles 12.01 and 13.01 of this Ordinance.

B. Basic Yard Regulations - The basic yard regulations below apply to all zone lots within A Districts, except as provided in Section 12.12.

1. Front Yards
   Minimum Front Yard: 75 feet

2. Side Yards
   Minimum Side Yard: 30 feet

3. Rear Yard
   Minimum Rear Yard: 40 feet

4. Minimum Lot Width
   Minimum Lot Width at the Building Line: 150 feet

11.04 Parking Facility Location

11.04.010 Residential Parking

Off-street parking for single-family, duplex, two-family residential uses and mobile home subdivisions shall be located on the same lot or site as the use generating the requirement. Off-street parking for other residential uses may be located on the same lot or site as the use generating the requirement of on an adjacent lot or site in the same or more intensive zoning district.

A. Off-street parking areas for multifamily or group residential uses shall not be located within a required front or street side yard.

B. Parking areas for multifamily or group residential uses shall be at least six (6) feet from any main building.

11.04.020 Nonresidential Parking

Off-street parking for nonresidential uses shall be on the same lot or site as the use generating the requirement to within three hundred (300) feet of that use if zoned for such parking, measured from the nearest property line to the nearest point of the off-street parking facility. Off-street parking for nonresidential uses in residential zoning districts shall not be located within a required front or street side yard.

11.04.030 Truck Parking in Residential Zoning Districts

Commercial delivery and other large trucks, including tractor trailers, are not permitted in residential neighborhoods, including but not limited to R40, R20, R15, R10, and R6 zoning districts. This includes the tractor and the trailer, whether separate or joined together. No truck having a Gross Vehicle Weight, GVW, of more than 10,000 pounds shall be parked on a lot or on a street fronting the lot, except for the occasional delivery of personal items intended for use in the residence. This would include furniture, appliances, parcels, mail, or home services such as plumbing repair, carpet cleaning, upholstery repair, or similar activities. Delivery by trucks must be made between the hours of 7:00 A.M. and 9:00 P.M. Service trucks which are owner-operated and which are used solely for the purpose of providing building repair or maintenance are not subject to the provisions of this section.

11.09.080 Maintenance:

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris and litter; maintaining paving surfaces in sound condition; and providing proper care of landscaped areas.

11.09.090 Adjustments:

For uses subject to conditional or special permit approval, the planning commission may adjust the minimum requirements of this section in order to provide design, usability, attractiveness or protection to adjoining uses in a manner equal to or greater than the specific requirements of this section.

11.09.091 Truck Parking in Residential Zoning Districts

Commercial delivery and other large trucks, including tractor trailers, are not permitted in residential neighborhoods, including but not limited to R40, R20, R15, R10, R8, and R6 zoning districts. This includes the tractor and the trailer, whether separate or joined together. No truck having a Gross Vehicle Weight, GVW, of more than 10,000 pounds shall be parked on a lot or on a street fronting the lot, except for the occasional delivery of personal items intended for use in the residence. This would include furniture, appliances, parcels, mail, or home services such as plumbing repair, carpet cleaning, upholstery repair, or similar activities. Delivery by trucks must be made between the hours of 7:00 A.M. and 9:00 P.M. Service trucks which are owner-operated and which are used solely for the purpose of providing building repair or maintenance are not subject to the provisions of this section.

11.10 Off-Street Loading Requirements

11.10.010 Applicability

Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 11-05.

ATTACHMENT 3

ARTICLE 15.00
ADMINISTRATION AND ENFORCEMENT

15.01 Organization and Purpose

The administration of this Ordinance is hereby vested in two offices of the government of the City of Gallatin, Tennessee, as follows:

The Office of Zoning Administrator
The Board of Zoning Appeals

It is the purpose of this Article to set out the authority of each of these two offices and then describe the procedures and substantive standards with respect to the following administrative functions:

Issuance of Zoning Permit
Issuance of Use and Occupancy Permits
Temporary Use and Occupancy Permits
Performance Standards
Variances
Conditional Use Permits
Amendments

15.02 Appointment and Duties of the Zoning Administrator

15.02.010 Zoning Administrator

The duly appointed City Planner for the City of Gallatin shall also serve as the Zoning Administrator.

15.02.020 Duties of the Office of Zoning Administrator

The Zoning Administrator shall enforce this Ordinance, and in addition thereto and in furtherance of said authority he shall:

A. Issue all zoning permits, and make and maintain records thereof;

B. Issue all use and occupancy permits, and make and maintain all records thereof;

C. Conduct inspections of buildings, structures, and use of land to determine compliance with the provisions of this Ordinance;

D. Maintain permanent and current records of this Ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore;

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E. Provide information to the public on all matters relating to this Ordinance;

F. Receive, file and forward to all necessary agencies all applications for conditional uses, and for amendments to this Ordinance;

G. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance;

H. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Planning Commission at least annually.

15.02.030 Powers of the Zoning Administrator Regarding the Issuance of Permits

The Zoning Administrator shall have the power to grant zoning permits, and make inspections of land and buildings necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plan or issue any zoning permits for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance nor to vary its terms and provisions in carrying out his duties.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

15.02.040 Powers of the Zoning Administrator to Enforce Performance Standards

The Zoning Administrator shall enforce performance standards in accordance with the procedure set forth in Sections 15.04.040 A through 15.02.040 F.

A. New Construction, or Extension or Enlargement of Existing Uses - In all districts where performance standards apply, any request for a zoning permit for manufacturing or other uses shall be accompanied by a certification from a licensed registered Professional Engineer of Tennessee that the proposed activity can meet the applicable performance standards. If the Zoning Administrator has reasonable belief that a violation may occur, despite the opinion of the Engineer then he may:

1. require the submission of additional data sufficient to support the applicant's claim,

2. reject the application, pending receipt of additional supporting data.

F. Violation of Performance Standards for Uses Existing at the Time of Passage of Zoning Ordinance or Amendment - When uses are non-conforming at the time of passage of this Ordinance, or subsequent amendment, and must conform, the Zoning Administrator shall give notice of the fact that the use is non-conforming and prescribe a date for conformance, said date being established in accordance with Section 13.02.040.

The owner of the use may submit a certification from a licensed registered Professional Engineer of Tennessee that the necessary steps have been taken to produce conformance to the performance standards. When the Zoning Administrator has reasonable belief that the non-conformance has not been eliminated, then he may cause tests to be made in accordance with the procedures established in Section 15.02.040 E. When the landowner does not eliminate the non-conformance after its existence has been established, the Zoning Administrator may proceed in accordance with the procedures set forth in Section 15.08 to have the violation corrected.

G. Power to Make Measurement of Manufacturing or other Uses in Districts Where Performance Standards Apply - Not withstanding the foregoing provisions, in any district where performance standards apply, the Zoning Administrator may cause to have made scientific tests of any use to determine its performance characteristics, whether or not a violation exists. The costs of such tests are to be sustained by the City.

H. Right of Entry Upon Land - The Zoning Administrator or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the City for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.

1. Conflict with State or Federal Enforcement - Where any of the performance standards contained herein are enforced by appropriate state or federal authorities, the Zoning Administrator shall be exempted from such enforcement. However, this shall not be construed as preventing the City of Gallatin from adopting and enforcing stricter standards than federal or state governments if the City so desires.

15.03 Zoning Permits and Use and Occupancy Permits

15.03.010 Zoning Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the Office of the Zoning Administrator.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the City of Gallatin unless the application for such permit has been examined by the Office of the Zoning Administrator indicating that the proposed building or structure complies with all the provisions of this

include grading or excavation. For any site plan approved prior to May 1, 2008, expiration shall occur under the terms of the original site plan approval.

15.03.030 Use and Occupancy Permit Required

No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land shall be used for any purpose, until a use and occupancy permit has been issued by the Office of the Zoning Administrator. No change in a use other than that of a permitted use shall be made until a use and occupancy permit has been issued by the Zoning Administrator. This shall not apply to single-family and two-family detached dwellings.

15.03.040 Application for Use and Occupancy Permit

Every application for a zoning permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no zoning permit is required shall be made directly to the Office of the Zoning Administrator.

15.03.050 *Deleted Ordinance No. O1103-19*

15.03.060 Records of Use and Occupancy Permits

A record of all use and occupancy permits issued shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

15.03.070 Final Inspection

No use and occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Office of the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning permit was based and with the applicable performance standards established by Article 11.00 and Article 13.00.

15.03.080 Surety Required

Any application for a zoning permit or building permit which requires the submission of a site plan or Final Master Development Plan shall be accompanied by a surety in the amount of the estimated cost of site improvements including, but not limited to, water and sewer installation, parking lot and driveway paving, construction of border barriers, site grading, erosion control, screening and landscaping.

Any private section of a development will also be required to submit a surety in the amount of the estimated cost of site improvements including, but not limited to, water

ATTACHMENT 4

15.04 The Board of Zoning Appeals

15.04.10 Herein and hereafter, any reference to Board or Board of Zoning applies equally to the Regional Board of Zoning Appeals.

15.04.020 Creation of the Board of Municipal and Regional Board of Zoning Appeals - Membership and Appointment

A. The Municipal Board of Zoning Appeals shall have jurisdiction only within the corporate limits of the City of Gallatin and shall consist of five (5) members, who shall all be residents of the City of Gallatin at the time of their appointment and who shall continue to reside within the City corporate limits as long as they serve. At least one of the members of the Municipal Board of Zoning Appeals shall be a member of the Gallatin Municipal Planning Commission.

B. The Regional Board of Zoning Appeals shall have jurisdiction only outside the corporate limits of the City of Gallatin and within the Gallatin planning region and shall consist of five (5) members, three (3) of whom shall be residents of the Gallatin planning region and live outside the City corporate limits, and two (2) of whom shall be residents of the City of Gallatin within the corporate limits. All such residency requirements shall be met at the time of appointment and shall be required to continue as long as any member serves. At least one (1) of the members of the Regional Board of Zoning Appeals shall be a member of the Gallatin Regional Planning Commission.

C. All members of the Municipal Board of Zoning Appeals and Regional Board of Zoning Appeals shall be appointed by the Mayor within ten (10) days after notification to the Mayor of a vacancy on either Board and confirmed by a majority vote of the Aldermen by resolution.

15.04.021 Terms of Office

The members of the respective Boards of Zoning Appeals shall serve for five (5) year terms or until their respective successors are appointed and qualified, except that the Board first appointed shall serve respectively for the following terms:

One for one year, one for two years, one for three years, one for four years, and one for five years.

15.04.022 Quorum and Attendance

A. The presence of three (3) members shall constitute a quorum and the concurring vote of a majority of the members of the Board present shall be necessary to deny or grant any application before the Board. Any member who, voluntarily or involuntarily, is absent for three (3) consecutive special and/or regular meetings shall forfeit said position as a member of the Board and be automatically terminated.

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15.04.023 Advisory Opinion by Planning Commission

A. The Gallatin Municipal/Regional Planning Commission shall be permitted to submit an advisory opinion of any matter before the Board and such opinion shall be made a part of the record of such public hearing.

15.04.024 Powers of the Board

The Board is hereby vested with the powers to:

A. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this Ordinance, whereby it is alleged in writing that the Zoning Administrator is in error or has acted in an arbitrary manner;

B. Hear and act upon application for variances in accordance with Section 15.05 of this Article to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Ordinance by reasons of unique shape, topography, or physical features of the zone lot;

C. Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 15.05 of this Article;

D. Hear and decide all matters referred to it on which it is required to act under this Ordinance;

E. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.

15.04.025 Election of Officers

The Board shall elect from its members its own chairman, vice-chairman, and secretary who shall serve for one (1) year and may upon reelection serve succeeding terms.

15.04.026 Conflict of Interest

Any members of the Board who shall have a direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, and proceedings of the Board in connection therewith. The burden for revealing any such conflict rests with individual members of the Board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board for cause.

A. Upon initiation by the Mayor and Aldermen, or Planning Commission;

B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;

15.08 Remedies and Enforcement

15.08.010 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided in this Ordinance.

15.08.020 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punished as provided for by law, and a fine of up to fifty dollars ($50.00) may be levied. Each day such violation exists shall be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

15.08.030 Remedies

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other appropriate authority of the city government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the Zoning Administrator may, in addition to other remedies, notify all public utilities and municipal service departments of such violation and request that initial or re-establishment of service be withheld there from until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

EXHIBIT 11

RECEIVED
APR 25 2014
GALLATIN PLANNING & ZONING

GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION
BOARDS OF ZONING APPEALS APPLICATION

Please fill out all information. An answer of N/A is required for questions not applicable to your project for it to be considered a complete application. Projects with incomplete applications and/or documents will not be placed on the Planning Commission agenda.

Please Note: No plan will be reviewed until all information required is presented in a full and complete manner.

Date Submitted: 4-25-14

File Number: PCZ83-14

Project Information

Project Name: 154 Albright Lane				☐ Check if you have had a pre-app meeting.	
Project Location: 154 Albright Lane					
List All Tax Map/Group/Parcel #'s 127 / 048 / 0300					
Phase	Section	#Lots 3B	#Dwelling Units	Site Acreage 5 acres	Site Square Footage if under 1 acre
Current Zone Agricultural A	Requested Zone	Existing Non-Residential Building Square Footage		Requested Non-Residential Building Square Footage	
Zoning of Surrounding Properties: North A	South A	East County.	West IG		

Applicant

Organization: John Henley	Contact Name:	Title: Owner
Street Address 1175 Belcher Lane		
City Hartsville	State TN	Zip Code 37074
Phone 615-417-9112	Alt. Phone	
Fax	Email	

Owner ☒ Same as applicant

Owner:	Contact Name:	Title:
Street Address		
City	State	Zip Code
Phone	Alt. Phone	
Fax	Email	

Contractor

Business Name: N/A	Contact Name:	Title:
Street Address		
City	State	Zip Code
Phone	Alt. Phone	
Fax	Email	

Purpose (Describe the reason for this application) to appeal City Planner's opinion that building is being used for commercial purposes not in compliance with the current zoning

Type of Application (Please check one as well as type of plan or approval if applicable)

1	NA Major Subdivision Plat ☐ Sketch ☐ Preliminary ☐ Final
2	NA Minor Subdivision Plat (5 lots or less) ☐ Staff Approval (2 lots or less) ☐ Planning Commission Approval
3a	NA Rezoning without Preliminary Master Development Plan (Written request, legal description, and scale drawing required)
3b	NA Rezoning with Preliminary Master Development Plan (Written request, legal description, and master development plan required)
3c	NA Ordinance Text Change (Written request required)
4	NA Master Development Plan Revision (Written request and preliminary master development plan required)
5	NA Right-of-way Acquisition/Street Acceptance
6	NA Annexation (Written request, legal description, and scale drawing required)
7	NA Discussion / Interpretation / General Development / Plan Amendment Request
8a	NA Site Plan ☐ Change of Use ☐ In-House Staff Approval ☐ Planning Commission Approval
8b	NA Final Master Development Plan
B	X Board of Zoning Appeals ☐ Conditional Use Permit ☐ Variance ☐ Administrative Appeals ☐ Municipal ☐ Regional
E	NA Engineering Construction Plan Review
S	NA Special Called Meeting ☐ Boards of Zoning Appeals ☐ Planning Commission

Copy of completed checklist is required to be submitted with application.

Notice of Public Disclosure: All documents, including, but not limited to applications, plans, drawings, designs, and all other written materials filed with the City of Gallatin Codes/Planning Department and Engineering Division shall be available to the general public for inspection and copy, in accordance with the Tennessee Open Records Law.

Signature: John Henley **Print Name:** John Henley

The signature is that of the: ☑ Owner ☐ Owner's Agent

*If owner's agent signs application, an agent letter will be required as proof of authorization to act on owner's behalf.
*If owner on this application is not owner of record according to the Sumner County Tax Record, proof of ownership is required: Purchase Contract, Deed, etc.

Fees Due (See attached fee schedule) $ 50	Paid by: ☐ Cash	☑ Check # 1451
Received by: DK	Receipt # 82644	Account #32650-110

EXHIBIT 12

NOTICE OF PUBLIC HEARING

The Gallatin Regional Board of Zoning Appeals will conduct a Public Hearing and consider the following item on Thursday, May 22, 2014 at 5:30 p.m.:

Property located at 154 Albright Lane, (S.B.E. Tax Map #127//048.03) Lot 3B, Carl Austin Acres Subdivision, PB 12, Page 214. R.O.S.C. Property is currently zoned Agricultural Residential District (A) and contains 2.51 (+/-) acres. Applicant requests an appeal of staff's interpretation of Article 15, Section 15.04.028 of the Gallatin Zoning Ordinance, denying the use of the property as a commercial trucking terminal/repair facility on the property. (PC0283-14)

The Public Hearing will be held in the Dr. J. Deotha Malone Council Chambers, 2nd floor of Gallatin City Hall, located at 132 West Main Street. Please contact the Planning Department to schedule special accommodations prior to the meeting. Anyone having an interest is invited to attend and make their views known at that time. Additional information, including a detailed agenda, may be obtained from the Gallatin Codes/Planning Department, Room 201, Gallatin City Hall, 451-5796, or on the City of Gallatin website, www.gallatinonthemove.com

MAY 7, 2014 Gallatin Newspaper

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF SUMNER

Jacqueline W. Hoyle, being duly sworn, deposes and states as follows:

I am over the age of 21 and am competent to testify to the matters stated herein.

I am currently employed by the City of Gallatin in the Planning Division.

1. On May 7, 2014 written notices of a public hearing scheduled on May 22, 2014 whereupon the Regional Board of Zoning Appeals will consider an Administrative Appeal.

2. The notices were sent to the addressees indicated on the attached Exhibit A.

3. Written notices were mailed to these individuals May 7, 2014 to comply with the provisions of Gallatin Zoning Ordinance § 15.07.060(B).

Further Affiant saith not.

Jacqueline W. Hoyle

STATE OF TENNESSEE)
COUNTY OF SUMNER)

Personally appeared before me the above named Jacqueline W. Hoyle, who, on his/her oath, swore to the truth of the aforesaid matters.

Witness my hand and official seal on this 9 day of May, 2014.

Cindy L. Brazel
Notary Public

My Commission Expires:
12-19-2016

CINDY L. BRAZEL
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY

CITY OF GALLATIN

WILLIAM McCORD, AICP
CITY PLANNER
WILLIAM.MCCORD@GALLATIN-TN.GOV

PLANNING DEPARTMENT

KATHERINE SCHOCH, AICP
ASSISTANT CITY PLANNER
KATHERINE.SCHOCH@GALLATIN-TN.GOV

May 7, 2014

NOTICE OF PUBLIC HEARING

Dear Property Owner(s):

The Gallatin Regional Board of Zoning Appeals will conduct a Public Hearing and consider the following item on **Thursday, May 22, 2014 at 5:30 p.m.:**

> **Property located at 154 Albright Lane, (S.B.E. Tax Map #127//048.03) Lot 3B, Carl Austin Acres Subdivision, PB 12, Page 214. R.O.S.C. Property is currently zoned Agricultural Residential District (A) and contains 2.51 (+/-) acres. Applicant requests an appeal of staff's interpretation of Article 15, Section 15.04.028 of the Gallatin Zoning Ordinance, denying the use of the property as a commercial trucking terminal/repair facility on the property. (PC0283-14)**

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William McCord
Planning Department

6 mailed 5/7/14
Mailed Philip Kelly 5/12/14 included copy of P.H. ad.