



Zoning Ordinance

Adopted: July 7, 1998
Updated: April 1, 2015

Disclaimer: The Zoning Ordinance of the City of Gallatin, Tennessee has been updated to reflect amendments that have been adopted as of April 1, 2015. Please contact the Gallatin Planning Department at (615) 451-5796 to confirm the date of the most recent amendments and to obtain additional planning and zoning information.

TABLE OF CONTENTS

<u>Article/Section</u>	<u>Description</u>	<u>Page</u>
01.00	General Provisions	1-1
01.02	Legislative Enactment	1-1
01.03	Intent and Purpose	1-2
02.00	Language and Definitions	2-1
02.01	Rules for Construction of Language	2-1
02.02	Definitions	2-2
03.00	Use Classification	3-1
03.01	General Classification Rules	3-1
03.02	Listing of Activity Classifications	3-1
03.02.010	Residential Activities	3-1
03.02.020	Community Facility Activities	3-1
03.02.030	Commercial Activities	3-2
03.02.040	Manufacturing Activities	3-3
03.02.050	Agricultural Activities	3-3
03.03	Accessory Uses	3-3
03.04	Classification of Combination of Principal Activities	3-3
03.04.010	Separate Classification of Each Establishment	3-4
03.04.020	Separate Classification of Different Major Classes of Activities Conducted by a Single Establishment	3-4
03.04.030	Classification of Different Activities Within the Same Major Class, Conducted by a Single Establishment	3-4
03.05	Residential Activities; Class and Types	3-4

03.05.010	Activity Type - Dwelling One-Family Detached	3-4
03.05.020	Activity Type - Dwelling Attached	3-4
03.05.030	Activity Type - Dwelling, Two-Family	3-4
03.05.040	Activity Type - Dwelling, Mobile Home	3-4
03.05.050	Activity Type - Dwelling, Upper Story Residential	3-5
03.06	Community Facilities Activities; Class and Types	3-5
03.06.010	Activity Type - Administrative Services Community Facilities	3-5
03.06.020	Activity Type - Community Assembly Community Facilities	3-5
03.06.030	Activity Type - Community Education Community Facilities	3-5
03.06.040	Activity Type - Essential Service Community Facilities	3-5
03.06.050	Activity Type - Extensive Impact Community Facilities	3-6
03.06.060	Activity Type - Health Care Community Facilities	3-7
03.06.070	Activity Type - Intermediate Impact Community Facilities	3-7
03.06.080	Activity Type - Limited Child and Adult Care Community Facilities	3-7
03.06.090	Activity Type - Non-assembly Cultural Community Facilities	3-7
03.06.100	Activity Type - Nursing Home Community Facilities	3-8
03.06.110	Activity Type - Place of Worship	3-8
03.06.120	Activity Type - Utility and Vehicular Community Facilities	3-8
03.07	Commercial Activities; Class and Types	3-8
03.07.010	Activity Type - Animal Care Commercial Activities	3-8
03.07.020	Activity Type - Automotive Parking Commercial Activities	3-8
03.07.030	Activity Type - Automotive Repair and Cleaning Commercial Activities	3-8

03.07.040	Activity Type - Vehicular, Craft and Related Equipment Sales and Rental Commercial Activities	3-8
03.07.050	Activity Type - Automotive Servicing Commercial Activities	3-9
03.07.060	Activity Type - Business and Communication Service Commercial Activities	3-9
03.07.070	Activity Type - Construction Sales and Service Commercial Activities	3-9
03.07.080	Activity Type - Consumer Laundry and Repair Service Commercial Activities	3-9
03.07.090	Activity Type - Convenience Sales and Services Commercial Activities	3-9
03.07.100	Activity Type - Financial, Consultive, and Administrative Commercial Activities	3-9
03.07.110	Activity Type - Food Service Commercial Activities	3-10
03.07.120	Activity Type - Food Service Drive-in Commercial Activities	3-10
03.07.130	Activity Type - General Personal Services Commercial Activities	3-10
03.07.140	Activity Type - General Retail Sale and Service Commercial Activities	3-10
03.07.150	Activity Type - Group Assembly Extensive Commercial Activities	3-10
03.07.160	Activity Type - Group Assembly Limited Commercial Activities	3-10
03.07.170	Activity Type - Medical Service Commercial Activities	3-10
03.07.180	Activity Type - Research Service Commercial Activities	3-10
03.07.190	Activity Type - Retail Business Supply Commercial Activities	3-11
03.07.200	Activity Type - Scrap Operation Commercial Activities	3-11
03.07.210	Activity Type - Transient Habitation Commercial Activities	3-11
03.07.220	Activity Type - Transport and Warehousing Commercial Activities	3-11

03.07.230	Activity Type - Undertaking-Service Commercial Activities	3-11
03.07.240	Activity Type - Wholesale Sales Commercial Activities	3-11
03.07.250	Activity Type - Limited Newspaper and Periodical Printing	3-11
03.07.260	Activity Type - Limited Retail Sales Activities	3-11
03.07.270	Activity Type - Limited Warehousing Commercial Activities	3-11
03.08	Manufacturing Activities; Class and Types	3-12
03.08.010	Activity Type - Limited Manufacturing Activities	3-12
03.08.020	Activity Type - Intermediate Manufacturing Activities	3-12
03.08.030	Activity Type - Extensive Manufacturing Activities	3-13
03.09	Agricultural Activities; Class and Types	3-14
03.09.010	Activity Type - Crop and Animal Raising Agricultural Activities	3-14
03.09.020	Activity Type - Plant Nursery Agricultural Activities	3-14
03.10	Administrative Standards	3-14
04.00	Legal Status and Provisions	4-1
04.01	Interpretation	4-1
04.02	Relationship to Other Laws and Private Restrictions	4-1
04.03	Ordinance Provisions Do Not Constitute Permit	4-1
04.04	Provisions Are Cumulative	4-1
04.05	Separability	4-1
04.06	Application of Regulations	4-2
04.07	Scope of Regulations	4-2
04.07.010	New Uses, Lots, Buildings, or Other Structures	4-2
04.07.020	Existing Uses, Lots, Buildings, or Other Structures	4-2

04.07.030	Alteration of Existing Buildings and Other Structures	4-2
04.08	Exceptions, Variances and Conditional Uses	4-3
04.09	Renewals	4-3
04.10	Change of Use	4-3
04.11	Effective Date	4-3
05.00	Establishment of Districts and Provisions for Official Zoning Map	5-1
05.01	Regular Districts	5-1
05.01.010	Residential Districts	5-1
05.01.020	Commercial Districts	5-1
05.01.025	Mixed Use Districts	5-1
05.01.030	Industrial Districts	5-1
05.01.040	Special Districts	5-2
05.02	Provisions for Official Zoning Map	5-2
05.02.010	Incorporation of Maps	5-2
05.02.020	Identification and Alteration of the Official Zoning Map	5-2
05.02.030	Replacement of Official Zoning Map	5-3
05.03	Rules for Interpretation of District Boundaries	5-3
05.04	Application of District Regulations	5-4
05.04.010	General District Regulations	5-4
06.00	Residential District Regulations	6-1
06.01	General Purposes of Residential Districts	6-1
06.01.200	Truck Parking in Residential Zoning Districts	6-2
06.02	Purpose and Intent of A-Agricultural Residential Districts	6-3

06.02.010	Principal Permitted Uses and Structures	6-3
06.02.020	Principal Permitted Accessory Uses	6-3
06.02.030	Conditional Uses	6-4
06.02.040	Prohibited Uses	6-4
06.02.050	Bulk Regulations	6-4
06.02.060	Yard Requirements	6-5
06.03	R40 Low Density Residential Districts	6-6
06.03.010	Purpose and Intent of R40 Low Density Residential Districts	6-6
06.03.020	Uses and Structures	6-6
06.03.030	Bulk Regulations	6-7
06.03.040	Yard Requirements	6-7
06.04	R20 Low Density Residential Districts	6-9
06.04.010	Purpose and Intent of R20 Low Density Residential Districts	6-9
06.04.020	Uses and Structures	6-9
06.04.030	Bulk Regulations	6-10
06.04.040	Yard Requirements	6-10
06.05	R15 Medium Density Residential Districts	6-12
06.05.010	Purpose and Intent of R15 Medium Density Residential Districts	6-12
06.05.020	Uses and Structures	6-12
06.05.030	Bulk Regulations	6-13
06.05.040	Yard Requirements	6-13
06.06	R10 Medium Density Residential Districts	6-15
06.06.010	Purpose and Intent of R10 Medium Density Residential	

	Districts	6-15
06.06.020	Uses and Structures	6-15
06.06.030	Bulk Regulations	6-16
06.06.040	Yard Requirements	6-16
06.07	R8 Medium Density Residential District	6-18
06.07.010	Purpose and Intent of R8 Medium Density Residential District	6-18
06.07.020	Uses and Structures	6-18
06.07.030	Bulk Regulations	6-19
06.07.040	Yard Requirements	6-19
06.07.050	Additional Site Development Regulations	6-20
06.07.060	Use of Zero Lot Line in One-Family Detached Dwellings in R8 District	6-20
06.07.061	One-Family Dwelling Attached in the R8 District	6-21
06.07.062	Townhouse Residential in the R8 District	6-21
06.08	R6 High Density Residential District	6-22
06.08.010	Purpose of the R6 High Density Residential District	6-22
06.08.020	Permitted Uses	6-22
06.08.030	Bulk Regulations	6-23
06.08.040	Yard Requirements	6-24
06.08.050	Additional Site Development Regulations	6-24
06.08.060	Use of Zero Lot Line in One-Family Detached Dwellings in R6 District	6-25
06.08.061	One-Family Attached Dwellings in the R6 District	6-25
06.08.062	Townhouse Residential in the R6 District	6-25

06.09	Basic Provisions of the Planned Residential Development (PRD) District	6-26
06.09.010	Purpose	6-26
06.09.020	Previously Approved Residential PUD's Applicability to the New Planned Residential Development District	6-26
06.09.030	<i>Deleted – Ordinance No. O1003-23</i>	6-27
06.09.040	Relationship to the Subdivision Regulations	6-27
06.09.050	Ownership and Division of Land	6-27
06.09.060	Architectural Design	6-27
06.09.070	Application Process	6-28
06.09.080	Permitted Uses in the Planned Residential Development District	6-28
06.09.090	Minimum Site Area	6-28
06.09.100	Required Setbacks and Bufferyards	6-29
06.09.110	Off-Street Parking Requirements	6-29
06.09.120	Relationship to the Surrounding Residential Neighborhood	6-29
06.09.130	Site Development Regulations for Planned Residential Development Districts Exclusively Involving One-Family Detached Subdivisions	6-29
06.09.140	Site Development Regulations for Planned Residential Development District with Mixed Building Types	6-30
07.00	Provisions for Mixed-Use (MU) Districts	7-1
07.01	General Purpose of Mixed-Use (MU) Districts	7-1
07.01.010	<i>Deleted – Ordinance No. O1003-23</i>	7-1
07.02	Intent and Description of Multiple Residential and Office (MRO) District	7-2
07.02.010	Uses and Structures	7-2

07.02.020	Residential Site Development Regulations	7-3
07.02.030	Non-Residential Site Development Regulations	7-4
07.02.040	Additional Site Development Regulations	7-4
07.03	Intent and Description of Mixed-Use (MU) District	7-6
07.03.010	Uses and Structures	7-6
07.03.020	Residential Site Development Regulations	7-7
07.03.030	Non-Residential Site Development Regulations	7-8
07.03.040	Additional Site Development Regulations	7-8
07.04	Intent and Description of Existing Mixed-Use General (MUG) Districts Approved Prior to July 7, 1998	7-9
07.04.010	Uses and Structures	7-9
07.04.020	Bulk Regulations	7-11
07.04.030	Area Regulations	7-11
07.04.031	Height Regulation	7-11
07.04.040	Use of Required Yard	7-11
07.04.050	Other Requirements	7-11
07.04.060	Slopes	7-12
07.04.070	Proximity to Homes	7-12
07.05	Intent and Description of Existing Mixed-Use Limited (MUL) Districts Approved Prior to July 7, 1998	7-13
07.05.010	Uses and Structures	7-13
07.05.020	Bulk Regulations	7-14
07.05.030	Area Regulations	7-15
07.05.031	Height Regulations	7-15

07.05.040	Use of Required Yard	7-15
07.05.050	Other Requirements	7-15
07.05.060	Slopes	7-15
07.05.070	Proximity to Homes	7-15
07.06	Intent and Description of Medical-Professional Office (MPO) District	7-16
07.06.010	Uses and Structures	7-16
07.06.020	Bulk Regulations	7-17
07.06.030	Area Regulations	7-17
07.06.040	Use of Required Yard	7-17
07.06.050	Additional Site Development Regulations	7-17
07.07	Purpose and Intent of the General Office (GO) District	7-19
07.07.010	Uses and Structures	7-19
07.07.020	Residential Site Development Regulations	7-20
07.07.030	Non-Residential Site Development Regulations	7-20
07.07.040	Additional Site Development Regulations	7-21
07.08	Purpose and Intent of Office Residential (OR) District	7-22
07.08.010	Uses and Structures	7-22
07.08.020	Residential Site Development Regulations	7-23
07.08.030	Non-Residential Site Development Regulations	7-23
07.08.040	Additional Site Development Regulations	7-24
07.09	Intent and Description of Specific Plan (SP) District	7-25
07.09.010	Applicability	7-25

07.09.020	Uses	7-25
07.09.030	Bulk Regulations, Site Development and Design Regulations	7-25
07.09.040	Procedure	7-25
08.00	Provisions for Commercial Districts	8-1
08.00	General Purpose and Intent of Commercial Districts	8-1
08.01	Intent and Purpose of the Core Commercial (CC) District	8-2
08.01.010	Uses and Structures	8-2
08.01.020	Bulk Regulations	8-3
08.01.030	Area Regulations	8-3
08.01.031	Special Conditions for Upper Story Residential Dwelling	8-4
08.01.040	Use of Open Space	8-4
08.01.050	Other Requirements	8-4
08.02	Intent and Purpose of the Commercial Services (CS) District	8-5
08.02.010	Uses and Structures	8-5
08.02.020	Bulk Regulations	8-6
08.02.030	Area Regulations	8-6
08.02.031	Height Regulation	8-6
08.02.040	Use of Required Yard Areas	8-6
08.03	Intent and Purpose of the Commercial General (CG) District	8-7
08.03.010	Uses and Structures	8-7
08.03.020	Bulk Regulations	8-8
08.03.030	Area Regulations	8-8
08.03.031	Height Regulation	8-8

08.03.040	Use of Required Yard	8-8
08.03.050	Special Conditions for Automotive Disassembly, Parts Recycling, and Materials Recovery Operations	8-9
08.04	Intent and Purpose of Planned General Commercial (PGC) District	8-10
08.04.010	Previously Approved Commercial PUD's Applicability to the New Planned General Commercial District	8-10
08.04.020	Uses and Structures	8-10
08.04.030	Relationship to General Development Plan/Subdivision Regulations	8-11
08.04.040	Site Development Regulations	8-12
08.04.050	Additional Site Development Regulations	8-12
08.04.060	Special Conditions for Convenience Sales and Services Commercial Activities	8-15
08.05	Intent and Purpose of Planned Neighborhood Commercial (PNC) District	8-17
08.05.010	General Standards for Making Determinations	8-17
08.05.015	Previously Approved Commercial PUD's Applicability to the New Planned Neighborhood Commercial District	8-17
08.05.020	Uses and Structures	8-18
08.05.030	Relationship to General Development Plan/Subdivision Regulations	8-19
08.05.040	Site Development Regulations	8-19
08.05.050	Additional Site Development Regulations	8-19
08.06	Unassigned	8-22
08.07	Unassigned	8-22
08.08	Intent and Description of Commercial Services-Limited (CSL) District Approved Prior to July 7, 1998	8-23

08.08.010	Uses and Structures	8-23
08.08.020	Bulk Regulations	8-24
08.08.030	Area Regulations	8-24
08.08.031	Height Regulations	8-24
08.08.040	Use of Required Yard	8-24
08.08.050	Other Requirements	8-24
09.00	Provisions for Industrial Districts	9-1
09.01	General Purposes and Intent of Industrial Districts	9-1
09.02	Intent and Purpose of Industrial Restrictive (IR) District	9-2
09.02.010	Uses and Structures	9-2
09.02.020	Bulk Regulations	9-3
09.02.030	Area Regulations	9-3
09.02.040	Use of Required Yard Areas	9-4
09.02.050	Other Requirements	9-4
09.03	Intent and Purpose of the Industrial General (IG) District	9-5
09.03.010	Uses and Structures	9-5
09.03.020	Bulk Regulations	9-6
09.03.030	Area Regulations	9-7
09.03.040	Use of Required Yard Areas	9-7
09.03.050	Other Requirements	9-7
09.04	Purpose and Intent of the Planned Business Park (PBP) District	9-9
09.04.010	Areas Eligible for PBP District Designation	9-9
09.04.020	Permitted Uses	9-9

09.04.030	Development Standards and Regulations	9-10
09.04.040	Additional Site Development Regulations	9-13
10.00	Special District Regulations	10-1
10.01	General Purposes of Special Districts	10-1
10.02	Intent and Purpose of H-1 Historic District	10-1
10.02.010	Uses and Structures	10-1
10.02.020	Application of the H-1 Historic District	10-1
10.02.030	Administration	10-2
10.02.040	Historic District Commission	10-3
10.02.050	Maintenance and Repair of Improvements	10-5
10.02.060	Remedying of Dangerous Conditions	10-5
10.02.070	Injunctive Powers and Penalties	10-6
10.03	Statutory Authorization, Findings of Fact, Purpose and Objectives Related to the Municipal Floodplain Ordinance	10-7
10.03.010	Statutory Authorization, Findings of Fact, Purpose and Objectives	10-7
10.03.020	Findings of Fact	10-7
10.03.030	Statement of Purpose	10-7
10.03.040	Objectives	10-8
10.03.041	Definitions (Flood Regulations)	10-8
10.03.050	General Provisions	10-16
10.03.060	Administration	10-17
10.03.070	Provisions for Flood Hazard Reduction	10-20
10.03.080	Variance Procedures	10-26

10.04	Airport Overlay (AO) Zoning District Regulations	10-29
10.04.05	Short Title	10-29
10.04.010	Purpose	10-29
10.04.020	Statutory Authorization, Findings of Fact, and Objectives	10-29
10.04.030	Recommendation and Certification of Airport Zoning Ordinance	10-30
10.04.040	Definitions	10-30
10.04.050	Airport Zones	10-32
10.04.060	Airport Zone Height Limitations	10-33
10.04.070	Use Restriction	10-34
10.04.080	Nonconforming Uses	10-34
10.04.090	Permits	10-34
10.04.100	Enforcement	10-36
10.04.110	Board of Zoning Appeals	10-36
10.04.120	Judicial Review	10-37
10.04.130	Penalties	10-37
10.04.140	Conflicting Regulations	10-37
10.04.150	Severability	10-37
10.04.160	Effective Date	10-38
11.00	Off-Street Parking and Loading Regulations	11-1
11.01	Off-Street Parking – Purpose	11-1
11.02	General Regulations; Off-Street Parking	11-1
11.02.010	Applicability	11-1
11.02.020	Reduction in Off-Street Parking Facilities	11-2

11.02.030	Multiple Uses on a Site	11-2
11.02.040	Application of Design Standards	11-2
11.02.050	Maintenance and Use of Off-Street Parking Facilities	11-2
11.03	Schedule of Off-Street Parking Requirements	11-2
	Table 11-01: Off-Street Parking Requirements	11-4
11.04	Parking Facility Location	11-9
11.04.010	Residential Parking	11-9
11.04.020	Nonresidential Parking	11-9
11.04.030	Truck Parking in Residential Zoning Districts	11-9
11.05	Adjustment for Mixed-Use Developments	11-10
11.05.010	Purpose	11-10
11.06	Compact Parking	11-10
11.07	Handicapped Parking	11-11
	Table 11-02: Handicapped Parking Requirements	11-11
11.08	Bonus Provisions	11-11
11.08.010	Bicycle Parking Bonus	11-11
11.08.020	Public Transportation Access Bonus	11-12
11.09	Off-Street Parking Design Standards	11-12
11.09.010	Standards	11-12
11.09.020	Dimensions	11-12
	Table 11-03: Standard Parking Layout Dimensions	11-13
	Table 11-04: Compact Parking Layout Dimensions	11-13
11.09.025	Surfacing	11-13

11.09.030	Vehicle Overhang	11-14
11.09.040	Landscaping and Screening Requirements	11-14
11.09.050	Entrances and Exits	11-14
11.09.060	Lighting	11-14
11.09.070	Safety Features	11-14
11.09.080	Maintenance	11-15
11.09.090	Adjustments	11-15
11.09.091	Truck Parking in Residential Zoning Districts	11-15
11.10	Off-Street Loading Requirements	11-15
11.10.010	Applicability	11-15
	Table 11-05: Off-Street Loading Requirements	11-16
11.10.020	Dimensions and Design Standards	11-16
12.00	Supplementary District Regulations	12-1
12.01	Regulations Applicable to All Districts	12-1
12.01.010	Visibility at Intersections	12-1
12.01.015	Permitted Obstructions in Required Yards	12-1
12.01.020	Fences, Walls, and Hedges	12-2
12.01.030	Accessory Structures	12-3
12.01.040	Semi-Trailer (Van or Box) or Freight Container Outdoor Storage Unit	12-3
12.02	Preliminary Master Development Plan and Final Master Development Plan Requirements and Approval	12-4
12.02.010	Preliminary Master Development Plan Required	12-5
12.02.020	Adoption of a Preliminary Master Development Plan	12-6

12.02.030	Final Approval by the Planning Commission of a Final Master Development Plan	12-8
12.02.040	Lapse of Approval	12-10
12.02.050	Procedures to Amend a Preliminary Master Development Plan or Final Master Development Plan	12-11
12.03	Requirements for Moving Single Family Residence from One Foundation to Another	12-11
12.04	Unassigned	12-12
12.05	Minimum Spacing of Buildings on a Single Zone Lot	12-12
12.05.010	Minimum Distance Between Buildings	12-13
12.05.020	Minimum Required Yard Area	12-13
12.05.030	Subdivision of Zone Lot After Development	12-13
12.06	Exception to Height Regulations	12-13
12.07	Structures to Have Access	12-13
12.08	Parking, Storage, or Use of Major Recreation Equipment	12-13
12.09	Special Provisions for Party Walls	12-14
12.09.010	General Provisions	12-14
12.09.020	Special Provisions	12-14
12.10	Special Provisions for the Continuance and Extension of Public Streets and Utilities Through Development Sites Remaining in Single Ownership	12-15
12.10.010	Purpose	12-15
12.10.020	Requirement for Site Plan	12-15
12.10.030	Contents of Required Site Plan	12-16
12.11	Standards for Telecommunication Towers and Antennas	12-17
	Figure 4: Athletic Field Standards	12-19

	Figure 6: Commercial Architectural Features	12-19
	Figure 7: Church Steeples	12-19
	Figure 8: Street Lights and Signal Standards	12-20
	Figure 9: Tower Design	12-21
	Figure 1: Setbacks	12-31
	Maximum Tower Height Chart	12-31
	Minimum Separation Distances Between Towers By Type Chart	12-32
	Wireless Communications Towers and Antennas District Use Standards Chart	12-33
	Figure 2: Ground Mounted Equipment Screen	12-37
	Figure 3: Perimeter Landscaping Screening	12-37
12.12	Special Provisions Governing Mobile Home Parks	12-41
12.12.010	Purpose	12-41
12.12.020	Permit	12-41
12.12.030	Development Standards	12-41
12.12.040	Utilities and Other Services	12-43
12.12.050	Streets	12-43
12.12.060	Walks	12-44
12.12.070	Recreation Area	12-44
12.12.080	Buffer and Screening	12-44
12.12.090	Site Design	12-45
12.12.100	Parking	12-45
12.13	Development on Steep Slopes	12-45

12.14	Home Occupations	12-46
12.15	Adult Entertainment	12-47
13.00	Performance and Design Standards	13-1
13.01	Purpose and Intent (Performance and Design Standards)	13-1
13.02	Performance Standards Regulations	13-2
13.02.010	Prohibition of Dangerous or Objectionable Elements	13-2
13.02.020	Performance Standards Regulating Noise	13-2
	Table 13-01: Maximum Permitted Sound Levels	13-3
13.02.030	Performance Standards Regulating Vibration	13-3
13.02.040	Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter	13-4
13.02.050	Performance Standards Regulating Odors	13-5
13.02.060	Performance Standards Regulating Toxic Matter	13-5
13.02.070	Performance Standards Regulating Fire and Explosive Hazards	13-5
	Table 13-02: Storage Capacity of Flammable Liquids	13-6
	Table 13-03: Storage of Capacity of Gases	13-7
13.02.080	Performance Standards Regulating Glare and Electromagnetic Interference	13-7
	Table 13-04: Alternative Standards for Cut-Off Fixture Types	13-8
13.02.090	Performance Standards Regulating Radioactive Materials	13-9
13.02.100	Non-Conforming Uses by Reason of Performance Standards	13-9
13.03	Design Standards and Regulations	13-10
13.04	Transitional Bufferyard Design Standards	13-10
13.04.010	Purpose	13-10

13.04.020	Applicability	13-10
13.04.030	Unassigned	13-10
13.04.040	Definitions	13-10
13.04.050	General Standards	13-11
13.04.060	Determination of Bufferyard Requirements	13-12
	Table 13-05: Bufferyard Requirements	13-15
13.04.070	Unassigned	13-16
13.04.080	Transitional Bufferyard Landscaped Area and Minimum Width Regulations	13-16
13.04.090	Description and Standards of Transitional Bufferyard Design Types	13-16
13.04.100	Additional Bufferyard Provisions	13-18
13.04.110	Time of Completion	13-19
13.04.120	Maintenance of Required Landscaping Improvements	13-20
13.05	Intent of Parking Area Screening and Landscaping Design Standards	13-21
13.05.010	Applicability	13-21
13.05.020	Parking Area Screening and Landscaping Standards	13-21
13.05.030	Non-Conforming Parking Area Landscaping Requirements	13-23
13.05.040	Completion of Required Landscaping	13-24
13.05.050	Maintenance of Required Landscaping Improvements	13-25
13.05.060	Preservation of Existing Vegetation and Alternative Plans	13-25
13.06	Intent of Traffic Control and Access Management Design Standards	13-26
13.06.010	Traffic Impact Studies' Requirements and Provisions	13-26

	Table 13-06: Levels of Traffic Studies Required	13-26
13.06.020	Traffic Control and Access Management Standards – Protection of Residential Areas	13-27
13.06.030	Traffic Control and Access Management Standards – Access from Local and Collector Streets	13-28
13.06.040	Traffic Control and Access Management Standards – Access from Arterial Streets	13-28
	Table 13-07: Number of Driveways	13-29
13.06.050	Traffic Control and Access Management Standards – Visibility	13-30
	Table 13-08: Site Visibility Areas	13-31
13.06.060	Traffic Control and Access Management Standards – Measurement	13-32
13.07	Sign Regulations	13-33
13.07.005	Purpose and Intent	13-34
13.07.010	Rationale, Applicability, Effect, System for Regulation and Overall Use	13-35
13.07.015	Code Compliance, Construction, and Maintenance	13-36
13.07.020	Permits and Inspections	13-36
13.07.025	Violations	13-37
13.07.030	Enforcement and Remedies	13-38
13.07.035	Severability Clause	13-38
13.07.040	Transitional Provisions	13-38
13.07.045	Definitions	13-39
13.07.050	Prohibited Signs	13-46
13.07.055	Exempt Signs	13-48

13.07.060	Temporary Signs	13-49
13.07.065	General Provisions for Permanent On-Premises Signs	13-52
13.07.070	Permitted Permanent On-Premises Signs in Residential and Mixed-Use Zone Districts	13-54
13.07.075	Permitted Permanent On-Premises Signs in Non-Residential And Mixed-Use Zone Districts	13-56
13.07.080	Permanent Signs in CC Zone District	13-58
13.07.085	Community Facility On-Premises Signs in Non-Residential Zone Districts	13-64
13.07.090	Performance Standards Regulation Glare and Illuminated Sign Brightness	13-65
13.07.095	Alternative Plan Approval	13-65
13.07.100	Freestanding Sign Height, Setback Requirements, and Display Surface Area	13-67
13.07.105	Wall-Mounted Signs Display Surface Area Calculations	13-68
13.07.110	Non-Residential and Mixed-Use Zone Districts Freestanding Sign Basic Allowances	13-69
13.07.115	Non-Residential and Mixed Use Zone Districts Wall-Mounted Signs Basic Allowances	13-69
13.07.120	Multi-Tenant Development and Out Parcel Signs (Table)	13-70
13.07.125	Example for Determining Sight and Traffic Visibility Areas for Signs	13-71
13.08	Architectural Character and Compatibility Standards	13-72
13.08.010	Basic Design Criteria	13-72
13.09	Pedestrian and Bicycle Path Standards	13-74
13.09.010	Purpose and Intent	13-74
13.09.020	Applicability	13-74

13.09.030	Sidewalks	13-74
13.09.040	Alternate Pedestrian Walkway Systems, Bicycle Lanes and Paths	13-76
13.10	Grading Standards	13-77
13.10.010	Purpose	13-77
13.10.020	Applicability	13-77
13.10.030	Definitions	13-77
13.10.040	General Standards	13-78
13.10.050	Enforcement	13-79
13.10.060	Severability	13-79
14.00	Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures	14-1
14.01	Statement of Purpose	14-1
14.01.010	Conflicts with State or Federal Law	14-1
14.02	Non-Conforming Commercial, Industrial and Business Establishments/Uses	14-1
14.02.010	Applicability	14-1
14.02.020	General Provisions	14-2
14.03	Non-Conforming Residential Uses	14-3
14.03.010	Applicability	14-3
14.03.020	General Provisions	14-3
14.03.030	Non-Conforming Residential Uses and Buildings in Commercial Zone Districts	14-4
14.04	Non-Conforming Multifamily Residential Establishments	14-4
14.05	Non-Conforming On-Premises Signs	14-5

14.05.010	Applicability	14-5
14.05.020	General Provisions	14-5
14.06	Non-Conforming Billboards	14-5
14.07	Non-Conforming Uses, Buildings or Structures Located in Special Flood Hazard Areas	14-5
15.00	Administration and Enforcement	15-1
15.01	Organization and Purpose	15-1
15.02	Appointment and Duties of the Zoning Administrator	15-1
15.02.010	Zoning Administrator	15-1
15.02.020	Duties of the Office of Zoning Administrator	15-1
15.02.030	Powers of the Zoning Administrator Regarding the Issuance of Permits	15-2
15.02.040	Powers of the Zoning Administrator to Enforce Performance Standards	15-2
15.03	Zoning Permits and Use and Occupancy Permits	15-5
15.03.010	Zoning Permits Required	15-5
15.03.020	Site Plan Required	15-6
15.03.021	Site Plan Voided	15-8
15.03.030	Use and Occupancy Permit Required	15-8
15.03.040	Application for Use and Occupancy Permit	15-8
15.03.050	Deleted Ordinance No. O1103-19	15-8
15.03.060	Records of Use and Occupancy Permits	15-8
15.03.070	Final Inspection	15-8
15.03.080	Surety Required	15-8

15.03.090	Temporary Use and Occupancy Permits	15-9
15.03.100	Planning and Zoning Fees	15-13
15.04	The Board of Zoning Appeals	15-14
15.04.020	Creation of the Board of Municipal and Regional Zoning Appeals Membership and Appointment	15-14
15.04.021	Terms of Office	15-14
15.04.022	Quorum and Attendance	15-14
15.04.023	Advisory Opinion by Planning Commission	15-15
15.04.024	Powers of the Board	15-15
15.04.025	Election of Officers	15-15
15.04.026	Conflict of Interest	15-15
15.04.027	Meetings of the Board	15-16
15.04.028	Rules and Proceedings of the Board	15-16
15.04.029	Stay of Proceedings	15-17
15.04.030	Liability of Board Members, Zoning Administrator, and Employees	15-17
15.04.031	Right to Entry Upon Land	15-17
15.05	Zoning Variances	15-18
15.05.010	Application for Variances, Notice of Hearing, Fee	15-18
15.05.020	Notice to Affected Property Owners	15-18
15.05.030	Standards for Variances	15-18
15.05.040	Non-Conformity Does Not Constitute Grounds for Granting of a Variance	15-19
15.05.050	Prohibition of Use Variances	15-19
15.05.060	Conditions and Restrictions by the Board	15-19

15.05.070	Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official	15-19
15.05.080	Variance Appeals	15-19
15.06	Conditional Use Permits	15-20
15.06.010	Conditional Uses	15-20
15.06.020	Application for Conditional Use Permit, Notice of Public Hearing	15-20
15.06.030	Requirements for Conditional Use Permits	15-20
15.06.040	General Requirements	15-20
15.06.050	Specific Standards for Community Facility Activities	15-21
15.06.060	Specific Standards for Commercial Activities	15-26
15.06.070	Deleted Ordinance No. O0911-84	15-29
15.06.080	Specific Standards for Residential Activities	15-29
15.06.090	Specific Standards for Floodway and Flood-Fringe Districts	15-30
15.06.100	Conditional Use Permit Appeals	15-32
15.06.101	Review and Recommendations by the Board of Appeals	15-32
15.07	Amendments	15-33
15.07.010	General	15-33
15.07.020	Initiation of Amendment	15-33
15.07.030	Application for Amendment	15-33
15.07.040	Review and Recommendations by the Planning Commission	15-34
15.07.050	Deleted Ordinance No. O0903-13	
15.07.060	Public Hearing and Notice of Hearing	15-34
15.07.070	Deleted Ordinance No. O0903-31	15-35

15.07.080	Amendments Affecting Zoning Map	15-35
15.07.090	Effect of Denial of Application	15-35
15.08	Remedies and Enforcement	15-36
15.08.010	Complaints Regarding Violations	15-36
15.08.020	Penalties for Violation	15-36
15.08.030	Remedies	15-36

ARTICLE 1.00
GENERAL PROVISIONS

01.01 Title

01.01.010 Long Title

An Ordinance, pursuant to the authority granted by Section 13-701 through 13-715, Tennessee Code Annotated, to provide for the establishment of districts within the planning jurisdiction of Gallatin, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities, and similar purposes to include special districts for areas subject to flooding and areas developed as a planned unit; to provide regulations governing non-conforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to provide for the administration and for enforcement; to provide penalties for the violation; and to provide for conflicts with other ordinance or regulations.

01.01.020 Short Title

This Ordinance may be cited as the Zoning Ordinance of Gallatin, Tennessee. The map portion may be cited separately as the Zoning Map of Gallatin, Tennessee.

01.01.030 Repeal

The existing zoning regulations of the City of Gallatin, as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of this Ordinance.

01.02 Legislative Enactment

WHEREAS, Sections 13-701 through 13-715, Tennessee Code Annotated, empower the city to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and WHEREAS, the Mayor and Aldermen deem it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the city to enact such an ordinance, and WHEREAS, the Mayor and Aldermen, pursuant to the provisions of Section 13-702, of the Tennessee Code Annotated, has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the city and region into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate uses for the land throughout the municipality, and

WHEREAS, the Planning Commission has submitted its final report to the Mayor and Aldermen, and

WHEREAS, the Mayor and Aldermen have given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held public hearings, and

WHEREAS, all the requirements of Sections 13-701 through 715 of the Tennessee Code Annotated, with regard to the preparation of the report of the Planning Commission and subsequent action of the Mayor and Aldermen have been met;

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

01.03 Intent and Purpose

This Ordinance is enacted pursuant to Title 13 of the Tennessee Code Annotated for the following purposes:

01.03.010 To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

01.03.020 To divide the city and the planning region into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and lands for residence, business, commercial, manufacturing, and other specified uses;

01.03.030 To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the city, and to promote the orderly and beneficial development of such areas;

01.03.040 To provide adequate light, air, privacy, and convenience of access to property;

- 01.03.050 To regulate the intensity of open spaces surrounding buildings that is necessary to provide adequate light and air and protect the public health;
- 01.03.060 To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, or other uses within such lines;
- 01.03.070 To fix reasonable standards to which buildings or structures shall conform;
- 01.03.080 To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- 01.03.090 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- 01.03.100 To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- 01.03.110 To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- 01.03.120 To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- 01.03.130 To conserve the taxable value of land and the buildings thereon throughout the city;
- 01.03.140 To provide for the gradual elimination of those uses of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- 01.03.150 To provide for condemnation of such non-conforming buildings and structures and of land as the Mayor and Aldermen shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
- 01.03.160 To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- 01.03.170 These general purposes include the specific purposes stated in the various sections throughout this Ordinance.

ARTICLE 2.00
LANGUAGE AND DEFINITIONS

02.01 Rules for Construction of Language

In the construction of this Ordinance, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise:

02.01.010 The particular shall control the general.

02.01.020 The word “shall” is always mandatory and not discretionary.

02.01.030 The word “may” is permissive.

02.01.040 The word “lot” shall include the words “piece” or “parcel”.

02.01.050 The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

02.01.060 In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table the text shall control.

02.01.070 The word “permitted” or words “permitted as of right”, means permitted without meeting the requirements for a conditional use permit.

02.01.080 The words “conditionally permitted” or “permitted by conditional use permit” means permitted subject to the requirements for a conditional use by special permit pursuant to Article 11.00, Chapter 6 of this Ordinance, and all other applicable provisions.

02.01.090 Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

02.01.100 Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

A. “And indicates that all connected items, conditions, provisions or events shall apply.

B. “or” indicates that the connected items, conditions, provisions or events shall apply.

C. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

02.01.110 All public officials, bodies, and agencies to which reference is made are those of the City of Gallatin, Tennessee.

02.01.120 Any conflict between one section of this Ordinance and another section of the Ordinance shall be resolved in favor of the more restrictive provision.

02.02 Definitions

Except where definitions are specifically included in various articles and sections, words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Accessory - An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

Activity - The performance of a function or operation which constitutes the use of land.

Adult Bookstore - An establishment having as a substantial or significant portion of its stock in trade books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in Adult Entertainment, for observation by patrons therein.

Adult Entertainment

1. Specified Anatomical Areas: Less than completely and opaquely covered: (a) Human genitals, pubic region; (b) Buttock; (c) Female breasts below a point immediately above the top of the areola; or (d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. Specified Sexual Activities: (a) Human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Adult Entertainment Center - An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, that permits a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic

hair, anus, cleft of the buttocks, vulva or genitals, or that charges any admission or fee for the viewing of any such activity.

Adult Mini-Motion Picture Theater - An enclosed building with a capacity for less than fifty (50) persons used for presenting material that is distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Adult Entertainment, for observation by patrons therein.

Adult Motion Picture Theater - An enclosed building with a capacity for fifty (50) or more persons used for presenting material that is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Adult Entertainment, for observation by patrons therein.

Alley - A public way intended to provide only secondary vehicular access to abutting properties.

Assisted Living Facility - A residential group home for senior adults that need help with activities of daily living such as meals, medication, grooming, in order to maintain the whole person.

Attached - Joined together by party wall(s).

Basement - A story whose floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a “cellar” which is a story more than one-half (1/2) below such level).

Bed and Breakfast Home - A residential home that offers overnight accommodations for travelers with breakfast as the only meal and having less than four units.

Buffering - Shall be located around the perimeter of the site to minimize the off-site impact of headlight glare, noise, light from structures and open areas, and the movement of people and vehicles. Buffering may consist of berms, fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objective. Type of buffering with height shall be stated on the site plan for approval by the planning commission.

Bufferyard - A designated unit of yard or open area together with any plant materials, barriers, or berms required thereon.

Building - A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Bulk - Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

- A. The size (including height and floor area) or other structures,
- B. The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot,
- C. The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- D. All open areas relating to buildings or other structures and their relationship thereto.

Cellar - (See Basement)

Common Open Space - A parcel or parcels of land and/or an area of water within the site designated as a planned unit development or controlled density development, and designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

Completely Enclosed - Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

Conditional Use - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this Ordinance.

Curb Level - The mean of the elevations of the side lot lines extended to the street line.

Designed for Residential Use - A building located in a Residential District which was originally designed for residential use and in which at least twenty-five (25) percent of the floor area is occupied for residential use.

Development Area Per Dwelling Unit - The net amount of lot area of a single zone lot required for each dwelling unit to be placed on the zone lot.

Dwelling, Attached - A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings each containing not more

than two dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another.

Such buildings shall each have a separate lot with dimensions meeting regulations for the district, or be so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case dimensions of such land shall not be reduced below those required for provisions of separate lots. The term attached dwelling is intended to apply to townhouses, patio or atrium houses, or any form however termed which conforms to this definition.

Dwelling, Mobile Home - A vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

- A. is not designed and constructed in accordance with applicable provisions of the adopted housing codes.
- B. does not contain a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.

Dwelling, Multi-Family - A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental partly on a monthly basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity.

Dwelling, One-Family - A building containing only one dwelling unit. The term is general, including such specialized forms as one-family detached, one-family semi-detached and one-family attached houses (townhouses, patio and atrium houses, and the like if containing only one family). For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, One-Family Detached - A one-family dwelling entirely separated from structures on adjacent lots.

Dwelling, Two-Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling Unit - A room or rooms connected together, constituting a separate independent housekeeping establishment for one-family only, for owner occupancy or for rental, lease,

or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking, and sleeping facilities.

Dwelling, Upper Story Residential - Upper story residential means the area of a building above the ground floor (which is above the cellar), which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.

Family - One person, or two or more persons related by blood, marriage, or adoption together with incidental domestic servants and temporary non-paying guests. The term “family” shall not be construed to include a fraternity, sorority, club, foster home with more than 4 children, or institutional group.

Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the flood channel.

Flood Channel - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Flood Fringe - That portion of the floodplain outside the floodway.

Flood Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projections, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, water course, or regulatory flood-hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Floodplain - The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regulatory flood.

Flood Profile - A graph or a longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

Floodproofing - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood-hazard area.

Flood Protection Elevation - The elevation of the regulatory flood on all streams and waterways.

Flood, Regulatory - (See Regulatory Flood)

Floodway - The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regulatory flood.

Floor Area - The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

- A. Areas used for off-street parking spaces or leading berths and driveways and maneuvering aisles relating thereto where required in this Ordinance.
- B. In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio - The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0). One-Family detached dwellings shall be exempt from the Floor Area Ratio requirement.

Gross Area - An area of land which is inclusive of all land uses and streets, and other public areas located within the development.

Home Occupations - A home occupation is a lawful activity carried on within a dwelling unit by a member or members of the family who occupy the dwelling, with the exception of one additional person, where the occupation is secondary to the use of the dwelling for living purposes, and the residential character of the dwelling is maintained, and the Home Occupation conforms to the development standards.

Household - All the persons occupying the premises and living as a single non-profit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar type of group use.

Incidental Alterations

- A. Changes or replacements in the non-structural parts of a building or other structure without limitations to the following examples:
 - 1. Alterations of interior partitions to improve livability in a non-conforming residential building, provided that no additional dwelling units are created;
 - 2. A minor addition to the exterior of a residential building, such as an open porch;

3. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
 4. Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or
- B. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
1. Making windows or doors in exterior walls;
 2. Replacement of building facades having non-load-bearing capacity;
 3. Strengthening the floor load-bearing capacity, in no more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Land With Incidental Improvements - A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand dollars (\$5,000) or less.

Landowner - The legal or beneficial owner or owners of land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a “landowner” for the purpose of this Ordinance.

Landscaping - Shall be integrated into building arrangements, topography, parking, and buffering; shall include the planting and maintenance of trees, shrubs, bushes, hedges, perennials, annuals, and ground cover. The latter shall be comprised of grass, low growing vegetation (eliminating the weed family) not exceeding 12” in height and planted in close proximity to mulch, bark chips, and pea gravel to cover an area that otherwise would have grass or would remain bare. Landscaping items included above shall be native or adaptable to the area’s climate. Terraces, walks, decorative fences, fountains, retaining walls, street furniture, sculptures, gazebos, and similar accessory features may be included as landscaping if integrally designed unless otherwise prohibited by other provisions of this Ordinance. The landscaping, screening, and buffering shall be of such design that shall enhance and protect the existing character of the area. The type of buffering with height shall be stated on the site plan for approval by the planning commission

Landscape Surface Area - Is the area of the site not devoted to streets, drives, buildings or sidewalks and is landscaped as defined in the section entitled Landscaping.

Light Industry - The assembly, fabrication, or processing of goods and materials and excess refuse using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly,

fabrication, or processing takes place, and where such processes are housed entirely within a building.

Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Area - The entire area of a zone lot.

Lot Area Per Dwelling Unit - That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development-area per dwelling unit.

Lot Coverage - That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.

Lot Frontage - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

Lot Line - A boundary of a zone lot.

Lot Line Equivalent - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- A. Joins points specified in these regulations, or
- B. Is an extension of a street line or lot line.

Lot Measurements

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types - The diagram (Figure 02-01) in the Appendix which follows illustrates terminology used in this Ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.

Massage Parlor - An establishment or place primarily in the business of providing massage services.

Master Development Plan - Used within the context of the planned unit development provisions refers to a preliminary plan, which may be approved by the Planning Commission and the Mayor and Aldermen. The “Master Development Plan” shall mean the proposal for the development of a planned unit development including, but not limited to, the requirements for a preliminary plan as stipulated in the various articles of this Ordinance.

Mobile Home - (See Dwelling, Mobile Home)

Mobile Home Park - A development which is designed and constructed to accommodate mobile homes.

Mobile Home Space - A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Mobile Home Stand - That part of an individual mobile home space which has been reserved for the placement of the mobile home.

Non-complying

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a non-conforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertinent to:
1. Location along district boundary;

2. Signs; or
3. Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

Non-conforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this Ordinance or as a result of any subsequent amendment.

Overall Density - The dwelling units per gross acre of the total area with a development.

Party Wall - A wall separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Personal Services Establishment - A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes, but is not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmetician, health and fitness centers, toning or tanning salons, photography studios, and shoe repair shops.

Planned Business Park (PBP) - A tract of at least ten (10) acres occupied by a mix of research, light industry, and support uses, arranged in a high-quality campus-like setting, according to the provision of the PBP District.

Planned Unit Development - A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way. A planned unit development shall not include a normal subdivision, but a subdivision may be included as a part of such a development.

Principal Activity - An activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building - A building which contains the principal activity or use located on a zone lot on which it is situated.

Profession (Professional Office) - The term profession, as used in this Ordinance, is not limited in its application to physicians and surgeons, lawyers, members of the clergy, architects, and engineers, or other persons holding advanced degrees from institutions of higher learning in the field in which they practice. The term may also include insurance agents, insurance adjustors, realtors, or any persons engaged in sales or trade which utilize an office environment without display or storage space for goods. In permitting professional offices as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only occupied by persons engaged in professions, as herein defined, shall be permitted.

Reach - A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

Regulatory Flood - Is the 100-year or “intermediate regional flood” as indicated in the publication, Floodplain Information, East Camp and Town Creeks, Gallatin, Tennessee, Flood Hazard Information, published by the Corps of Engineers, March, 1976, or where no data exists the computed 100-year flood.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Research Laboratories - Facilities which are designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with or accessory to such research.

Residence - A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- B. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- C. Nurses’ residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- D. In a mixed building, that part of the building used for non-residential uses, except uses accessory to residential use.

Sauna - An establishment or place primarily in the business of providing (a) a steam bath, and (b) massage services.

Screening - Screening shall be incorporated into the landscaping plan; shall serve as a buffer to ameliorate the effect of the project or development on adjacent and nearby properties; shall be of opaque or non-translucent material resistant to deterioration by natural causes or shall be of such plant materials that will provide year-round evergreen screening. Screening shall not be less than four (4) feet high and shall be provided from the finished grade of the property upward and shall be permanently maintained. If plant materials are used, they shall cover a minimum of four (4) feet in width densely planted along the property line, which are of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years. The type of screening shall be stated on the site plan.

Semi-Permanent Residential Establishment - An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis; but excluding institutional living arrangements involving the provision of a specific kind of forced residence, such as nursing homes, orphanages, asylums and prisons.

Setback Line - A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

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

Single Ownership - Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Story - A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

- A. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished.
- B. An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two (2) feet above the floor of such space.

Street - A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property.

Street Line - A lot line dividing a lot from an abutting street.

Structure - An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

Use - The performance of a function or operation which constitutes the use of land.

Use Permit - A written permit issued by the zoning administrator required before occupying or commencing to use any building or other structure or any zone lot; except that an occupancy permit shall not be required for an owner-occupied dwelling.

Yard - That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent to a depth or width set forth in the applicable regulations.

Yard, Front - A yard extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one such yard shall be designated for each through lot, and each through corner lot.

Yard, Rear - A yard extending for the full length of a rear lot line.

Yard, Side - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard. A side yard abutting a street shall be twice the required minimum side yard.

Zone or Zoning Lot - Is either:

- A. A lot of record existing on the effective date of this Ordinance or any subsequent amendment, or
- B. A tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Ordinance or any subsequent amendment was in single ownership, or
- C. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

A zone lot, therefore, may not coincide with a lot of record as defined herein.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under "landowner".

A zone lot may be divided into two or more zone lots, provided that all resulting zone lots and all buildings thereon shall comply with all of the applicable provisions of the Ordinance. If such lot, however, is occupied by a non-complying building, such zone lot may be subdivided provided such subdivision does not create a new non-compliance or increase the degree of non-compliance of such building.

Zoning Permit: A written permit issued by the zoning administrator and is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot.

ARTICLE 2.00 AMENDMENTS

Section	Ordinance #	Date
02.02, Floor Area Ratio	O0205-025	6/18/02
02.02, Various Sign Definitions	O0308-030	9/16/03
02.02, Various Sign Definitions	O0711-72	2/19/08
02.02, Various Sign Definitions	O0907-55	9/15/09
02.02, Landowner,	O1007-52	1/18/11
02.02, Single Ownership	O1007-52	1/18/11
02.02, Building	O1204-32	05/15/12
02.02, Sign Definitions Removed	O1304-22	10/15/13

**ARTICLE 3.00
USE CLASSIFICATION**

03.01 General Classification Rules

The provisions of this section shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations.

03.02 Listing of Activity Classifications

All activities are hereby classified into the following activity types: (Vacant land, itself, shall not constitute an activity type.)

03.02.010 Residential Activities:

- A. Dwelling, one-family detached
- B. Dwelling, attached
- C. Dwelling, two-family detached
- D. Dwelling, mobile home
- E. Dwelling, multi-family

03.02.020 Community Facility Activities:

- A. Administrative
- B. Assisted Living
- C. Community Assembly
- D. Community Education
- E. Essential Service
- F. Extensive Impact
- G. Health Care
- H. Intermediate Impact

- I. Limited Child and Adult Care
- J. Non-assembly Cultural
- K. Nursing Home
- L. Place of Worship
- M. Utility and Vehicular

03.02.030 Commercial Activities:

- A. Animal Care
- B. Automotive Parking
- C. Automotive Parking (Limited Lot)
- D. Automotive Repair and Cleaning
- E. Automotive Servicing
- F. Building and Communication Service
- G. Construction Sales and Services
- H. Consumer Laundry and Repair
- I. Convenience Sales and Service
- J. Financial, Consulting, and Administrative
- K. Food Service
- L. Food Service - Drive-in
- M. General Personal Service
- N. General Retail Trade
- O. Group Assembly - Extensive
- P. Group Assembly - Limited
- Q. Medical Services
- R. Research Service
- S. Retail Business Supply

- T. Scrap Operation
- U. Transient Habitation
- V. Transport and Warehousing
- W. Undertaking Service
- X. Vehicular, Craft, and Related Equipment Sales, Retail and Delivery
- Y. Wholesale Sales
- Z. Limited Retail Sales
- AA. Limited Warehousing
- BB. Adult Entertainment (See 02.02 Definitions)

03.02.040 Manufacturing Activities:

- A. Limited
- B. Intermediate
- C. Extensive

03.02.050 Agricultural Activities:

- A. Crop and Animal Raising
- B. Plant Nursery

03.03 Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district.

03.04 Classification of Combination of Principal Activities

The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities.

03.04.010 Separate Classification of Each Establishment

The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.

03.04.020 Separate Classification of Different Major Classes of Activities Conducted by a Single Establishment

If the principal activities conducted by a single establishment, management, or institution resemble two or more different major classes of activities, to wit, Residential, Community Facilities, Commercial, Manufacturing, or Agricultural Activities - the principal activities of each major class shall be classified separately.

03.04.030 Classification of Different Activities Within the Same Major Class, Conducted by a Single Establishment

If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same major class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities. However, when activity types have any characteristics of Utility and Vehicular, Health Care, Intermediate Impact, or Extensive Impact Community Facility; or Food Service Drive-in, Auto Parking, Wholesale, Transport and Warehousing, Scrap Operation or Group Assembly - Extensive Commercial Activities; or Extensive Manufacturing Activities, all such principal activities within the same major class of activities as any of such types the description of which most closely portrays said principal activities; except that all such Commercial Activities shall be classified within the Scrap Operation Commercial Activities type if they have any of its characteristics.

03.05 Residential Activities; Class and Types

03.05.010 Activity Type - Dwelling One-Family Detached: The occupancy of a one-family dwelling which is entirely separated from structures located on adjacent lots.

03.05.020 Activity Type - Dwelling Attached: The occupancy of a building containing not more than two dwelling units attached at the side or sides by a party wall without openings in a series of three or more principal buildings each containing not more than two dwelling units.

03.05.030 Activity Type - Dwelling, Two-Family: The occupancy of a building containing two dwelling units.

03.05.040 Activity Type - Dwelling, Mobile Home: The occupancy of a detached one-family dwelling having all the following characteristics:

A vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis and designed to be used without a permanent foundation as a place for human habitation when connected to the required utilities and:

- A. is not designed and constructed in accordance with the applicable provisions of the currently adopted building code.
- B. is not designed and constructed in accordance with applicable provisions of the currently adopted housing code.
- C. does not contain a plumbing system designed and installed to meet the applicable requirements of the currently adopted plumbing code.

03.05.050 Activity Type - Dwelling, Upper Story Residential: The area of a building above the ground floor (which is above the cellar), which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.

03.06 Community Facilities Activities; Class and Types

03.06.010 Activity Type - Administrative Services Community Facilities: Include the activities typically performed by non-profit private, public, and utility administrative offices.

03.06.020 Activity Type - Community Assembly Community Facilities: Include the activities typically performed by, or at, the following institutions and installations:

- A. Parochial and private, non-profit clubs, lodges, meeting halls, and recreation centers and areas
- B. Temporary non-profit festivals

03.06.030 Activity Type -Community Education Community Facilities: Include the activities typically performed by the following institutions:

- A. Orphanages
- B. Public, parochial, and private nursery schools, kindergartens, primary, and secondary schools

03.06.040 Activity Type - Essential Service Community Facilities: Includes the maintenance and operation of the following installations:

- A. Electrical, communication, and telephone distribution lines and poles, water, storm drainage, sewer lines, and gas distribution lines with incidental appurtenances thereto, but excluding electric transmission lines and major fuel transmission lines.

- B. Private streets
- C. Rights-of-way to all modes of transportation
- D. Small landscaped, scenically significant open areas, natural reserves
- E. Public community centers and recreation areas, such as playgrounds and playfields
- F. Emergency first aid stations

03.06.050 Activity Type - Extensive Impact Community Facilities: Include the activities that have a high degree of effect upon the surrounding land uses due to their hazards, nuisance characteristics, as well as the traffic generation characteristics, parking requirements, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

- A. Airports, air cargo terminals, heliports, helistops, or any other aeronautical device
- B. Detention and correction institutions
- C. Sanitary land fills
- D. Major mail processing centers
- E. Military installations
- F. Public and private utility corporations or truck yards
- G. Radio and television transmission stations
- H. Railroad, bus, and transit terminals
- I. Railroad yards and other transportation equipment marshaling and storage yards
- J. Stadiums, sports arenas, auditoriums, and bandstands
- K. Zoological gardens
- L. Electricity transmission lines (overhead electrical transmission lines which are principally supported by units having two or more poles or other structures including towers or with the base of the pole or other structure in excess of two feet in diameter) and major fuel transmission lines

03.06.060 Activity Type - Health Care Community Facilities: Include the activities typically performed by the following institutions:

- A. Health Care
- B. Hospitals
- C. Centers for observation or rehabilitation, with full-time supervision or care

03.06.070 Activity Type - Intermediate Impact Community Facilities: Include the activities that have a significant effect upon the surrounding land uses due to their traffic generation characteristics, parking requirements, and land requirements, and typically performed by, or the maintenance and operation of, the following institutions or installations:

- A. Cemeteries, mausoleums and columbariums
- B. Colleges, junior colleges, and universities, but excluding business schools operated as profit-making enterprises
- C. Commercial marinas and boat docks
- D. All golf courses
- E. Reservoirs and water tanks
- F. Sewage disposal treatment plants

03.06.080 Activity Type - Limited Child and Adult Care Community Facilities: Includes the activities typically performed by the following facilities:

- A. Limited Child Care Facilities: Includes day care services provided to children under eighteen (18) years of age for less than twenty-four (24) hours a day and without living accommodations for the clientele.
- B. Limited Adult Care Facilities: Includes day care services provided to adults recipients, eighteen (18) years of age or older, for less than twenty-four (24) hours a day, by a provider of such services who is not related to such adult in accordance with Tennessee State Law and rules established by the Tennessee Department of Human Services.

03.06.090 Activity Type - Non-assembly Cultural Community Facilities: Include the activities typically performed by the following institutions:

- A. Public, parochial, and private non-profit museums and art galleries
- B. Public, parochial, and private non-profit libraries and observatories

03.06.100 Activity Type - Nursing Home Community Facilities: Include the activities typically performed by the following institutions:

- A. Rest homes and homes for the aged
- B. Nursing homes and convalescent hospitals
- C. Assisted living facilities

03.06.110 Activity Type - Place of Worship: Any structure or site such as a church, synagogue, chapel, sanctuary, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, and discussions.

03.06.120 Activity Type - Utility and Vehicular Community Facilities: Include the maintenance and operation of the following installations:

- A. Communication equipment installation and exchanges
- B. Electrical substations
- C. Gas substations
- D. Neighborhood news carrier distribution centers
- E. Police stations and fire stations
- F. Post offices, but excluding major mail-processing centers

03.07 Commercial Activities; Class and Types

03.07.010 Activity Type - Animal Care Commercial Activities: Include the provision of animal care, treatment, and boarding services.

03.07.020 Activity Type - Automotive Parking Commercial Activities: Includes the parking and storage of motor vehicles. This does not include the storage of scrap automobiles.

03.07.030 Activity Type - Automotive Repair and Cleaning Commercial Activities: Includes the major repair or painting of motor vehicles, including body work and installation of major accessories, as well as the washing and polishing of motor vehicles.

03.07.040 Activity Type - Vehicular, Craft and Related Equipment Sales and Rental Commercial Activities: Includes the retail or wholesale sale or rental, from the premises, of vehicular and related equipment, with incidental maintenance.

03.07.050 Activity Type - Automotive Servicing Commercial Activities: Include the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, including sale of petroleum products together with sale and servicing of tires, batteries, automotive accessories, and replacement items, lubricating services, and performance of minor repairs.

03.07.060 Activity Type - Business and Communication Service Commercial Activities: Includes the provision of services of a clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, limited to a maximum of 2,500 square feet of floor space, but excluding the printing of books, other than pamphlets and small reports. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this Ordinance.

03.07.070 Activity Type - Construction Sales and Service Commercial Activities: Includes the construction and incidental storage activities performed by construction on zone lots other than construction sites, as well as the retail or wholesale sales, from the premises of materials used in the construction of buildings or other structures.

03.07.080 Activity Type - Consumer Laundry and Repair Service Commercial Activities: Include the cleaning or repair of personal apparel and household appliances, furniture, and similar items, other than services listed in Convenience Sales and Service Commercial, but exclude repair of motor vehicles and of structures.

03.07.090 Activity Type - Convenience Sales and Services Commercial Activities: Includes the retail sale, from the premises, of drugs and other frequently needed small personal convenience items such as toiletries, tobacco, magazines, and limited grocery items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber and beauty care and self-service gasoline as an accessory item to another use; and include shoe shining and operation of self-service laundromats and laundry or dry cleaning pick-up stations but exclude other apparel cleaning and repair services. No establishment shall exceed 5,000 square feet of gross floor area.

03.07.100 Activity Type - Financial, Consultive, and Administrative Commercial Activities: Include the provision of financial, insurance, and real estate brokerage services, as well as the provision of advice, designs, information, or consultations of a professional nature (other than the services classified as Community Facility Activities or described as Medical Service, Business and Communication Services or Research Center). They also include the executive, management, administrative, and desired activities of private, profit oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this Ordinance.

03.07.110 Activity Type - Food Service Commercial Activities: Includes the retail sale of prepared food or beverages for primarily on-premises consumption on the same zone lot, but not to be consumed within a parked car.

03.07.120 Activity Type - Food Service Drive-in Commercial Activities: Includes the retail sale of prepared food or beverages for either home or on-premises consumption, which may be either consumed within a parked car on the same zone lot or within the principal structure on the zone lot.

03.07.130 Activity Type - General Personal Services Commercial Activities: Include the provision to individuals of informational, instructional, and other services not including Financial, Consulting and Administrative Services, Group Assembly, or Transient Habitation or services classified as Community Facilities. The activities do not include the storage of goods or chattels for the purpose of sale unless otherwise permitted by other provisions of this Ordinance.

03.07.140 Activity Type - General Retail Sale and Service Commercial Activities: Include the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services consisting primarily of items such as commercial amusements or food products sales other than those described as Food Service, Food Service - Drive-in or Convenience Sales and Service Commercial Activities, but exclude sale or rental of motor vehicles, except for parts and accessories, and sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware.

03.07.150 Activity Type - Group Assembly Extensive Commercial Activities: Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to assembled groups of spectators or participants numbering 500 or more.

03.07.160 Activity Type - Group Assembly Limited Commercial Activities: Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to assembled groups of spectators or participants smaller than 500 in number.

03.07.170 Activity Type - Medical Service Commercial Activities: Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as the provision of medical testing and analysis services.

03.07.180 Activity Type - Research Service Commercial Activities: Include research of an industrial or scientific nature, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm.

03.07.190 Activity Type - Retail Business Supply Commercial Activities: Includes the retail sale or rental from the premises, primarily to firms and other organizations using the goods rather than to individuals, of office equipment and supplies and similar goods, together with the provisions of incidental maintenance services; but exclude sale or rental of motor vehicles, except for parts and accessories, and sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware.

03.07.200 Activity Type - Scrap Operation Commercial Activities: Include the storage and sale, from the premises, of used waste materials or other items except when such activities are incidental to a manufacturing operation.

03.07.210 Activity Type - Transient Habitation Commercial Activities: Includes the provision of lodging services to transient guests, having at least 70 percent of its accommodation available on a less-than-weekly basis.

03.07.220 Activity Type - Transport and Warehousing Commercial Activities: Includes the provision of warehousing and storage, freight handling, shipping, and trucking services.

03.07.230 Activity Type - Undertaking-Service Commercial Activities: Includes the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

03.07.240 Activity Type - Wholesale Sales Commercial Activities: Include the storage and sale, from the premises, of goods to other firms for resale, as well as the storage of goods on the premises and their transfer therefrom to retail outlets of the same firm; but exclude sale or storage of motor vehicles, except for parts and accessories, sales or storage of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware, and sale of fuels, including coal and oil.

03.07.250 Activity Type - Limited Newspaper and Periodical Printing: Include the layout, printing, sales and distribution operations for a newspaper, magazine or other periodical, with the physical space for the printing limited to 15,000 square feet.

03.07.260 Activity Type - Limited Retail Sales Activities: Drug Stores or apothecaries that have full time pharmacist(s) during operating hours. Retail flower and/or gift shops.

03.07.270 Activity Type - Limited Warehousing Commercial Activities: Include the provision of storage facilities for individuals and small businesses with the size of each storage unit being limited to a maximum of 500 square feet and the facilities designed to prohibit the use by and generation of heavy or semi-truck traffic and prohibit retail sales or retail activities on the site. An on-site apartment may be permitted for security purposes.

03.08 Manufacturing Activities; Class and Types

This section describes the major class of Manufacturing Activities and its constituent types. Manufacturing Activities include the on-site production of goods by methods other than agriculture and extractive in nature. They also include certain activities accessory to the above.

03.08.010 Activity Type - Limited Manufacturing Activities:

The following activities and operations are included in Limited Manufacturing Activities:

A. The Manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

- Apparel accessories, such as hats, jewelry, umbrellas; not including footwear
- Art Objects
- Bakery Goods
- Beverages (non-alcoholic)
- Dairy Products
- Instruments for Medical, Dental, Engineering, Scientific, and Other Professional Purposes
- Optical Instruments and Lenses
- Printed Matter
- Signs

B. Activities and operations which include the following:

- Book Binding
- Data Processing Service
- Photocopying
- Photoengraving
- Precision Machining of Dies, Jigs, and Fixtures
- Printing
- Publishing
- Record Pressing
- Upholstering

03.08.020 Activity Type - Intermediate Manufacturing Activities: Intermediate Activities include the following:

A. The manufacture, compounding, assembling, packaging, treatment or fabrication of products except for the following:

- Cotton Seed Oil*
- Explosives
- Fireworks
- Organic Fertilizers

B. Other activities and operations except for the following:

Abrasive, Asbestos, and Non-metallic Mineral Processing*
Arsenals
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards
Cement and/or Concrete Plants
Chemical Manufacturing in excess of 1 ton per day
Cotton Ginning*
Fat Rendering
Foundries
Grain Milling
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Radioactive Materials Waste Handling
Rock Crushing
Rolling and Finishing of Ferrous Materials*
Slaughtering of Animals
Smelting and Refining of Metals and Alloys*
Steel Works (other than those listed)
Tanning
Waste Disposal by Compacting or Incineration, as a principal use

* These activities may be considered as Intermediate Manufacturing Activities if conducted in completely enclosed structures and meet the Performance Standards applicable in the IR (Industrial Restrictive District).

03.08.030 Activity Type - Extensive Manufacturing Activities: Extensive Manufacturing Activities (described in Section 03.08.020) and the exceptions listed above, except as follows:

Arsenals
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards
Chemical Manufacturing in excess of 1 ton per day
Explosive Manufacturing and Storage
Fat Rendering

Fireworks Manufacturing
Hazardous Wastes Storage and/or Transfer
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Radioactive Waste Handling
Slaughtering of Animals
Tanning

03.09 Agricultural Activities; Class and Types

03.09.010 Activity Type - Crop and Animal Raising Agricultural Activities: Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fibers, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots.

03.09.020 Activity Type - Plant Nursery Agricultural Activities: Include the cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental, landscaping purposes.

03.10 Administrative Standards

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

ARTICLE 3.00 AMENDMENTS

Section	Ordinance #	Date
03.08.030	O0111-064	12/18/01
03.05.040.A	O0911-83	01/19/10
03.05.040.B	O0911-83	01/19/10
03.05.040.C	O0911-83	01/19/10
03.02.050	O0911-84	03/02/10
03.04.020	O0911-84	03/02/10
03.04.030	O0911-84	03/02/10
03.09	O0911-84	03/02/10
03.09.030	O0911-84	03/02/10
03.02.020	O1005-38	07/20/10
03.06.080	O1005-38	07/20/10

ARTICLE 4.00
LEGAL STATUS AND PROVISIONS

04.01 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, morals and welfare.

04.02 Relationship to Other Laws and Private Restrictions

04.02.01 Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or any other law, or ordinance, of any kind, the provisions which are more restrictive shall apply.

04.02.02 This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance to the extent that they are more restrictive shall govern.

04.03 Ordinance Provisions Do Not Constitute Permit

Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property or locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity.

04.04 Provisions Are Cumulative

The provisions of this Ordinance are cumulative with any additional limitations imposed by all other laws and Ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this Ordinance.

04.05 Separability

It is hereby declared to be the intention of the Mayor and Aldermen of the City of Gallatin, Tennessee, that the several provisions of this Ordinance are separable in accordance with the following:

04.05.010 If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

04.05.020 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

04.06 Application of Regulations

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication, authorized by this Ordinance. Conditional uses are allowed only on permit granted by the Board of Zoning Appeals upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

04.07 Scope of Regulations

04.07.010 New Uses, Lots, Buildings or Other Structures

Upon the effective date of this Ordinance any new building or other structure or any tract of land shall be used, constructed, or developed only in accordance with the use, bulk and all other applicable provisions of this Ordinance.

04.07.020 Existing Uses, Lots, Buildings, or Other Structures

- A. Any existing use legally established prior to the effective date of this Ordinance which does not comply with its provisions shall be subject to the non-conforming use provisions in Article 14.00 of this Ordinance.
- B. Any existing lot, parcel, building, or other structure legally established prior to the effective date of this Ordinance which does not comply with its provisions, other than use provisions, shall be subject to the non-complying regulations in Article 14.00 of this Ordinance.

04.07.030 Alteration of Existing Buildings and Other Structures

All structural alteration or relocation of existing buildings or structures occurring after the effective date of this Ordinance and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

04.08 Exceptions, Variances and Conditional Uses

Whenever the Zoning Ordinance in effect at the time of adoption of this Ordinance has authorized any use which is not permitted as of right by issuing a variance, exception, or permit to locate in a district, such authorization may be continued, changed, extended, enlarges, or structurally altered only as set forth in Section 15.06.

04.09 Renewals

Where no limitation of the use was imposed at the time of authorization, such use may be continued. Where such use was authorized subject to a term of years, such use may be continued until the expiration of the term, and thereafter, the agency or similar constituted agency which originally authorized such use may, in appropriate conditions and safeguards to minimize adverse effects of such use on the character of the neighborhood.

04.10 Change of Use

In no event shall such use be changed, and no agency shall be empowered to permit such use to be changed, except to a conforming use or non-conforming use as provided for in Section 15.06. For the purposes of this section, a change of use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change in use.

04.11 Effective Date

This Ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it.

Approved and Certified by Planning Commission

Rosemary D. Bales
Secretary of Planning Commission
7-13-98

[Signature]
Chairman
7-13-98

ATTEST:

Sharon Burton

7/13/98
Date

Approved on Final Reading

Connie Kittrell
City Recorder

[Signature]
Mayor
7-14-98
Date

ARTICLE 5.00
ESTABLISHMENT OF DISTRICTS AND
PROVISIONS FOR OFFICIAL ZONING MAP

05.01 Regular Districts

In order to implement all purposes and provisions of this Ordinance, the following districts are hereby established:

05.01.010 Residential Districts

- A - Agricultural District
- R-40 - Low Density Residential District
- R-20 - Low Density Residential District
- R-15 - Low/Medium Density Residential District
- R-10 - Medium Density Residential District
- R-8 - Medium Density Residential District
- R-6 - High Density Residential District
- PRD - Planned Residential Development District

05.01.020 Commercial Districts

- CC - Core Commercial District
- CG - Commercial General District
- CS - Commercial Services District
- CSL - Commercial Services Limited District
- PNC - Planned Neighborhood Commercial District
- PGC - Planned General Commercial District

05.01.025 Mixed Use Districts

- GO - General Office District
- OR - Office Residential District
- MU - Mixed Use District
- MRO - Multiple Residential and Office District
- MPO - Medical-Professional Office District
- MUG - Mixed Use General District
- MUL - Mixed Use Limited District
- SP - Specific Plan District

05.01.030 Industrial Districts

- IR - Industrial Restrictive District
- IG - Industrial General District
- PBP - Planned Business Park District

05.01.040 Special Districts

The following are hereby established as special districts which are applicable to the provisions set forth in this Ordinance.

- FWD - Floodway Districts
- FFD - Flood Fringe Districts
- H1 - Historic District
- AO - Airport Overlay District

05.02 Provisions for Official Zoning Maps

05.02.010 Incorporation of Maps

The boundaries of districts established by this Ordinance are shown on the Official Zoning Maps which are hereby incorporated into the provisions of this Ordinance. The zoning maps in their entirety, including all amendments shall be as much as part of this Ordinance as if fully set forth and described herein.

05.02.020 Identification and Alteration of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Recorder, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Article 5.00 of Ordinance Number 079-02 of the City of Gallatin, Tennessee,” together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and Section 13-704, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the Official Zoning Maps, after the amendment has been approved by the Mayor and Aldermen by official action of the Mayor and Aldermen, the following (change) changes were made in the Official Zoning Map: “(brief description of the nature of change),” which entry shall be signed by the Mayor and attested by the City Recorder.

No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 15.08.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located

in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

05.02.030 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Aldermen may by Ordinance adopt a new Official Zoning Map which shall supersede the prior Zoning Map. The New Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Recorder, and bearing the seal of the city under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted January 18, 1972, as part of Ordinance No. 072-45 of the City of Gallatin, Tennessee.”

All prior Official Zoning Maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendment.

05.03 Rules for Interpretation of District Boundaries

When uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following shall apply:

- 05.03.010 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 05.03.020 Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines;
- 05.03.030 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 05.03.040 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 05.03.050 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 05.03.060 Boundaries indicated as parallel to or extensions of features indicated in Section 05.03.010 through Section 05.03.050 shall be so construed. Distances

not specifically indicated on the Official Zoning Map shall be determined by the scale of map.

05.03.070 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 05.03.010 through Section 05.03.060, the Board of Appeals shall interpret the district boundaries.

05.03.080 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot not to exceed 500 feet beyond the district line into the remaining portion of the lot.

05.04 Application of District Regulations

05.04.010 General District Regulations

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located,

B. No building or other structure shall hereafter be erected or altered:

1. to exceed the height or bulk,
2. to accommodate or house a greater number of families,
3. to occupy a greater percentage of lot area,
4. to have narrower or smaller rear yards, front yards, side yards or other open space,

than herein required; or in any other manner contrary to the provisions of this Ordinance.

C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE 5.00 AMENDMENTS

Section	Ordinance #	Date
05.02.030	O09806-035	07/7/98 *
05.01.020	O9902-013	03/2/99
05.01.040	O0802-16	04/21/09
05.01.020	O01103-17	05/17/11
05.01.025	O01103-17	05/17/11

* - notified on 7/7/2008 that the amendment approved on 7/7/98 was not incorporated

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;

- 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

06.03 R40 Low Density Residential Districts

06.03.010 Purpose and Intent of R40 Low Density Residential Districts

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single-family detached dwellings and accessory structures. 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 residential environment without creating objectionable or undesirable influences upon residential developments. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics, whether operated for profit or otherwise, and that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

06.03.020 Uses and Structures

A. Principal Permitted Uses and Structures - Within the R40 Low Density Residential Districts as shown on the Gallatin Zoning Map, the following activities as described in Section 03.05:

Residential Activities
Dwelling One-Family Detached

Community Facility Activities
Essential Services

Agricultural Activities
Crop and Animal Raising

B. Permitted Accessory Uses

1. Living quarters of persons regularly employed on the premises;
2. Private stables and other farm buildings;
3. Private garages and parking areas
4. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
5. Signs complying with applicable regulations set forth in Section 13.07;
6. Home occupations as defined and subject to the provisions of this Ordinance:

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

C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06

Community Facility Activities

- Limited Child and Adult Care
- Nursing Home
- Community Assembly
- Non-assembly Cultural
- Utility and Vehicular
- Intermediate Impact
- Place of Worship
- Community Education
- Bed and Breakfast Home
- Assisted Living Facility

Agricultural Activities

- Plant Nursery

D. Prohibited Uses - Any use or structures not of a nature specifically permitted herein by right, by accessory use, or by conditional use.

06.03.030 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 developments, enlargements 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 R40 Districts, the minimum required lot area shall be 40,000 square feet.
- B. Maximum Lot Coverage Permitted - Within the R40 Districts, the maximum zone lot coverage for all structures, including accessory structures, shall not exceed fifteen (15) percent of the total lot area.
- C. Maximum Floor Area Ratio - Within the R40 Districts, the maximum floor area ratio shall be .15.

06.03.040 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 intersection, adjustments for lot area remainder,

exceptions to these provisions and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.

- B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R40 Districts, except as provided in Section 12.12.
1. Front Yards - In all R40 Districts, front yards shall be a minimum of fifty (50) feet.
 2. Side Yards - In all R40 Districts, side yards shall be a minimum of twenty (20) feet.
 3. Rear Yards - In all R40 Districts, rear yards shall be a minimum of thirty (30) feet.
 4. Minimum Lot Width - In all R40 Districts, the minimum lot width at the building line shall be one- hundred-twenty (120) feet.

06.04 R20 Low Density Residential Districts

06.04.010 Purposes and Intent of R20 Low Density Residential Districts

These districts are designed to provide suitable areas for low density residential development characterized by an open appearance. Generally, the residential development will consist of single family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments. Further, it is the intent of this Ordinance that these districts be located so that the provision of appropriate urban services will be physically and economically facilitated and so that provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this Ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit, or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

06.04.020 Uses and Structures

A. Principal Permitted Uses and Structures - Within the R20 Low Density Residential Districts as shown on the Gallatin Zoning Map, the following activities as described in Section 03.05 are permitted:

Residential Activities
Dwelling One-Family Detached

Community Facility Activities
Essential Services

B. Permitted Accessory Uses

1. Private garages and parking areas;
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07;
4. Home occupations as defined and subject to the provisions of this Ordinance;
5. Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Community Facility Activities
Place of Worship
Community Education
Utility and Vehicular
Intermediate Impact
Bed and Breakfast Home

D. Prohibited Uses - Any use not allowed by right, by accessory use or conditional use is prohibited in the R20 Low Density Residential District.

06.04.030 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 developments, enlargements, extensions or conversions located in any R20 District.

A. Minimum Required Lot Area - Within the R20 District, the minimum required lot area shall be 20,000 square feet.

B. Maximum Lot Coverage Permitted - Within R20 Districts, the maximum zone lot coverage for all structures, including accessory structures, shall not exceed twenty (20) percent of the total lot area.

C. Minimum Development Area Per Dwelling Unit - Within the R20 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 15,000 square feet per dwelling unit.

D. Maximum Floor Area Ratio - Within R20 Districts, the maximum floor area ratio shall be .20.

06.04.040 Yard Requirements

A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstruction prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.

B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R20 Districts, except as provided in Section 12.12.

1. Front Yards - In all R20 Districts, front yards shall be a minimum of forty (40) feet.

2. Side Yards - In all R20 Districts, side yards shall be a minimum of fifteen (15) feet, except as provided in Sections 12.05 and 12.12.

3. Rear Yards - In all R20 Districts, rear yards shall be a minimum of thirty (30) feet.
4. Minimum Lot Width - In all R20 Districts, the minimum lot width at the building line shall be one- hundred (100) feet.

06.05 R15 Medium Density Residential Districts

06.05.010 Purpose and Intent of R15 Medium Density Residential Districts

These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities will be physically and economically facilitated. Generally, these districts will be characterized by single family detached dwellings with other type dwellings located within the R15 districts where urban services and facilities are adequate to meet all demands and such other structures as are necessary thereto. These districts also include community facilities, public utilities, and open uses which service specifically the residents of these districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this Ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or other wise, except that conditional-uses and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this Ordinance.

06.05.020 Uses and Structures

A. Principal Permitted Uses and Structures - Within the R15 Medium Density Residential Districts as showing on the Gallatin Municipal Regional Zoning Maps, the Following activities as described in Section 03.05 are permitted:

Residential Activities

Dwelling One-Family Detached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses

1. Private garages and parking areas;
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07
4. Customary home occupations as defined and subject to the provisions of this Ordinance;
5. Accessory uses or structures customarily incidental to the above permitted uses.

- C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities

- Multi-Family
- Bed and Breakfast Home

Community Facility Activities

- Place of Worship
- Community Education
- Utility and Vehicular
- Intermediate Impact

- D. Prohibited Uses - Any use not allowed by right, by accessory use, or conditional use is prohibited in the R15 Medium Density Residential Districts.

06.05.030 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 developments, enlargements, extensions or conversions located in any R15 District.

- A. Minimum Required Lot Area - Within the R15 Districts, the minimum required lot area shall be 15,000 square feet.
- B. Maximum Lot Coverage Permitted - Within R15 Districts, the maximum zone lot coverage for all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total lot area.
- C. Minimum Development Area Per Dwelling Unit - Within R15 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 11,250 square feet per dwelling unit.
- D. Maximum Floor Area Ratio - Within R15 Districts, the maximum floor area ratio shall be .24.

06.05.040 Yard Requirements

- A. General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstruction prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions, and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.
- B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R15 Districts, except as provided in Section 12.12.

1. Front Yards - In all R15 Districts, front yards shall be a minimum of forty (40) feet.
2. Side Yards - In all R15 Districts, side yards shall be a minimum of ten (10)feet, except as provided in Section 12.05.
3. Rear Yards - In all R15 Districts, rear yards shall be a minimum of twenty-five (25) feet.
4. Minimum Lot Width - In all R15 Districts, the minimum lot width at the building line shall be seventy-five (75) feet.

06.06 R10 Medium Density Residential Districts

06.06.010 Purpose and Intent of R10 Medium Density Residential Districts

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. All types of residential activities are permitted. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This class of district is intended also to permit community facility and public utility installations which are necessary to service and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this Ordinance to exclude from this class of district all buildings or other structure and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that conditional uses and home occupations specifically provided for in these regulations for this class of district shall be considered as not having such characteristics if they otherwise conform to the provision of this Ordinance.

06.06.020 Uses and Structures

A. Principal Permitted Uses and Structures - Within the R10 Medium Density Residential Districts as shown on the Gallatin Municipal Zoning Map, the following activities as described in Section 03.05 are permitted:

Residential Activities

Dwelling One-Family Detached

Dwelling Attached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses and Structures

1. Private garages and parking areas;
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07;
4. Home occupations as defined and subject to the provisions of this Ordinance;
5. Accessory uses or structures customarily incidental to the above permitted uses.

- C. Conditional Uses - The Following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities

- Dwelling Multi-Family
- Dwelling Two Family - Duplex
- Bed and Breakfast Home

Community Facility Activities

- Place of Worship
- Community Education
- Utility and Vehicular
- Intermediate Impact
- Community Assembly
- Limited Child and Adult Care

- D. Prohibited uses - Any use not permitted by right, by accessory use, or conditional use is prohibited in the R10 Medium Density Residential Districts.

06.06.030 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 developments, enlargements, extensions or conversions located in any R10 District.

- A. Minimum Required Lot Area - Within the R10 Districts, the minimum required lot area shall be 10,000 square feet.
- B. Maximum Lot Coverage - Within R10 Districts, the maximum zone lot coverage for all building, structures, including accessory structures, shall not exceed forty (40) percent of the total lot area.
- C. Minimum Development Area Per Dwelling Unit - Within R10 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than seven thousand five hundred (7,500) square feet per dwelling unit.
- D. Maximum Floor Area Ratio - Within R10 Districts, the maximum floor area ratio shall be .32.

06.06.040 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, exceptions to these provisions, and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.

B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R10 Districts, except as provided in Section 12.12.

1. Front Yards - In all R10 Districts, front yards shall be a minimum of twenty-five (25) feet.
2. Side Yards - In all R10 Districts, side yards shall be a minimum of ten (10) feet, except as provided in Section 12.05.
3. Rear Yards - In all R10 Districts, rear yards shall be a minimum of fifteen (15) feet.
4. Minimum Lot Width - In all R10 Districts, the minimum lot width at the building line shall be sixty (60) feet.

06.07 R8 Medium Density Residential District

06.07.010 Purpose of the R8 - Medium Density Residential District

The R8 District is intended to provide medium density residential neighborhoods with single-family characteristics, while also allowing considerable latitude in the physical design of housing. Generally, this district will permit single-family detached and attached residential and townhouses, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

06.07.020 Uses and Structures

A. Principal Permitted Uses and Structures - Within the R8 Medium Density Residential Districts as shown on the Gallatin Municipal Zoning Map, the following activities as described in Section 03.05 are permitted:

Residential Activities

Dwelling One-Family Detached

Dwelling Attached

Community Facility Activities

Essential Services

B. Permitted Accessory Uses and Structures

1. Private garages and parking areas;
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07;
4. Home occupations as defined and subject to the provisions of this ordinance;
5. Accessory uses or structures customarily incidental to the above permitted use.

C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities

Dwelling Multi-Family

Bed and Breakfast Home

Community Facility Activities
Place of Worship
Community Education
Utility and Vehicular
Intermediate Impact
Community Assembly
Limited Child and Adult Care

D. Prohibited Uses - Any use not permitted by right, by accessory use, or conditional use is prohibited in the R8 Medium Density Residential Districts.

06.07.030 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 developments, enlargements, extensions or conversions located in any R8 District.

- A. Minimum Required Lot Area - Within the R8 Districts, the minimum required lot area shall be 8,000 square feet.
- B. Minimum Development Area Per Dwelling Unit - Within R8 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 7,000 square feet per dwelling unit.
- C. Maximum Floor Area Ratio - Within R8 Districts, the maximum floor area ratio shall be .40
- D. Maximum Building Height – In all R8 Districts, the maximum building height shall be thirty-five (35) feet.
- E. Maximum Overall Density (Site) – In all R8 Districts, the maximum overall site density shall be 5.5 units per gross acre.
- F. Minimum Lot Width - In all R8 Districts, the minimum lot width at the building line shall be fifty-five (55) feet.

06.07.040 Yard Requirements

- A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstruction prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.

B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R8 Districts.

<u>Required Yard</u>	<u>Single Family Detached</u>	<u>Single Family Attached</u>	<u>All Other Uses</u>
1. Front Yard	20	20	25
2. Interior Side Yard	10*	10 feet on yard opposite common wall	10
3. Street Side Yard	12*	10	10
4. Rear Yard	15	15	25

* The total sum of all required side yards shall be a minimum of eighteen (18) feet.

06.07.050 Additional Site Development Regulations

- A. Preliminary Master Development Plan Approval Required: The establishment of the R8 zoning district shall be based upon the submission and approval of a preliminary master development plan according to provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed R-8 District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the R-8 District.
- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a R8 District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- C. Additional Site Design Standards: All developments occurring within a R8 District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

06.07.060 Use of Zero Lot Line in One-Family Detached Dwellings in R8 District

Within a common development, one (1) interior side yard may be equal to zero for one-family detached residential use, subject to the following additional regulations:

- A. The side yard opposite to the zero yard must equal at least 16 feet.
- B. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

- C. An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the Codes/Planning Department at the time of application for a building permit.

06.07.061 One-Family Dwelling Attached in the R-8 District

One-family attached dwelling units are permitted in this district, subject to the following additional regulation:

- A. The side yard opposite to the common wall must be equal to at least ten (10) feet.

06.07.062 Townhouse Residential in the R-8 District

Townhouse residential is permitted in this district, subject to the following additional regulations:

- A. A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.
- B. The site area per unit for any common townhouse development must equal at least six thousand five hundred (6,500) square feet.
- C. The minimum size for any townhouse lot sold individually shall be five thousand (5,000) square feet.
- D. The minimum width for any townhouse lot sold individually shall be twenty (20) feet.
- E. The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of .40 (.40 square feet of building area per one (1) square foot of site/lot area), and the overall floor area ratio of the entire common development shall not exceed .40. Furthermore, in no case shall the total aggregate number of townhouses and condominiums in a R-8 District exceed 30 percent of the total number of residential units proposed in the same R-8 District.

06.08 R6 High Density Residential District

06.08.010 Purpose of the R6 - High Density Residential District

The R-6 District is intended to provide locations for higher density, multiple family housing in the approximate range of 7 to 15 dwelling units per gross acre of site area. It is not the intent of this Ordinance, however, to restrict in number the dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The R-6 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity uses; developing area of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

06.08.020 Permitted Uses

- A. Principal Permitted Uses and Structures - Within the R6 High Density Residential Districts as shown on the Gallatin Municipal Zoning Map, the following activities as described in Section 03.05 are permitted:

Residential Activities

- Dwelling Multi-Family
- Dwelling One-Family Detached
- Dwelling Two-Family Detached - Duplex
- Dwelling Attached

Community Facility Activities

- Essential Services

- B. Permitted Accessory Uses and Structures

1. Private Garages and parking areas:
2. Private swimming pools, tennis courts, and other outdoor recreation facilities exclusively for the use of the residents;
3. Signs complying with applicable regulations set forth in Section 13.07;
4. Home occupations as defined and subject to the provisions of this Ordinance;
5. Accessory uses or structures customarily incidental to the above permitted uses.

C. Conditional Uses

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

Residential Activities

- Mobile Home Park
- Bed and Breakfast Home

Community Facility Activities

- Place of Worship
- Community Education
- Utility and Vehicular
- Intermediate Impact
- Community Assembly
- Limited Child and Adult Care

D. Prohibited Uses

Any use not permitted by right, by accessory use, or conditional use is prohibited in the R6 High Density Residential Districts.

06.08.030 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 developments, enlargements, extensions or conversions located in any R6 District.

- A. Minimum Required Lot Area - Within the R6 Districts, the minimum required lot area shall be 6,000 square feet.
- B. Minimum Development Area Per Dwelling Unit - Within R6 Districts, no dwelling unit shall be permitted on a zone lot with a total development area of less than 2,200 square feet per dwelling unit.
- C. Maximum Floor Area Ratio - Within R6 Districts, the maximum floor area ratio shall be 1.0
- D. Maximum Overall Density (Site) – In all R6 Districts, the maximum overall site density shall be 15.0 units per gross acre.
- E. Minimum Lot Width - In all R6 Districts, the minimum lot width at the building line shall be forty-five (45) feet.

06.08.040 Yard Requirements

- A. General Provisions - General provisions applicable to all residential districts concerning visibility at intersections, permitted obstructions in required yards, obstruction prohibited at street intersections, adjustments for lot area remainder, exceptions to these provisions and other regulations are contained in Articles 12.00 and 13.00 of this Ordinance.
- B. Basic Provisions - The basic yard regulations appearing below apply to all zone lots located within R6 Districts.

<u>Required Yard</u>	<u>Single Family Detached</u>	<u>Single Family Attached</u>	<u>All Other Uses</u>
1. Front Yard	20	20	25
2. Interior Side Yard	5*	10 feet on yard opposite common wall	10
3. Street Side Yard	8*	10	10
4. Rear Yard	20	20	25

* The total sum of all required side yards shall be a minimum of sixteen (16) feet.

06.08.050 Additional Site Development Regulations

- A. Preliminary Master Development Plan Approval Required: The establishment of the R6 zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed R6 District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the R6 District. A preliminary master development plan is not required for property zoned R6 prior to July 14, 1998.
- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a R6 District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- C. Additional Site Design Standards: All developments occurring within a R6 District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.
- D. One-Family Detached Dwelling Unit Exclusion: One-family detached dwelling units shall be exempt from the preliminary master development plan requirements when there are twenty (20) or fewer single-family units.

06.08.060 Use of Zero Lot Line in One-Family Detached Dwellings in R6 District

Within a common development, one (1) interior side yard may be equal to zero for one-family detached residential use, subject to the following additional regulations:

- A. The side yard opposite to the zero yard must equal at least 10 feet.
- B. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.
- C. An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the Codes/Planning Department at the time of application for a building permit.

06.08.061 One-Family Attached Dwellings in the R6 District

One-family attached dwelling units are permitted in this district, subject to the following additional regulations:

- A. Minimum lot area is six thousand (6,000) square feet for an entire structure and four thousand (4,000) square feet for any one (1) dwelling unit sold individually.
- B. Minimum lot width shall be sixty (60) feet for an entire structure and thirty (30) feet for any one (1) dwelling unit sold individually.
- C. The side yard opposite to the common wall must be equal to at least eight (8) feet.

06.08.062 Townhouse Residential in the R6 District

Townhouse residential is permitted in this district, subject to the following additional regulations:

- A. A maximum of eight (8) townhouse units may be attached in any one (1) townhouse structure.
- B. The site area per unit for any common townhouse development must equal at least two thousand two hundred (2,200) square feet.
- C. The minimum size for any townhouse lot sold individually shall be fifteen hundred (1,500) square feet.
- D. The minimum width for any townhouse lot sold individually shall be twenty (20) feet.
- E. The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. The entire common development and/or a single lot within the common development cannot exceed the maximum floor area ratio of 1.00 (1.00 square feet of building area per one (1) square foot of site/lot area).

06.09 Basic Provisions of the PRD Planned Residential Development District

06.09.010 Purpose

The purposes of the Planned Residential Development District are:

- A. Encourage a variety and flexibility in land development and land use for residential areas.
- B. Provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis.
- C. Provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demand on planned and existing public facilities.
- D. Provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- E. Encourage the efficient use of those public facilities required in connection with new residential development.
- F. Encourage innovations in urban/suburban design and the application of sound design principles.

06.09.020 Previously Approved Residential PUD's Applicability to the New Planned Residential Development District

Any project lawfully approved under the provisions of a Planned Unit Development zone (of this or any other government entity) is hereby approved under their original conditions and are hereby made an overlay of the zoning map of Gallatin as a part of this Ordinance for a period not to exceed two (2) years from the date of the enactment of this Ordinance. If no final plan approval or building permit is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regards to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

Furthermore, for all previously approved Residential PUD Districts (or portions thereof), which have not received final plan approval prior to the enactment of this Ordinance, the design standards and regulations contained in Articles 12.00 and 13.00 shall be applied to and required of these developments. A revised preliminary master development plan indicating the proposal's conformance with the new design standards contained herein shall be submitted and approved prior to the review and approval of a final master development plan for the proposed development or any portion thereof.

06.09.030 *Deleted Ordinance O1003-23*

06.09.040 Relationship to the Subdivision Regulations

The uniqueness of each proposal for a Planned Residential Development District may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Gallatin Regional Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the preliminary master development and final master development plan for a Planned Residential Development District and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the final master development plan.

06.09.050 Ownership and Division of Land

No tract of land may be considered for or approved as a Planned Residential Development District unless such tract is under the single ownership by a landowner. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract with the governing authority shall be considered landowners for the purposes of this section. Unless otherwise provided as a condition of approval of a Planned Residential Development District, the landowner of an adopted Planned Residential Development District may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master development plan.

06.09.060 Architectural Design

When the Planning Commission and/or Mayor and Aldermen have established architectural design as an integral part of the preliminary master development and final master development plans and stipulates architectural design principles and/or specific architectural design details, such principles and/or details shall be made a part of the preliminary master development and final master development plans and all zoning permits for the Planned Residential Development District. These design principles and details may be stipulated by Ordinance or through the restrictive covenants of the subject development or plat.

06.09.070 Application Process

- A. Preliminary Master Development Plan Approval Required: The establishment of the PRD zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed PRD District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the PRD District.
- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a PRD District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- C. Additional Site Design Standards: All developments occurring within a PRD District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

06.09.080 Permitted Uses in the Planned Residential Development District

The following regulations govern the permitted uses applicable to the Planned Residential Development District:

- A. Within a Planned Residential Development District applied to the following zone districts, A (Agricultural), R-40 (Residential Low Density), R-6 Residential High Density, and R-20 (Residential Low Density), the uses permitted shall be the same as those permitted in the underlying base district.
- B. The permitted uses within a R-15, R-10, and R-8 Planned Residential Development District shall include the following:
 - 1. Uses permitted in the underlying base zone district
 - 2. Multi-family housing, including condominium and townhouse structures provided that the total number of dwelling units of this type do not exceed 30 percent of the total number of dwelling units approved for the overall site.

06.09.090 Minimum Site Area

The minimum area of any Planned Residential Development District is 3 acres. This minimum may be waived by the Planning Commission or Mayor and Aldermen if they determine the development of a site is impossible without Planned Residential Development District designation.

06.09.100 Required Setbacks and Bufferyards

The required minimum building setbacks and lot widths are not restricted, provided that the maximum density of the Planned Residential Development District is not exceeded. However, the supplemental district regulations and provisions of Articles 11.00, 12.00, and 13.00 shall apply to all Planned Residential Development Districts.

06.09.110 Off-Street Parking Requirements

The parking requirements for a Planned Residential Development District shall be the same as those required of the original zone district.

06.09.120 Relationship to the Surrounding Residential Neighborhood

Planned Residential Development District developments shall be harmonious and not conflict with the surrounding residential neighborhood. It shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land uses in connection with the surrounding area. Use of landscaping, screening, open space, architectural compatibility measures, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.

06.09.130 Site Development Regulations for Planned Residential Development Districts Exclusively Involving One-Family Detached Subdivisions

The following density and bulk regulations shall apply to a Planned Residential Development District involving the subdivision of lots for sale with one-family detached units.

- A. The maximum lot coverage for each dwelling unit (including accessory buildings) shall be a percentage of the lot area and the maximum overall density shall be in terms of the number of dwelling units per gross acre of all the area within the Planned Residential Development District.
- B. A maximum building height of 35 feet (measured from an average ground elevation) may be permitted.
- C. Lot creation shall be taken from net usable square feet, which shall be derived by subtracting from the gross square footage of the Planned Residential Development District, the required amount of open space, and the actual amount of street right-of-way or street easement required. The remaining net area shall be usable land for proper lot layout.
- D. If a Planned Residential Development District embraces more than one (1) zoning district, thus permitting different minimum lot sizes, then the lot sizes and commensurate lot coverages shall be in conformity with the requirements of the district in which the lot lies. If the lot subdivision process yields lots crossing district

boundaries, the lot size and lot coverage may be an average of the applicable district requirements, weighted proportioned to the percent of the lot area within each district.

- E. The maximum permitted overall density, minimum open space and recreation space for the overall project, minimum lot size and maximum lot building cover for individual lots shall be as indicated in Table 06-01 of this Section entitled “Site Development Regulations for Planned Residential Development District with Single Family Units on Individual Lots.”

TABLE 06-01
SITE DEVELOPMENT REGULATIONS
FOR
PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS
WITH
SINGLE-FAMILY UNITS ON INDIVIDUAL LOTS

Base Zone District	Maximum Permitted Density Per Gross Acre	Required Open Space	Permitted Lot Coverage	Minimum Lot Size (square feet)
A	1.5	10%	40%	30,000
R-40	2.0	15%	40%	20,000
R-20	2.75	18%	43%	15,000
R-15	3.5	20%	43%	9,000
R-10	5.0	25%	45%	7,500
R-8	6.0	28%	45%	6,000
R-6	7.0	30%	45%	5,000

NOTE: Required bufferyard acreage (as defined in Section 13.04) can be used as required open space, provided the bufferyard is designated as common open space and is maintained in reasonable order by the Owner’s application.

06.09.140 Site Development Regulations for Planned Residential Development District with Mixed Building Types

The following regulations shall apply to a Planned Residential Development District characterized by mixed building types. These regulations shall apply to a Planned Residential Development District when the proposed development contains a combination of two (2) or more of the following building types:

- Detached buildings each containing only one dwelling unit;
- Townhouses or similar one-family semi-attached or attached buildings each containing only one dwelling unit;
- Buildings each containing more than three (3) dwelling units.

- A. The maximum overall densities for Planned Residential Development District developments shall be in terms of the number of dwelling units per gross acre of all the area within said development.
- B. The maximum floor area ratio shall be in terms of a ratio of total floor area per total site area within said development.
- C. Yard requirements for Planned Residential Development Districts are waived and the following minimum controls shall be applied:
 - 1. The minimum total recreation area (that part of the outdoor, open space area which is a relatively contiguous area for recreation purposes) shall be provided at no less than minimum ratio of recreation area per total site area.
 - 2. If a Planned Residential Development District development embraces one or more base zoning districts which require different maximum permitted densities, recreation areas and floor area ratios, these values shall be calculated separately for each distinct district, and a weighted average of each of these values shall be applied to the development.
 - 3. The maximum permitted overall density, minimum recreational area, maximum floor area ratio, and minimum lot size shall be as indicated in Table 06-02 of this Section entitled "Site Development Regulations for Planned Residential Development District with Mixed Building Types.
 - 4. Granting of Modifications - The Planning Commission and/or Board of Mayor and Alderman may approve modifications from the "Minimum Lot Size for One Family-Detached, One Family - Attached, Semi-Attached, Townhouse or Multifamily Units" and "Maximum F.A.R." regulations indicated in Table 06-02. Modifications may be approved as either part of the approval of the Preliminary Master Development Plan for the development, or the Planning Commission is authorized to approve exceptions as part of the approval of the Final Master Development Plan if the Planning Commission determines that the proposed modification represents a minor amendment to the Preliminary Master Development Plan. Modifications determined to represent major amendments to the Preliminary Master Development Plan must be approved by the Board of Mayor and Alderman according to the provisions specified in Section 12.02.050 of the Gallatin Zoning Ordinance.

Modifications may be granted by the City as deemed necessary or desirable in order to achieve the objectives of the planned residential development that would result in a more desirable site development than would result if the requirements of this Section were strictly adhered to. Modifications may be granted based upon sufficient justification and the determination that the modification will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. In granting modifications, the Board of Mayor and Alderman or the Planning Commission may impose additional conditions or

requirements which will substantially secure the objectives, standards, and requirements of this Ordinance.

TABLE 06-02
SITE DEVELOPMENT REGULATIONS
FOR PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
WITH MIXED BUILDING TYPES

Base Zone District	Maximum Overall Density	Minimum Recreational Area (1)	Maximum F.A.R. (2)	Minimum Lot Size for One Family Detached Units (S.F.) (2)	Minimum Lot Size for One Family - Attached, Semi-Attached, Townhouse or Multifamily Units (2)
R-15	3.5	25%	.40	9,000	7,000
R-10	5.0	25%	.45	7,500	6,000
R-8	6.5	28%	.50	6,000	5,500
R-6	18.0	35%	.50	5,000	2,000

NOTES:

- (1) Required Bufferyard acreage (as defined in Section 13.04) can be used as required open space and recreational area provided the bufferyard is designated as common open space and is maintained in reasonable order by the Owner's organization.
- (2) Modifications may be granted per Section 06.09.140.C.4.

ARTICLE 6.00 AMENDMENTS

Section	Ordinance #	Date
06.08.020	O0009-068	10/17/00
06.07	O0408-046	09/07/04
06.08	O0408-046	09/07/04
06.09	O0408-046	09/07/04
06.09.140.C.4	O0508-061	09/06/05
06.09.140 – Table 06-02	O0508-061	09/06/05
06.08.050	O0609-069	10/17/06
06.09.140.C.4	O0812-82	01/20/09
06.09.140 – Table 06-02	O0812-82	01/20/09
06.07.060.C	O0911-83	01/19/10
06.08.060.C	O0911-83	01/19/10
06.00	O0911-84	03/02/10
06.02.030	O0911-84	03/02/10
06.09.010.A	O1003-23	05/04/10
06.09.030	O1003-23	05/04/10
06.09.090	O1003-23	05/04/10
06.02.030.A	O1005-38	07/20/10
06.03.020.C	O1005-38	07/20/10
06.06.020.C	O1005-38	07/20/10
06.07.020.C	O1005-38	07/20/10
06.08.020.C	O1005-38	07/20/10

ARTICLE 7.00
PROVISIONS FOR MIXED-USE DISTRICTS

07.01 General Purpose of Mixed-Use Districts

The mixed-use districts established by this title are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. Toward the achievement of these goals, mixed-use districts have the following specific purposes and intents:

- 07.01.010 *Deleted – Ordinance O1003-23*
- 07.01.020 To provide the opportunity for the development of permanent residential activities that are spatially integrated either horizontally or vertically with the broadest possible range of compatible non-residential activities.
- 07.01.030 To ensure residential livability for permanent residential activities in a mixed-use area, to protect adjacent residential areas and to provide a harmonious and supportive relationship with all other adjoining uses.
- 07.01.040 To encourage permanent residential activities in mixed-use areas through the provision of development incentives.
- 07.01.050 To promote economic development and job opportunities combined with living arrangements that reduce reliance on automotive travel and parking needs and enhance mass transit usage.
- 07.01.060 To encourage the preservation and economical use of existing buildings that contribute to the historical or architectural character of a mixed-use area.
- 07.01.070 To ensure that the scale and intensity of mixed-use development are appropriately related to supporting public services and facilities.
- 07.01.080 To provide for compact, locational patterns of principal land uses within mixed-use districts in order to encourage pedestrian linkages and to provide for parking arrangements which do not interfere with this pattern.

7.02 Intent and Description of MRO Multiple Residential and Office District

This class of district is intended to provide adequate and suitable space in appropriate location for high-density residential areas. Characteristics of permitted residential developments are buildings designed for multiple dwelling units, or designed to be attached with party walls. Commercial developments, having a minimum of characteristics objectionable in a high density residential environment, are permitted, if the activities therein minimize direct contact with the ultimate consumers of goods or services, or do not principally involve the sale, transfer, storage, or processing in these districts of goods or chattels. However, a selective list of retail trade and personal service uses are permitted if their principal purpose is to serve the recurring needs of the occupants or employees of other permitted uses in this district. In addition, use of buildings and land is permitted for community facilities and utilities necessary for serving these districts or for general community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or they are extensions along major traffic arteries from areas used for more intensive commercial purposes.

07.02.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Multiple Residential and Office Districts as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family
- Dwelling, One-Family Detached
- Dwelling, Two-Family Detached

Community Facility Activities

- Administrative
- Community Assembly
- Community Education
- Essential Service
- Nursing Home – Including Assisted Living
- Non-assembly Cultural
- Place of Worship

Commercial Activities

- Business and Communication Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- Medical Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

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

Commercial Activity
Utility and Vehicular
Convenience Sales and Services
Undertaking Services
Group Assembly Extensive
Group Assembly Limited
Limited Retail Sales
Transient Habitation

Community Facility Activities
Intermediate Impact Community Facility
Limited Child and Adult Care

D. Prohibited Uses and Structures

Any use or structure not of a nature specifically permitted herein, and any use not conforming to the performance standards.

07.02.020 Residential Site Development Regulations

Permitted residential activities and developments in the MRO District shall be designed and developed according to the following regulations:

A. Bulk Regulations

1. Minimum Lot Area 6,000 sq. feet
2. Minimum Lot Width 60 feet

3. Minimum Building Setback

Yard	Single-Family Detached	Single-Family Attached	All Other Uses
Front	20 feet	20 feet	25 feet
Side	10 feet	10 feet on yard opposite common wall	10 feet
Rear	15 feet	15 feet	20 feet

4. Site Area Per Unit 3,000 sq. ft.
 5. Maximum Building Height 35 feet

07.02.030 Non-Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Lot Area 20,000 sq. ft.
2. Minimum Front Yard one half of the minimum building setback
3. Minimum Side Yard 10 feet
4. Minimum Rear Yard 20 feet
5. Minimum Building Setback
 - Street Classification
 - Arterial 50 feet
 - Collector 40 feet
 - Local 30 feet
6. Maximum Building Height 35 feet
7. Maximum Floor Area Ratio 0.5

07.02.040 Additional Site Development Regulations

A. Preliminary Master Development Plan Approval Required: The establishment of the MRO zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed MRO District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the MRO District. A preliminary master development plan is not required for property zoned MRO prior to July 14, 1998.

- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a MRO District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:

- C. Additional Site Design Standards: All developments occurring within a MRO District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

07.03 Intent and Description of MU Mixed Use District

The purpose of the Mixed Use (MU) land use classification is to provide for a long-term mixture of residential and non-residential uses in portions of the community adjacent to major transportation routes. This purpose is intended to be carried out through the reliance on a market-driven approach to the appropriate uses in the various MU locations by utilizing a flexible zoning technique that permits a market-driven approach but requires a master plan for each MU project site or location.

It is envisioned that MU land use areas target relatively large, contiguous land areas that can be developed according to a unified plan in a high-quality, master-planned setting rather than on a lot-by-lot basis. The uses and standards in this category are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of the area, enhance the natural or scenic qualities of the environment and protect the public health and safety.

07.03.010 Uses and Structures

Within the Mixed Use District, as shown on the Gallatin Municipal Regional Zoning Map and as delineated below and as described in Section 03.05 the following activities are permitted:

A. Permitted Uses

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family
- Dwelling, One-Family Detached
- Dwelling, Two-Family Detached

Community Facility Activities

- Administrative
- Community Assembly
- Community Education
- Essential Service
- Limited Child and Adult Care
- Non-assembly Cultural
- Nursing Home – Including Assisted Living
- Place of Worship
- Utility and Vehicular

Commercial Activities

- Business and Communications Service
- Financial, Consulting, and Administrative
- Food Service

General Retail Sales and Service – Excluding Manufactured Home Sales
 Facilities
 Limited Retail Sales Activities
 Medical Office/Service
 Research Service
 Transient Habitation
 Undertaking Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses

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

Community Facilities
 Intermediate Impact

Commercial Activities
 Convenience Sales and Service
 Food Service Drive In

07.03.020 Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Site Size (Entire Development) 5 acres
2. Minimum Lot Area 6,000 sq. feet
3. Minimum Lot Width 60 feet
4. Minimum Building Setback

<u>Yard</u>	<u>Single-Family Detached</u>	<u>Single-Family Attached</u>	<u>All Other Uses</u>
Front	20 feet	20 feet	25 feet
Side	10 feet	10 feet on yard opposite common wall	10 feet
Rear	15 feet	15 feet	20 feet

- 5. Site Area Per Unit 3,000 sq. ft.
- 6. Maximum Building Height 35 feet

07.03.030 Non-Residential Site Development Regulations

A. Bulk Regulations

- 1. Minimum Site Size (Entire Development) 5 acres
- 2. Minimum Lot Area 20,000 sq. ft.
- 3. Minimum Front Yard one half of the minimum building setback
- 4. Minimum Side Yard 10 feet
- 5. Minimum Rear Yard 20 feet
- 6. Minimum Building Setback
 - Street Classification
 - Arterial 50 feet
 - Collector 40 feet
 - Local 30 feet
- 7. Maximum Building Height 35 feet (may be increased by one foot for each additional foot provided for all setbacks)
- 8. Maximum Floor Area Ratio 1.0
- 9. Maximum Building Coverage 50 percent

07.03.040 Additional Site Development Regulations

- A. Preliminary Master Development Plan Approval Required: The establishment of the MU zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed MU District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the MU District.
- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a MU District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- C. Additional Site Design Standards: All developments occurring within a MU District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

7.04 Intent and Description of Existing Mixed-Use General (MUG) Districts Approved Prior to July 7, 1998

These provisions apply to only those Mixed-Use General Districts that were approved prior to July 7, 1998. No rezoning to Mixed-Use General District shall be approved after that date.

This district is designed to provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible nonresidential uses at low to moderate intensities. A high level of accessibility is a necessary locational requirement for this district due to the intensity of development expected. Appropriate locations include major highways which have undeveloped or intermittent developed land.

07.04.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Mixed-Use General Districts as shown on the Gallatin Municipal-Regional Zoning Map and as delineated below, as described in Article 3, the following activities are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family

Community Facility Activities

- Administrative
- Community Assembly
- Essential Service
- Limited Child and Adult Care
- Nonassembly Cultural
- Place of Worship

Commercial Activities

- Animal Care
- Automotive Servicing
- Business and Communication Service
- Consumer Laundry and Repair
- Convenience Sales and Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- General Retail Sales and Service
- Group Assembly-Extensive

Group Assembly-Limited
Medical Service
Research Service
Retail Business Supply
Transient Habitation
Undertaking Service
Vehicular, Craft, and Related Equipment Sales, Rental and Delivery
Limited Warehousing

Manufacturing Activities
Limited

Agricultural Activities
Plant Nursery

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07. Section 13.07.100 shall govern the amount of signage permitted;
2. Accessory off-street parking and loading facilities as required in Article 11 of this article;
3. Private swimming pools, tennis courts, and other recreational facilities exclusively for the use of the occupants of a residential activity;
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited.

C. Conditional Uses – The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities
Dwelling, One-Family Detached
Dwelling, Two-Family Detached
Mobile Home Park

Community Facility Activities
Community Education
Intermediate Impact
Nursing Home
Utility and Vehicular

Commercial Activities
Transport and Warehousing

D. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

07.04.020 Bulk Regulations

- A. Maximum Lot Coverage – 40 percent
- B. Maximum Floor Area Ratio - .50
- C. Minimum Development Area Per Dwelling Unit – 2,000 square feet
- D. Minimum Setback Line – 40 feet

07.04.030 Area Regulations

- A. Minimum Lot Area – 20,000 square feet
- B. Minimum Front Yard – 15 feet
- C. Minimum Side Yard – 15 feet
- D. Minimum Rear Yard – 15 feet

07.04.031 Height Regulation – Maximum Height 35 feet

07.04.040 Use of Required Yard

- A. Landscaping and Bufferyards – All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Article 13. The landscaping and bufferyard requirements shall be the same as those set out for the Mixed Use (MU) zone.
- B. Driveways – Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks – Provided that no sidewalk shall occupy more than half of any required yard.

07.04.050 Other Requirements

A. Exterior Storage

Exterior storage of goods, chattels, or materials and the placement of waste disposal facilities is permitted in the rear of the principal building only, or in the front of the principal building to the extent of 75% of the floor space of the principal building only, and such facilities shall be appropriately screened using materials which are complimentary to the site and other buildings.

07.04.060 Slopes

All cut and fill slopes in excess of 3:1 shall be properly stabilized as evidenced by a grading and revegetation plan or such slopes shall be reduced with retaining walls or similar treatment.

07.04.070 Proximity to Homes

No structure, parking, and activity employing from four (4) or more persons shall be located within 200 feet of an existing dwelling.

**07.05 Intent and Description of Existing Mixed-Use Limited (MUL) Districts
Approved Prior to July 7, 1998**

These provisions apply to only those Mixed-Use Limited Districts that were approved prior to July 7, 1998. No rezoning to Mixed-Use Limited District shall be approved after that date.

This district is designed to provide adequate and suitable space in appropriate locations for moderate intensity residential uses mixed with a wide range of compatible nonresidential uses at low intensities. Mixed-Use Limited districts are appropriate at location similar to those for Mixed-Use General districts but which lack a high level of accessibility or where more restrictions on uses are desired. These districts may also be appropriate in areas that contain residential uses are subject to transition, provided nonresidential uses are not dominant and the likelihood of complete transition occurring is doubtful because of locational characteristics, size of the area, diversity of ownership, or a persistent residential presence.

07.05.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Mixed-Use Limited Districts as shown on the Gallatin Municipal-Regional Zoning Map and as delineated below, as described in Article 3, the following activities are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, Multi-Family

Community Facility Activities

- Administrative
- Community Assembly
- Essential Service
- Limited Child and Adult Care
- Nonassembly Cultural
- Place of Worship

Commercial Activities

- Business and Communication Service
- Consumer Laundry and Repair
- Convenience Sales and Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- General Retail Sales and Service

Group Assembly-Limited
Medical Service
Research Service
Retail Business Supply
Transient Habitation
Undertaking Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07. Section 13.07.100 shall govern the amount of signage permitted;
2. Accessory off-street parking and loading facilities as required in Article 11 of this article;
3. Private swimming pools, tennis courts, and other recreational facilities exclusively for the use of the occupants of a residential activity;
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited.

C. Conditional Uses – The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Residential Activities

Dwelling, One-Family Detached
Dwelling, Two-Family Detached

Community Facility Activities

Community Education
Intermediate Impact
Nursing Home
Utility and Vehicular

Commercial Activities

Limited Warehousing

D. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

07.05.020 Bulk Regulations

- A. Maximum Lot Coverage – 40 percent
- B. Maximum Floor Area Ratio – .20
- C. Minimum Development Area Per Dwelling Unit – 2,000 square feet
- D. Minimum Setback Line – 40 feet

07.05.030 Area Regulations

- A. Minimum Lot Area – 20,000 square feet
- B. Minimum Front Yard – 15 feet
- C. Minimum Side Yard – 15 feet
- D. Minimum Rear Yard – 15 feet

07.05.031 Height Regulations – Maximum Building Height – 35 feet

07.05.040 Use of Required Yard

- A. Landscaping and Bufferyard – All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Article 13. The requirements shall be the same as those set out for the Mixed Use (MU) zone.
- B. Driveways – Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks – Provided that no sidewalk shall occupy more than half of any required yard.

07.05.050 Other Requirements

A. Exterior Storage

Exterior storage of goods, chattels, or materials and the placement of waste disposal facilities is permitted in the rear of the principal building only, or in the front of the principal building to the extent of 75% of the floor space of the principal building only, and such facilities shall be appropriately screened using materials which are complimentary to the site and other buildings.

07.05.060 Slopes

All cut and fill slopes in excess of 3:1 shall be properly stabilized as evidenced by a grading and revegetation plan or such slopes shall be reduced with retaining walls or similar treatment.

07.05.070 Proximity to Homes

No structure, parking, and activity employing from four (4) or more persons shall be located within 300 feet of an existing dwelling.

07.06 Intent and Description of Medical-Professional Office (MPO) Districts

These provisions apply to only those Medical-Professional Office Districts that were approved prior to July 7, 1998. No rezoning to the Medical-Professional District shall be approved after that date unless the property to be rezoned is located adjacent to, or across the street from, property zoned MPO prior to July 7, 1998.

This class of district is designed to provide locations suitable for accommodating large hospital and medical facility campuses, medical offices, dental offices, or similar personal services, and uses broadly ancillary thereto; and to provide for related professional and business offices. In addition, certain commercial trade and services uses are permitted if necessary to serve the frequent and recurring needs of persons frequenting and working in this district. The bulk regulations are designed to maximize the use of the land and encourage the consolidation of land into large scale developments that are located on or near arterial streets.

07.06.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Medical-Professional Office Districts as shown on the Gallatin Municipal-Regional Zoning Map and as delineated below, as described in Article 3, the following activities are permitted:

Community Facility Activities

- Essential Service
- Health Care
- Nursing Home

Commercial Activities

- Financial, Consulting, and Administrative
- Limited Retail Sales
- Medical Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07. Section 13.07.100 shall govern the amount of signage permitted;
2. Accessory off-street parking and loading facilities as required in Article 11 of this article;
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited.

- C. Conditional Uses – The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Community Facility Activities

Limited Child and Adult Care

Extensive Impact Community Facility - Heliport

- D. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

07.06.020 Bulk Regulations

- A. Maximum Lot Coverage for lots containing less than five (5) acres – 40 percent
- B. Maximum Floor Area Ratio for lots containing less than five (5) acres – 1.0
- C. Maximum Lot Coverage for lots containing greater than five (5) acres – 75 percent
- D. Maximum Floor Area Ratio for lots containing greater than five (5) acres – 3.0
- E. Minimum Setback Line – 40 feet
- F. Maximum Building Height – To be approved by Planning Commission based on a recommendation from the Gallatin Fire Department

07.06.030 Area Regulations

- A. Minimum Lot Area – 20,000 square feet
- B. Minimum Front Yard – 15 feet
- C. Minimum Side Yard – 15 feet
- D. Minimum Rear Yard – 15 feet

07.06.040 Use of Required Yard

- A. Landscaping and Bufferyards – All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Article 13.
- B. Driveways – Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks – Provided that no sidewalk shall occupy more than half of any required yard.

07.06.050 Additional Site Development Regulations

- A. Exterior Storage: Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear yards only, and such

facilities shall be appropriately screened using the same material from which the principal use is constructed.

- B. Preliminary Master Development Plan Approval Required: The establishment of the MPO zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed MPO District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the MPO District. A preliminary master development plan is not required for property zoned MPO prior to July 14, 1998.
- C. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a MPO District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- D. Additional Site Design Standards: All developments occurring within a MPO District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

07.07 Purpose and Intent of GO General Office District

The GO General Office District is intended to provide office locations serving community and citywide needs. The GO district allows for relatively intense office development, together with selected, complementary commercial uses integrated into such developments. Site development regulations are designed to ensure compatibility with adjacent or neighboring residential development.

GO districts are most appropriately found along or near minor and major arterial streets, on the edge of residential areas, in areas of existing office development, and in areas appropriate for new development. The GO district, through conditional use permits, also provides for large office developments and projects which in appropriate urban settings exceed allowed use intensities and regulations provided.

07.07.010 Uses and Structures

- A. Principal Permitted Uses and Structures - Within the General Office District as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.05 are permitted:

Community Facility Activities:

- Administrative
- Community Assembly
- Community Education
- Essential Service
- Health Care
- Intermediate Impact
- Limited Child and Adult Care
- Non-assembly Cultural
- Nursing Home
- Place of Worship

Commercial Activities:

- Business and Communication Service
- Financial, Consulting, and Administrative
- Food Service
- General Personal Service
- Medical Services
- Research Service
- Limited Retail Sales Activities

- B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07 of this Article.

2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses. The following conditional uses are subject to review and regulations in accordance with Section 15.06.

Residential Activities
Dwelling Attached

Commercial Activities
Transient Habitation

07.07.020 Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Lot Area 8,000 sq. feet
2. Minimum Lot Width 60 feet
3. Minimum Building Setback

Yard	Single-Family Detached	Single-Family Attached	All Other Uses
Front	20 feet	20 feet	25 feet
Side	10 feet	10 feet on yard opposite common wall	10 feet
Rear	15 feet	15 feet	20 feet

4. Site Area Per Unit 4,000 sq. ft.
5. Maximum Building Height 35 feet

07.07.030 Non-Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Lot Area 20,000 sq. ft.
2. Minimum Front Yard one half of the minimum building setback
3. Minimum Side Yard 10 feet

4.	Minimum Rear Yard	20 feet
5.	Minimum Building Setback	
	Street Classification	
	Arterial	50 feet
	Collector	40 feet
	Local	30 feet
6.	Maximum Building Height	35 feet (may be increased by one foot for each additional foot provided for all setbacks)
7.	Maximum Floor Area Ratio	1.0
8.	Maximum Building Coverage	50 percent

07.07.040 Additional Site Development Regulations

- A. Preliminary Master Development Plan Approval Required: The establishment of the GO zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed GO District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the GO District.

- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a GO District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:

- C. Additional Site Design Standards: All developments occurring within a GO District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

07.08 Purpose and Intent of OR Office Residential District

This District provides for residences, offices, and service facilities in suitable locations in which they can support community needs without producing incompatible effects on adjacent uses. Such a District is particularly appropriate adjacent to arterial streets, as well as between commercial areas and residential neighborhoods.

07.08.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Office Residential District as shown on the Gallatin Municipal Zoning Map, the following activities, as described in Section 03.05 are permitted:

Residential Activities

- Dwelling, Attached
- Dwelling, One-Family Detached

Community Facility Activities

- Essential Services

Commercial Facilities

- Financial, Consulting, and Administrative
- General Personal Services
- Limited Retail Sales Activities
- Medical Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07 of this Article.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.
4. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

C. Conditional Uses. The following conditional uses are subject to review and regulations in accordance with Section 15.06.

Residential Activities
 Dwelling, Multi-Family
 Dwelling, Two-Family

Commercial Activities
 Convenience Sales & Services
 Undertaking Services

07.08.020 Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Lot Area 8,000 sq. feet
2. Minimum Lot Width 60 feet
3. Minimum Building Setback

Yard	Single-Family Detached	Single-Family Attached	All Other Uses
Front	20 feet	20 feet	25 feet
Side	10 feet	10 feet on yard opposite common wall	10 feet
Rear	15 feet	15 feet	20 feet

4. Site Area Per Unit 4,000 sq. ft.
5. Maximum Building Height 35 feet

07.08.030 Non-Residential Site Development Regulations

A. Bulk Regulations

1. Minimum Lot Area 20,000 sq. ft.
2. Minimum Front Yard one half of the minimum building setback
3. Minimum Side Yard 10 feet
4. Minimum Rear Yard 20 feet
5. Minimum Building Setback

Street Classification	
Arterial	50 feet
Collector	40 feet
Local	30 feet
6. Maximum Building Height 35 feet
7. Maximum Floor Area Ratio 0.5

07.08.040 Additional Site Development Regulations

- A. Preliminary Master Development Plan Approval Required: The establishment of the OR zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed OR District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the OR District.

- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a OR District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:

- C. Additional Site Design Standards: All developments occurring within a OR District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

07.09 Intent and Description of SP Specific Plan District

The SP Specific Plan District (SP) is an alternative zoning process that may permit any land uses, mixture of land uses, and alternative development standards, as may be required to address the unique characteristics of an individual property through a comprehensive site specific zoning plan. In return, a SP district requires the site specific zoning plan to be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development. The site specific zoning plan must comply with the building, fire, and life safety codes adopted by the City of Gallatin.

07.09.010 Applicability

A SP Specific Plan District may be applied to any property.

07.09.020 Uses

Within the SP Specific Plan District, as shown on the Gallatin Municipal-Regional Zoning Map, the activities and use classifications shall be as specifically listed and approved as part of the Preliminary Master Development Plan required for the development and the Ordinance adopting the SP Specific Plan District.

07.09.030 Bulk Regulations, Site Development and Design Regulations

The bulk regulations, site development, and design regulations in the SP Specific Plan District shall be specifically listed and approved as part of the Preliminary Master Development Plan required for the development and the Ordinance adopting the SP Specific Plan District.

07.09.040 Procedure

The establishment of the SP Specific Plan District zoning district shall be conditioned upon the application for and approval of a site specific zoning plan as part of a Preliminary Master Development Plan and Ordinance adopting the SP Specific Plan District, after public hearing as specified in Section 15.07 of this Ordinance. This section outlines the site specific zoning plan requirements and the process for Preliminary Master Development Plan and Final Master Development Plan review and approval.

A. Pre-application Conference

Prior to the filing of the application for a zoning amendment for a SP Specific Plan District, the applicant shall confer with the City Codes/Planning Department and Engineering Division Staff to determine whether the applicant is proceeding under the proper section of this ordinance, to consider the desirability or necessity of amending the application or previously approved Preliminary Master Development Plan, to

clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.

B. Application

The applicant shall submit a zoning amendment application for the SP Specific Plan District along with an application review fee to the Codes/Planning Department in accordance with the published application schedule accompanied by a Preliminary Master Development Plan. The site specific zoning plan and Preliminary Master Development Plan shall consist of the following information:

1. Written text, exhibits, and plans in a report format that describes existing conditions, the purpose and intent of the SP Specific Plan District and the proposed plan's consistency with the principles and objectives of the General Development and Transportation Plan.
2. Property boundary lines, dimensions, topography, general physical features of the property, and a location map of the proposed project.
3. Identification of surrounding property owners according to the latest tax roll available at the Sumner County Property Assessor's Office.
4. Detailed site layout and development plan showing the proposed layout of the entire property with respect to uses, potential road, lot and/or building configurations in the development.
5. Detailed transportation plan including routes of proposed major streets, driveways, sidewalks, pedestrian ways, and proposed transit facilities.
6. List of allowable uses of the property, including a tabulation of the land area to be devoted to various uses and activities and overall densities.
7. Specific site development standards and bulk regulations including, but not limited to, the height and size of proposed building types, minimum lot area, maximum floor area ratios, maximum lot coverage and impervious surface ratio, minimum lot width, minimum building setbacks, required yards, required open space, parking standards, and accessory building standards.
8. Landscaping plan including information and requirements pertaining to existing growth to be retained, bufferyards, and other landscaped and open space requirements in the development. The landscaping plan shall also specify the proposed means of dedication of common open space areas and description of the proposed organizational arrangements for the ownership, maintenance, and preservation of common open space.
9. Utilities plan including water, sewer, storm water management, natural gas, electric, streetlights, and other infrastructure standards.
10. Detailed Traffic Study to be approved by the City Engineer regarding the existing and anticipated traffic volumes and movements to and from the completed project and along the existing streets. The traffic study shall specify the required on and off-site improvements based on detailed development plan as approved by the City Engineer.
11. The proposed phasing and time schedule for completion of the entire project.

12. Additional information sufficient to describe the general design of the development as required by the City Planner.

All items must be submitted at the time of application for the zoning application to be deemed complete for review. Any omission of a required submittal item shall be identified, and its reason for omission explained in the Preliminary Master Development Plan.

- C. Adoption of a SP Specific Plan District and Preliminary Master Development Plan
The following steps shall constitute the process by which a SP Specific Plan District and Preliminary Master Development Plan are adopted:

1. The Planning Commission shall study the SP Specific Plan District and Preliminary Master Development Plan and supporting data and may make suggestions for changes and adjustments. Upon review and discussion, the Planning Commission shall recommend approval or disapproval of the SP Specific Plan District and Preliminary Master Development Plan and submit this recommendation with a brief report to the Mayor and Aldermen.

The Mayor and Aldermen shall review and discuss the SP Specific Plan District and Preliminary Master Development Plan and approve or disapprove the proposal with or without conditions. The Mayor and Aldermen's actions shall comply with Section 15.07 of this Ordinance and shall constitute the final action required of a proposal for preliminary approval. Whenever the Mayor and Aldermen approve the Preliminary Master Development Plan and supporting material, one copy shall be filed in the Office of the Zoning Administrator/City Planner and one copy shall be given to the Owner.

Upon receipt of the approved Preliminary Master Development Plan, the Owner may proceed with preparation of a Final Master Development Plans and specifications for all or for any portion of the project. The Final Master Development Plan shall be reviewed and approved by the Planning Commission according to the provisions of Section 07.09.040.D. Upon approval by the Planning Commission, one copy shall be filed in the office of the Zoning Administrator/City Planner. No building permits shall be issued until the Final Master Development Plan of the proposed development, or portion thereof, is approved and filed with the Zoning Administrator/City Planner.

2. Modification of Master Development Plan: The Planning Commission or the Mayor and Aldermen may require modification of a SP Specific Plan District and Preliminary Master Development Plan as a prerequisite for approval. Required modifications may be more restrictive than district and/or supplementary regulations and may include, but not be limited to, project phasing, provision for additional bufferyards, open space, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs, architectural design of the proposed development, and other modifications

deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.

3. Revisions to a Master Development Plan Approval: The Planning Commission may approve an application for modification of a previously-approved SP Specific Plan District and Preliminary Master Development Plan approval if it is determined that the revisions do not affect the findings relating to the criteria leading to the original approval.
4. New Applications Following Denial or Revocation: No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a Preliminary Master Development Plan review by the Mayor and Alderman. The Owner may petition the Mayor and Aldermen to grant a new review of the site if undue hardship or new facts concerning the site and/or application can be demonstrated.
5. Approval to Run with the Land: A SP Specific Plan District and Preliminary Master Development Plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.

D. Final Approval by the Planning Commission of a SP Specific Plan District and Final Master Development Plan

The Mayor and Aldermen's approval of a Preliminary Master Development Plan establishing a SP Specific Plan District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the following procedures and requirements:

1. Pre-application Conference: Prior to the filing of the application for a Final Master Development Plan, the applicant shall confer with the City Codes/Planning and Engineering Staff to determine whether the applicant is proceeding according to the conditions of approval of the Preliminary Master Development Plan, to consider the desirability or necessity of amending the application or previously approved Preliminary Master Development Plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.
2. Application for Final Master Development Plan Approval: After the approval of a SP Specific Plan District and Preliminary Master Development Plan, the landowner may make application to the Planning Commission for final approval of the development or portion thereof provided that the proposed Final Master Development Plan is in substantial conformance with the substance of the preliminary approval by the Mayor and Aldermen. Prior to submission of the Final Master Development Plan application, the Final Master Development Plan shall include all information contained in the Preliminary Master Development Plan receiving approval plus the following information:

- a. Property boundary lines and dimensions, topography (5' contour intervals), location map.
- b. Arrangement and size of buildings and the specific use of the property.
- c. Detailed information about the allowable uses of the property, including a tabulation of the land area to be devoted to various uses and activities and overall densities.
- d. Specific site development standards and bulk regulations including, but not limited to, the height and size of proposed building types, minimum lot area, maximum floor area ratios, maximum lot coverage and impervious surface ratio, minimum lot width, minimum building setbacks, required yards, required open space, parking standards and accessory building standards.
- e. Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses designed in accordance with the approved Preliminary Master Development Plan for the SP Specific Plan District.
- f. Detailed landscape plans including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards, open space, and required landscaped areas as required by the Preliminary Master Development Plan.
- g. Detailed locations and types of utilities and easements including storm drainage as well as specific details of all surfaced areas.
- h. Details of the proposed traffic control and access management plan as required by the approved traffic study and Preliminary Master Development Plan. Plans shall also include details for street improvements, and grading and earth moving plans showing existing and proposed topography at 2-foot contour intervals.
- i. Detailed architectural plans and elevations sufficient to indicate building, height, bulk, materials, and architectural design.
- j. Detailed signage plans and elevations sufficient to indicate the design of proposed signage, height, materials, and overall amount of signage.
- k. Time schedule for completion of the project.
- l. A statement regarding the proposed method of operating and maintaining the project.
- m. A statement of adequate surety, in the form specified in Section 15.03.080, to ensure construction of the planned development within the proposed phasing/time schedule.
- n. The Final Master Development Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Also, the proposed Final Master Development Plan shall follow all applicable procedures and requirements governing the subdivision of land, and no building permit shall be issued for the project until a final plat, if necessary, of the proposed development, or portion thereof, is approved, filed, and recorded.

E. Final Planning Commission Action

Upon receipt of an application for final approval of a Final Master Development Plan, the Planning Commission shall examine the Final Master Development Plan and determine whether it substantially conforms to all applicable criteria and standards adopted as part of the Ordinance adopting the SP Specific Plan District and whether it substantially conforms in all respects to the previously approved Preliminary Master Development Plan. The Planning Commission may impose such conditions of approval as are, in its judgment, necessary to ensure conformity to the applicable criteria and standards.

F. Lapse of Approval

The lapse of approval of a SP Specific Plan District Preliminary Master Development Plan and Final Master Development Plan shall be in accordance with the provisions of Section 12.02.040.

G. Procedures to Amend a Preliminary Master Development Plan or Final Master Development Plan

Major amendments to the SP Specific Plan District and Preliminary Master Development Plan and Final Master Development Plan must be submitted to the Planning Commission for review and recommendations and approved by the Mayor and Aldermen. Major amendments shall include, but not be limited to:

1. An increase in the density of the development;
2. Substantial changes in circulation or access;
3. Substantial changes in the mix of dwelling unit types included in the project;
4. Substantial changes in grading or utility provision;
5. Substantial changes in the mixture of land uses;
6. Reduction in approved open space, landscaping, and bufferyards;
7. Substantial changes in architectural or site design features of the development;
or
8. Any other change that the City Planner determines to be a major divergence from the approved Preliminary Master Development Plan. The Planning Commission may overrule this determination upon the favorable vote of a majority of the entire membership of the Planning Commission.

All other changes in the SP Specific Plan District Preliminary Master Development Plan or Final Master Development Plan shall be considered revisions to the approved plan. The Planning Commission may approve these minor revisions.

ARTICLE 7.00 AMENDMENTS

Section	Ordinance #	Date
07.04	O9902-012	03/02/99
07.05	O9902-010	03/02/99
07.06	O9902-011	03/02/99
07.02	O9912-059	01/04/00
07.03	O9912-060	01/04/00
07.07	O9912-058	01/04/00
07.08	O9912-058	01/04/00
07.02	O0408-046	09/07/04
07.03	O0408-046	09/07/04
07.07	O0408-046	09/07/04
07.08	O0408-046	09/07/04
07.04.010. A	O0504-031	05/17/05
07.06	O0602-016	03/21/06
07.02.040	O0609-069	10/17/06
07.06.050	O0609-069	10/17/06
07.04.010.A	O0911-84	03/01/10
07.01.010	O1003-23	05/04/10
07.02.010.C	O1005-38	07/20/10
07.03.010.A	O1005-38	07/20/10
07.04.010.A	O1005-38	07/20/10
07.05.010.A	O1005-38	07/20/10
07.06.010.C	O1005-38	07/20/10
07.07.010.A	O1005-38	07/20/10
07.09	O1103-17	05/17/11

ARTICLE 8.00
PROVISIONS FOR COMMERCIAL DISTRICTS

08.00 General Purpose and Intent of Commercial Districts

The commercial districts established by this Ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. They are further designed to provide space for the many and diverse types of commercial activity needed to serve people and industry and maintain the economic base of the City of Gallatin, preserve and enhance property values and promote the constructive improvement and orderly growth of the existing well-located commercial centers and districts, prevent indiscriminate mixture of commercial activity within commercial areas and the scattering of commercial uses in the residential and agricultural districts, protect adjacent residential areas from offensive and detrimental influences, and promote the most efficient and desirable use of land. Within each commercial district, all uses are subject to the performance standards established in Article 13.00 of this Ordinance and shall not make an adverse impact at the zone lot line which would exceed such performance standards.

08.01 Intent and Purpose of the CC - Core Commercial District

This district is designed to provide for a wide range of retail, office, amusement, and service uses normally found in a central business district. High intensity of use is permitted in this district, and increased building bulk is provided as a means of encouraging such development. A setting conducive to and safe for a high volume of pedestrian traffic is desired.

08.01.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the Core Commercial District as shown on the Gallatin Municipal Zoning Map, the following activities are permitted:

Residential Activities

Single Family Dwelling

Attached Dwelling

Multi-Family Dwellings, subject to the requirements contained in Articles 12.00 and 13.00.

Community Facility Activities

Place of Worship

Essential Service

Community Assembly

Non-assembly Cultural

Administrative

Utility

Vehicular

Commercial Activities

Convenience Sales and Service - Two-Pump Maximum

Automotive Parking (Limited Lot)

Transient Habitation

Food Service

General Personal Service

Financial, Consulting and Administrative

Business and Communication Service

General Retail Sales and Service

Consumer Laundry and Repair

Retail Business Supply

Group Assembly – Limited

Medical Services

Undertaking Services

B. Permitted Accessory Uses and Structures

1. Signs as permitted in Section 13.07.
2. Accessory off-street parking facilities as required in Article 11.00.
3. Facilities and buildings customarily incidental and appurtenant to a permitted use.

C. Conditional Use

1. Dwelling, Upper Story Residential
2. Limited Child and Adult Care

D. Prohibited Uses and Structures - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

08.01.020 Bulk Regulations

A. Maximum Lot Coverage - 75 percent

B. Height Control - The maximum height of all buildings located within the CC District shall be established as set forth below:

1. The maximum height of a front wall or other portion of a building or other structure at the street line shall be 35 feet above the curb level.
2. For each foot the building is set back from the street line the height of the building may be increased by 1.5 feet.

C. Maximum Floor Area Ratio - 5.0

08.01.030 Area Regulations

A. Minimum Lot Size - Within the CC District, there is no minimum lot size except for residential activities which shall have a minimum lot size of 10,000 square feet.

Dwelling, upper story residential, is excluded from this requirement.

B. Required Yards - Within the CC Districts, no yards, as such, are required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed from the ground to the sky.

C. Minimum Development Area Per Dwelling Unit - Within the CC District, no dwelling unit shall be permitted on a zone lot with a total development area of less than two thousand (2,000) square feet per dwelling unit, with the exception of upper story residential development proposals. However, each upper story residential dwelling unit shall have a minimum floor area of 500 square feet.

08.01.031 Special Conditions for Upper Story Residential Dwelling

- A. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
- B. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Gallatin Municipal Code.

08.01.040 Use of Open Space

The following uses may be made of any open space provided such uses are otherwise permissible in this district.

- A. Landscaping - All open areas not occupied by driveways, sidewalks, and parking and loading areas shall be devoted to landscaping as defined in Article 1.00.
- B. Driveways
- C. Off-street Parking
- D. Sidewalks

08.01.050 Other Requirements

- A. Exterior Storage - Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of buildings only.

08.02 Intent and Purpose of the CS - Commercial Services District

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores, eating and drinking places; financial institutions; and offices. The uses in this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required.

08.02.010 Uses and Structures

- A. Principal Permitted Uses and Structures - Within the Commercial Service Districts as shown on the Gallatin Municipal and Regional Zoning Maps, the following activities, as described in Section 03.07 are permitted:

Community Facility Activities

- Essential Service
- Non-assembly Cultural
- Administrative

Commercial Activities

- Convenience Sales and Service
- Automotive Parking
- Automotive Servicing
- Transient Habitation
- Food Service
- Medical Service
- Financial, Consulting, and Administrative
- Undertaking Service
- General Retail Sales and Service
- Food Service - Drive-in
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly-Limited
- Automotive Repair and Cleaning
- Animal Care
- Vehicular, Craft, and Related Equipment Sales,
Retail and Delivery
- Limited Newspaper and Periodical Printing
- General Personal Services

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are not otherwise prohibited.

C. Prohibited Uses and Structures

Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

D. Conditional Uses

Community Facility Activities
Limited Child and Adult Care
Place of Worship

Commercial Activities
Group Assembly Extensive
Limited Warehousing

08.02.020 Bulk Regulations

- A. Maximum Lot Coverage - 40 percent
- B. Maximum Floor Area Ratio - .5
- C. Minimum Setback Line - 50 feet

08.02.030 Area Regulations

- A. Minimum Lot Area - 10,000 square feet
- B. Minimum Front Yard - 10 feet
- C. Minimum Side Yard - 10 feet
- D. Minimum Rear Yard - 20 feet

08.02.031 Height Regulation - Maximum Height 45 feet

08.02.040 Use of Required Yard Areas

- A. Landscaping - All required yard areas not occupied by sidewalks and driveways shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no sidewalk shall occupy more than half of any required yard.

08.03 Intent and Purpose of CG - Commercial General District

This class of district is designed primarily to provide sufficient space in appropriate locations for establishments and uses engaged in wholesale trade, the warehousing of a wide variety of products having the highest performance standards and the least objectionable characteristics, and services ancillary thereto. Other commercial uses are also permitted. As these activities tend to generate relatively large volumes of traffic and have other characteristics detrimental to residential districts, their locations should be removed from the proximity of residential districts insofar as possible.

08.03.010 Uses and Structures

- A. Principal Permitted Uses and Structures - Within the General Commercial Districts as shown on the Gallatin Municipal and Regional Zoning Maps, the following activities, as described in Section 03.07 are permitted:

Community Facility Activities

- Essential Service
- Non-assembly Cultural
- Administrative
- Utility and Vehicular

Commercial Activities

- Convenience Sales and Service
- Automotive Parking
- Transient Habitation
- Food Service
- Financial, Consulting, and Administrative
- Business and Communication Service
- Undertaking Service
- Food Service - Drive-in
- Automotive Servicing
- General Retail Sales and Service
- Consumer Laundry and Repair
- Retail Business Supply
- Group Assembly-Limited
- Automotive Repair and Cleaning
- Animal Care
- Vehicular, Craft, and Related Equipment Sales, Retail and Delivery
- Research Service
- Transport and Warehousing
- Wholesale Sales
- Limited Newspaper and Periodical Printing
- Limited Warehousing
- General Personal Services

Medical Services
Manufacturing Activities
Limited

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07.
2. Accessory off-street parking and loading facilities as required in Article 11.00.
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same zone lot and are not otherwise prohibited.

C. Conditional Uses - The following activities may be permitted only as conditional uses in accordance with Section 15.06:

Commercial Activities
Group Assembly Extensive
Automotive Disassembly, Parts Recycling, and
Materials Recovery Operations

Community Facility Activities
Intermediate Impact
Extensive Impact
Limited Child and Adult Care
Place of Worship

D. Prohibited Uses and Structures - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

08.03.020 Bulk Regulations

Maximum Lot Coverage - 50 percent
Maximum Floor Area Ratio - 2.0
Minimum Building Setback - 50 feet

08.03.030 Area Regulations

Minimum Lot Area - 10,000 square feet
Minimum Front Yard - 10 feet
Minimum Side Yard - 10 feet
Minimum Rear Yard - 20 feet

08.03.031 Height Regulation - Maximum Height 60 feet

08.03.040 Use of Required Yard

- A. Landscaping - All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no sidewalk shall occupy more than half of any required yard.

08.03.050 Special Conditions for Automotive Disassembly, Parts Recycling, and Materials Recovery Operations

- A. The operation of the facility shall be conducted completely inside an enclosed structure or building.
- B. There shall be no outdoor storage of parts, inoperative vehicles, bins, shipping containers, and related materials of any type.
- C. The facility shall front on either a collector street, or arterial street as classified on the official Major Thoroughfare Plan.
- D. The facility must comply at all times with the various performance standards cited within Section 13.02, 15.02.040 of this Ordinance. Particular emphasis shall be placed on the noise standards as enumerated in 13.02.02.
- E. All parking areas and driveways shall be paved.
- F. The location and site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
- G. A site plan for the facility must also be approved by the Planning Commission.
- H. Any required fences, berms, and landscape buffer strips shall be maintained in a neat and attractive manner.
- I. The minimum lot size shall be adequate to protect adjacent properties and land uses, as well as to provide for adequate aisle widths for trucks to adequately service the facility.
- J. All required State and Federal permits shall be secured as a condition of approval.

08.04 Intent and Purpose of PGC - Planned General Commercial District

The purpose of this district is to provide for modern, attractive, and efficient, retail, personal, professional, and commercial facilities with access needs that demand location along major arterial roadways. Uses permitted in this district are frequently automobile-oriented, and, as such, this district is most appropriately located along or at intersections of urban arterials or collector roadways, as identified on the City's Official Street Map. Also, since these corridors are major entryways and focal points in the City, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas. A master development plan for the development of the entire area is required, but the development may occur in stages.

08.04.010 Previously Approved Commercial PUD'S Applicability to the New Planned General Commercial District

Any project lawfully approved under the provisions of a Commercial Planned Unit Development zone (of this or any other government entity) is hereby approved under their original conditions and are hereby made as a new district of the zoning map of Gallatin as a part of this Ordinance for a period not to exceed two years from the date of the enactment of this Ordinance. If no final plan approval or building permit is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regards to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

08.04.020 Uses and Structures

Within the Planned General Commercial District, as shown on the Gallatin Municipal Regional Zoning Map, as delineated below and described in Article 3.00, the following activities are permitted:

A. Permitted Uses

Community Facility Activities:

- Administrative
- Community Assembly
- Essential Service
- Health Care
- Limited Child and Adult Care
- Non-assembly Cultural
- Nursing Home
- Place of Worship

Commercial Activities:

Business and Communication Services
Financial, Consulting, and Administrative Office
Food Service
Food Service - Drive-in
General Personal Service
General Retail Sales and Services
Group Assembly - Limited
Medical Services
Transient Habitation
Vehicular, Craft, and Related Equipment Sales
Limited Retail Sales
Automotive Parking
Automotive Servicing
Convenience Sales and Services
Retail Business Supply
Wholesale Sales

B. Conditional Uses

Community Facility Activities:

Extensive Impact
Intermediate Impact
Utility and Vehicular

Commercial Uses:

Undertaking Service
Automotive Repair and Cleaning
Group Assembly Extensive
Limited Warehousing

C. Permitted Accessory Uses and Standards

1. Signs in accordance with the regulations contained in Section 13.07 or as approved by the Preliminary Master Development Plan and Final Master Development Plan;
2. Accessory off-street parking and loading facilities as required in Article 11.00;
3. Accessory uses, buildings and structures customarily incidental and appurtenant to a permitted uses provided that such are carried out on the same zone lot and are not otherwise prohibited

08.04.030 Relationship to General Development Plan/Subdivision Regulation

A. Relationship to the Subdivision Regulations. The uniqueness of each proposal for a Planned General Commercial District may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Gallatin Regional Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the preliminary master development and final master development plan for a Planned General Commercial District and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the final master development plan.

08.04.040 Site Development Regulations

The following minimum development standards shall be observed in the "PGC" Planned General Commercial District.

A. Bulk Regulations

- | | |
|--|--|
| 1. Minimum Site Size (Entire Development): | 1 acre |
| 2. Minimum Lot Area (Within Development): | 20,000 sq.ft. |
| 3. Maximum Floor Area Ratio: | 1.0 |
| 4. Maximum Lot Coverage: | 50 percent |
| 5. Minimum lot width | 100 feet |
| 6. Maximum building height | 40 feet |
| 7. Minimum building setback – based on street classification | |
| a. Arterial | 50 feet |
| b. Collector | 40 feet |
| c. Local | 30 feet |
| 8. Minimum front yard | one half of the
minimum building
setback |
| 9. Minimum side yard | 10 feet |
| 10. Minimum rear yard abutting residential zone district | 40 feet |
| 11. Minimum rear yard abutting commercial zone district | 20 feet |

08.04.050 Additional Site Development Regulations

A. Landscaped Bufferyard Requirements: In addition to the requirements of Sections 13.04 and 13.05, the following landscape bufferyards and landscaping shall be provided in the PGC District, provided, however, that if the provisions of Sections 13.04 and 13.05, differ from these requirements, the more restrictive requirement shall apply unless approved by the Board of Mayor and Alderman as part of the Preliminary and/or Final Master Development Plan as recommended by the Planning Commission.

<u>Bufferyard</u>	<u>Minimum Width</u>	<u>Minimum Landscape Requirements</u>
(1) Front bufferyard abutting a street designated "Arterial" on the Major Thoroughfare Plan Map of Gallatin, Tennessee	20 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 50 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 50 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05
(2) Front bufferyard abutting any other public right-of-way	15 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 60 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 60 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05
(3) Side bufferyard abutting a public right-of-way	12 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 60 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 60 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05

* NOTE: Landscaped area shall be defined as an area consisting of grass, shrubs, trees, flowers, ground cover, or other organic plant materials in the minimum percentage as noted. A sidewalk/bike path is only other permitted material within a landscaped area.

B. Additional Landscaping and Screening Requirements.

1. Site Landscaping Area - In addition to the landscape material requirements provided in Section 08.04.050, a minimum of seven and one-half percent of the lot area of all developments shall be permanently maintained landscape area, exclusive of the required bufferyard. This area may include the interior parking lot planting area as required in Section 13.05.020.B.

2. For every five hundred (500) square feet of site landscaping area on a lot/site, a minimum of one medium deciduous or ornamental tree (minimum 2-inch caliper) shall be provided, exclusive of the required landscape bufferyard requirements.
 3. Every acre of lot/site area shall include a minimum of 50 shrubs, at least 18 inches high. These shrubs may be counted towards the required bufferyard and site landscaping area requirements and shall be exclusive of the continuous parking lot screening required in Section 13.05.
 4. Supplemental Screening Regulations
 - a. Loading areas shall be adequately screened so as not to be visible from any residential areas or streets.
 - b. Mechanical equipment, heating, and cooling units for non-residential structures shall be adequately screened so as not to be visible from streets and/or adjacent properties.
 5. Traffic Access Control and Visibility Areas at Entrances/Intersections. The design and placement of the landscaping materials within the parking areas and front lot line and side lot line bufferyards shall be designed in accordance with Sections 11.09, 13.05 and 13.06.
- C. Ownership and Division of Land. No tract of land may be considered for or approved as a Planned General Commercial District unless such tract is under the single ownership by a landowner. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract with the governing authority shall be considered landowners for the purposes of this section. Unless otherwise provided as a condition of approval of a Planned General Commercial District, the landowner of an adopted Planned General Commercial District may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final site development plan.
- D. Architectural Design - When the Planning Commission and/or Board of Mayor and Aldermen has established architectural design as an integral part of the preliminary master development plan and final master development plan, and stipulates architectural design principles and/or specific architectural design details, such principles and/or details shall be made a part of the preliminary master development plan, final master development plan and all zoning permits for the Planned General Commercial District.
- E. Preliminary Master Development Plan Approval Required: The establishment of the PGC zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed PGC District, and, if approved, the plan and all of its components shall run

with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the PGC District.

- F. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a PGC District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the procedures provisions of Section 12.02 of this Ordinance:
- G. Additional Site Design Standards: All developments occurring within a PGC District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

08.04.060 Special Conditions for Convenience Sales and Services Commercial Activities

- A. Personal convenience services, as described in Section 03.07.090, shall be exempt from this special condition section.
- B. Convenience Sales and Service structures shall be designed to be compatible with the character of residential structures in the surrounding area. Scale of materials and building forms are considered important elements of compatibility.
- C. In order to determine compatibility, the applicant shall provide information concerning building design and materials, including elevations of all sides of the proposed buildings and structures. The features shown in the elevations shall include information concerning building materials, heights, scale, door and window openings, façade offsets, roof pitch and colors.
- D. The design of such facilities shall comply with the requirements of Section 13.08, Architectural Character and Compatibility Standards. In addition, the following architectural standards shall apply:
 - 1. Building height and design shall be in keeping with the character and scale of the proposed and surrounding development.
 - a. Building colors should be subdued, with natural earth tones and colors compatible with surrounding development predominating.
 - b. Building rooflines and pitches should be comparable to typical residential roofline styles. To harmonize with residential structures, convenience sales and service structures should have roofs that are visible from the street, preferably with a pitch not less than 1-foot rise in 2-foot run. Roofs should be a dark earth tone in color.
 - 2. Canopy height and design shall be in keeping with the character and scale of the proposed development. The canopies shall have pitched rooftops compatible with the design of the proposed building(s).

3. Canopies over gas pumps shall use colors and materials that blend with proposed and surrounding building facades. The use of earth tones or dark colors is encouraged.
 4. The use of primary, secondary or other bright, bold colors on building facades, canopies and awnings shall be avoided.
 5. Heating and cooling equipment, solid waste disposal equipment and facilities and mechanical equipment and facilities shall be adequately screened so as not to be visible from streets and adjacent properties. In addition, mechanical equipment placed on rooftops should be concealed from view from public streets and adjacent properties.
- E. The number of gasoline pumps, if any, permitted with this use shall be determined by the Planning Commission. In making this determination the Planning Commission shall consider the location, size, and design of such facilities so that the proposed development will be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

08.05 Intent and Purpose of PNC – Planned Neighborhood Commercial District

The purpose of this district is to provide for the establishment of planned neighborhood commercial areas that can efficiently serve day-to-day needs. Consolidation of convenience shopping facilities into planned shopping centers and integrated site designs is encouraged to avoid strip commercial development, lessen traffic conflicts, and improve the safety and convenience of customers. Planned neighborhood commercial areas are also encouraged in order to provide for the appropriate landscape buffers and site design needed to protect property values in adjacent areas. The regulations and conditions contained in this section are designed to ensure that planned neighborhood commercial areas will be developed at locations that will most efficiently serve the needs of the community.

08.05.010 General Standards for Making Determinations

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

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

08.05.015 Previously Approved Commercial PUDs Applicability to the New Planned Neighborhood Commercial District

Any project lawfully approved under the provisions of a Commercial Planned Unit Development zone (of this or any other government entity) is hereby approved under their original conditions and are hereby made a zone district of the zoning map of Gallatin as a part of this Ordinance for a period not to exceed two years from the date of the enactment of this Ordinance. If no final plan approval or building permit is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing

authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regards to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

08.05.020 Uses and Structures

A. Permitted Uses

Community Facility Activities:

Administrative
Community Assembly
Essential Service
Health Care
Limited Child and Adult Care
Non-assembly Cultural
Nursing Home
Place of Worship

Commercial Activities:

Business and Communication Service
Convenience Sales and Service, Excluding gasoline service station and convenience store
Financial, Consulting, and Administrative
Food Service
Food Service Drive-in
General Personal Service
General Retail Sales and Services, Excluding Manufactured Home Sales Facilities
Group Assembly Limited
Medical Services
Automotive Parking
Limited Retail Sales

B. Conditional Uses

Residential Uses:

Dwelling One-Family Detached

C. Permitted Accessory Uses and Standards

1. Signs in accordance with the regulations contained in Section 13.07 or as approved by the Preliminary Master Development Plan and Final Master Development Plan;
2. Accessory off-street parking and loading facilities as required in Article 11.00;

3. Accessory uses, buildings and structures customarily incidental and appurtenant to a permitted uses provided that such are carried out on the same zone lot and are not otherwise prohibited

08.05.030 Relationship to General Development Plan/Subdivision Regulations

A. Relationship to the Subdivision Regulations. The uniqueness of each proposal for a Planned Neighborhood Commercial Zone District may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Gallatin Regional Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the preliminary master development and preliminary final site development plan for a Planned Neighborhood District and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the final site development plan.

08.05.040 Site Development Regulations

The following minimum development standards shall be observed in the "PNC" Planned Neighborhood Commercial District.

A. Bulk Regulations

- | | |
|--|--|
| 1. Minimum Site Size (Entire Development): | 1 acre |
| 2. Minimum Lot Area (Within Development): | 20,000 sq.ft. |
| 3. Maximum Floor Area Ratio: | 0.35 |
| 4. Maximum Lot Coverage: | 50 percent |
| 5. Minimum lot width | 80 feet |
| 6. Maximum building height | 35 feet |
| 7. Minimum building setback – based on street classification | |
| a. Arterial | 50 feet |
| b. Collector | 40 feet |
| c. Local | 30 feet |
| 8. Minimum front yard | one half of the minimum Building setback |
| 9. Minimum side yard | 10 feet |
| 10. Minimum rear yard abutting residential zone district | 40 feet |
| 11. Minimum rear yard abutting commercial zone district | 20 feet |

08.05.050 Additional Site Development Regulations

A. Landscaped Bufferyard Requirements: In addition to the requirements of Sections 13.04 and 13.05 the following landscape bufferyards and landscaping shall be provided in the PNC District, provided, however, that if the provisions of Sections

13.04 and 13.05 differ from these requirements, the more restrictive requirement shall apply.

<u>Bufferyard</u>	<u>Minimum Width</u>	<u>Minimum Landscape Requirements</u>
(1) Front bufferyard abutting a street designated "Arterial" on the Major Thoroughfare Plan Map of Gallatin, Tennessee	20 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 50 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 50 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05
(2) Front bufferyard abutting any other public right-of-way	15 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 60 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 60 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05
(3) Side bufferyard abutting a public right-of-way	12 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 60 feet of lot frontage, minimum 2½-inch caliper (c) two small deciduous or ornamental trees for every 60 feet of lot frontage, minimum 1½-inch caliper (d) continuous parking lot screening per Section 13.05

* NOTE: Landscaped area shall be defined as an area consisting of grass, shrubs, trees, flowers, ground cover, or other organic plant materials in the minimum percentage as noted. A sidewalk/bike path is only other permitted material within a landscaped area.

B. Additional Landscaping and Screening Requirements.

1. Site Landscaping Area - In addition to the landscape material requirements provided in Section 08.05.050, a minimum of seven and one-half percent of the lot area of all developments shall be permanently maintained landscape

area, exclusive of the required bufferyard. This area may include the interior parking lot planting area as required in Section 13.05.020.B.

2. For every five hundred (500) square feet of site landscaping area on a lot/site, a minimum of one medium deciduous or ornamental tree (minimum 2-inch caliper) shall be provided, exclusive of the required landscape bufferyard requirements.
 3. Every acre of lot/site area shall include a minimum of 50 shrubs, at least 18 inches high. These shrubs may be counted towards the required bufferyard and site landscaping area requirements and shall be exclusive of the continuous parking lot screening required in Section 13.05.
 4. Supplemental Screening Regulations
 - a. Loading areas shall be adequately screened so as not to be visible from any residential areas or streets.
 - b. Mechanical equipment, heating, and cooling units for non-residential structures shall be adequately screened so as not to be visible from streets and/or adjacent properties.
 5. Traffic Access Control and Visibility Areas at Entrances/Intersections. The design and placement of the landscaping materials within the parking areas and front lot line and side lot line bufferyards shall be designed in accordance with Sections 11.09, 13.05 and 13.06.
- C. Ownership and Division of Land. No tract of land may be considered for or approved as a Planned Neighborhood Commercial District unless such tract is under the single ownership by a landowner. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract with the governing authority shall be considered landowners for the purposes of this section. Unless otherwise provided as a condition of approval of a Planned Neighborhood Commercial District, the landowner of an adopted Planned Neighborhood Commercial District may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final site development plan.
- D. Architectural Design - When the Planning Commission and/or Board of Mayor and Aldermen has established architectural design as an integral part of the master development plan and final site development plan, and stipulates architectural design principles and/or specific architectural design details, such principles and/or details shall be made a part of the master development plan, final site development plan and all zoning permits for the Planned Neighborhood Commercial District.
- E. Preliminary Master Development Plan Approval Required: The establishment of the PNC zoning district shall be based upon the submission and approval of a preliminary

master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed PNC District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the PNC District.

- F. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a PNC District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:
- G. Additional Site Design Standards: All developments occurring within a PNC District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

08.06 Unassigned

08.07 Unassigned

**08.08 Intent and Description of Commercial Services-Limited (CSL) Districts
Approved Prior to July 7, 1998**

These provisions apply to only those Commercial Services-Limited Districts that were approved prior to July 7, 1998. No rezoning to the Commercial Services-Limited District shall be approved after that date.

This district is intended to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. These existing districts occur along or away from arterial streets, characteristically are small, and are widely distributed throughout the community for convenient accessibility. The bulk regulations are established to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity.

08.08.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Commercial Services-Limited Districts as shown on the Gallatin Municipal-Regional Zoning Map and as delineated below, as described in Article 3.00, the following activities are permitted:

Community Facility Activities
Essential Service

Commercial Activities
Convenience Sales and Service – no gasoline pumps
Food Service

B. Permitted Accessory Uses and Structures

1. Signs in accordance with the regulations contained in Section 13.07. Section 13.07.100 shall govern the amount of signage permitted.
2. Accessory off-street parking and loading facilities as required in Article 11.00 of this ordinance.
3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited.

C. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 of this Ordinance are prohibited.

- 08.08.020 Bulk Regulations
- A. Maximum Lot Coverage – 40 percent
 - B. Minimum Setback Line – 40 feet

- 08.08.030 Area Regulations
- C. Minimum Lot Area – 20,000 square feet
 - D. Minimum Front Yard – 20 feet

In areas where uses in this district front on a street with residential properties, the setback line shall be the same as the adjoining residential properties, but in no case shall be less than thirty (30) feet.

- E. Minimum Side Yard – 10 feet
- F. Minimum Rear Yard – 10 feet

On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirements are greater than for this district.

- 08.08.031 Height Regulations – Maximum Building Height – 25 feet

- 08.08.040 Use of Required Yard

- A. Landscaping and Bufferyards – All required yard areas not occupied by sidewalks, and driveways shall be devoted to landscaping as defined in Article 13.00.
- B. Driveways – Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks – Provided that no sidewalk shall occupy more than half of any required yard.

- 08.08.050 Other Requirements

- A. Enclosure Requirements

All uses shall be conducted within completely enclosed buildings except for parking, loading, and other accessory uses listed herein which by their nature must exist outside a building.

- B. Floor Space Limitation

No establishment shall occupy more than 3,000 square feet of floor space.

C. Exterior Storage

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in rear of building only, and such facilities shall be appropriately screened and maintained using the same material from which the principal use is constructed.

ARTICLE 8.00 AMENDMENTS

Section	Ordinance #	Date
08.01.010, C	O9811-070	12/01/98
08.02.010, D	O9811-071	12/01/98
08.03.010, C	O9811-071	12/01/98
08.08	O9903-022	04/06/99
08.08.010.A	O9908-049	09/07/99
08.06 – deleted	O9912-058	01/04/00
08.07 – deleted	O9912-058	01/04/00
08.02.010, A	O0110-058	11/16/01
08.03.010, A	O0111-063	12/18/01
08.04	O0111-065	12/18/01
08.05	O0111-066	12/18/01
08.04	O0408-046	09/07/04
08.05	O0408-046	09/07/04
08.04.020, A and B	O0409-052	10/19/04
08.04.060	O0409-052	10/19/04
08.05.020, A and B	O0409-052	10/19/04
08.03.010, A	O0504-028	05/17/05
08.01.010, A	O0601-004	02/07/06
08.04.030	O1003-23	05/04/10
08.05.010	O1003-23	05/04/10
08.05.030	O1003-23	05/04/10
08.01.010	O1303-11	05/21/13

ARTICLE 9.00
PROVISIONS FOR INDUSTRIAL DISTRICTS

09.01 General Purposes and Intent of Industrial Districts

The Industrial Districts established by this Ordinance are designed to provide sufficient space, in appropriate locations, to meet the needs for industrial expansion within Gallatin; to encourage industrial development which is free from hazards to the public health and from other objectionable influences; to protect industrial activities against congestion, encroachment, and other adverse characteristics; to protect adjacent residential and commercial areas from offensive influences; and to promote the most efficient and desirable use of land. Within each industrial district, all uses are subject to the performance standards established in Article 13.00 of this Ordinance.

09.02 Intent and Purpose of IR Industrial Restrictive District

This class of district is intended to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

09.02.010 Uses and Structures

A. Principal Permitted Uses and Structures

Within the Restricted Industrial Districts as shown on the Gallatin Municipal and Regional Zoning Map, the following activities, as described in Section 03.06 are permitted:

Community Facility Activities

- Essential Service
- Utility and Vehicular

Industrial Activities

- Limited
- Intermediate
- Manufacturing, Limited

Commercial Activities

- Animal Care
- Research Service
- Wholesale Sales
- Transport and Warehousing
- Construction Sales and Service
- Limited Warehousing
- Convenience Sales and Service

B. Permitted Accessory Uses and Structures

1. Signs complying with the regulations established in Section 13.07.
2. Incidental services, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted

as an integral part of a principal use and having no exterior display or advertising.

3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.
4. Accessory off-street parking and loading areas as required in Article 11.00.

C. Conditional Uses

The following are conditional uses within this district:

Community Facility Activities

Intermediate Impact, (except for cemeteries, mausoleums and columbariums)

Extensive Impact

Limited Child Care

D. Prohibited Uses

Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 are prohibited.

09.02.020 Bulk Regulations

Maximum Lot Coverage - 50 percent

Maximum Height of Buildings - 80 feet

09.02.030 Area Regulations

The following area requirements shall apply to all uses permitted in this district:

A. Lot Area - Individual building sites shall be of such size that the structures involved will have architectural unity and flexibility in arrangements and that all space requirements set forth herein are met.

B. Required Front, Side, and Rear Yards

Front Yard: 20 feet

Side Yard: 15 feet

Rear Yard: 20 feet

C. Required Minimum Setback Line

Minimum Setback Line: 55 feet

- D. Corner Lots - On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirement is greater than that for this district.

09.02.040 Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

- A. Landscaping - All required yard areas not occupied by driveways or sidewalks shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no sidewalk shall occupy more than half of any required yard.

09.02.050 Other Requirements

- A. Enclosure Requirements - All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage, and other accessory uses listed herein which by their nature must necessarily exist outside a building.
- B. Provisions Applying along District Boundaries - In any IR District along such portion of the boundary which coincides with a lot line of a lot in a residential district, the buildings and structures shall be set back at least seventy-five (75) feet from such lot line.
- C. Exterior Storage - Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
- D. Surfacing of Storage Areas - All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

09.03 Intent and Purpose of the IG Industrial General District

This class of district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively well segregated from non-industrial uses. Performance standards must still be complied with. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complementary thereto are permitted.

09.03.010 Uses and Structures

A. Principal Permitted Uses and Structures - Within the General Industrial Districts as shown on the Gallatin Municipal and Regional Zoning Map, the following activities as described in Section 03.05 are permitted:

Community Facility Activities

- Utility and Vehicular
- Essential Service
- Limited Child Care

Industrial Activities

- Limited
- Intermediate
- Extensive
- Manufacturing Limited

Commercial Activities

- Animal Care
- Adult Entertainment
- Food Service
- Research
- Wholesale Sales
- Transport and Warehousing
- Convenience Sales and Service
- Construction Sales and Service
- Limited Warehousing

B. Permitted Accessory Uses and Structures

1. Signs complying with the regulations established in Section 13.07.
2. Incidental services, such as food and beverage dispensing and sales facilities, to serve employees and guests of an occupant of the district when conducted as an integral part of a principal use and having no exterior display or advertising.

3. Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.
4. Accessory off-street parking and loading areas as required in Article 11.00.

C. Conditional Uses - The following are conditional uses within this district:

Community Facility Activities

- Intermediate Impact, (except for cemeteries, mausoleums, and columbariums)
- Extensive Impact
- Limited Child Care

Commercial Activities

- Group Assembly Limited
- Group Assembly Extensive
- Scrap Operation

D. Prohibited Uses - Any uses or structures not of a nature specifically permitted herein, and any use not conforming to the performance standards set forth in Article 13.00 are prohibited.

E. Adult Bookstores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Entertainment Centers

No adult bookstore, adult motion picture theater, adult mini-motion picture theater, or adult entertainment center shall be operated or maintained except within the IG district.

No adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult entertainment center, massage parlor, or sauna shall be operated or maintained within 1,000 feet of a residentially zoned district, or within 500 feet of a church, state licensed day care facility, public library, public or private educational facility that serves persons age seventeen (17) or younger, elementary school, middle school, high school, or municipal park. Only one of the above regulated uses shall be allowed per block face. As used in this Section, "block face" shall contain a maximum of five hundred (500) linear feet of road frontage. The distance limitations above shall be measured in a straight line from the lot lines of the land containing regulated uses to the lot lines of properties described above.

09.03.020 Bulk Regulations

- Maximum Lot Coverage - 50 percent
- Maximum Height of Buildings - 80 feet

09.03.030 Area Regulations

The following area requirements shall apply to all uses permitted in this district:

- A. Lot Area
Minimum Lot Area 40,000 square feet
- B. Required Front, Side and Rear Yards
Front Yard - 30 feet
Side Yard - 15 feet
Rear Yard - 20 feet
- C. Required Minimum Setback Line
Minimum Setback Line - 60 feet
- D. Maximum Height
Maximum height shall be 80 feet
- E. Corner Lots - On any corner lot, all structures shall conform to the setback requirements for the adjoining street if such requirement is greater than that for this district.

09.03.040 Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

- A. Landscaping - All required yard areas not occupied by driveways or sidewalks shall be devoted to landscaping as defined in Sections 13.04 and 13.05.
- B. Driveways - Provided that no driveway shall occupy more than half of any required yard.
- C. Sidewalks - Provided that no driveway shall occupy more than half of any required yard.

09.03.050 Other Requirements

- A. Enclosure Requirements - All uses shall be conducted within completely enclosed buildings except for agriculture, parking and loading, exterior storage and other accessory uses listed herein which by their nature must necessarily exist outside a building.
- B. Provisions Applying Along District Boundaries - In any IG District along such portion of the boundary which coincides with a lot line of a lot in a residential district,

the buildings and structures shall be set back at least one hundred (100) feet from such lot line.

- C. Exterior Storage - Exterior storage may be permitted in the side and rear of the principal building only, provided the location, extent, and screening of storage is approved as a part of the site plan by the Planning Commission; and further provided that exterior storage shall be screened from public view by a suitable fence, wall, or hedge not exceeding fifteen (15) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
- D. Surfacing of Storage Areas - All storage areas shall be surfaced to provide a durable and dust-free surface. All areas shall be graded and drained so as to dispose of all surface water accumulated within the area.

09.04 Purpose and Intent of the PBP Planned Business Park District

The purpose of the Planned Business Park District is to foster stability and growth in light industry, warehouse and distribution and research/development, and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The Planned Business Park District targets relatively large contiguous land areas that can be developed according to a unified plan in a high-quality, campus-like setting rather than on a lot-by-lot basis. The uses and standards in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, enhance the natural or scenic qualities of the environment, and protect the public health and safety.

09.04.010 Areas eligible for PBP District Designation:

Any land area of ten (10) or more contiguous acres within the City's boundaries and/or planning boundary shall be eligible for designation as a Planned Business Park District by the governing authority in accordance with the procedures set forth in Section 15.07.

09.04.020 Permitted Uses:

- A. A Planned Business Park, occupied by any combination of the following uses:
 - 1. Light industry;
 - 2. Merchandise showrooms, indoor;
 - 3. Offices, but not single use developments which can be located in other zoning classifications;
 - 4. Public buildings;
 - 5. Research laboratories, but not outdoor testing facilities;
 - 6. Utility structures providing services within the park, including telephone switching centers, electric transmission lines, gas piping, water pumping stations, and other necessary structures;
 - 7. Vocational school or technical college;
 - 8. Warehouses, but not single use developments which can be located in other zoning classifications, and not including dead vehicle storage, trucking companies, and moving storage companies;
 - 9. Wholesale distribution centers.

- B. Any permitted use listed in Section 09.04.020 A, above, to be located in an individual building or lot within an existing Planned Business Park.

- C. Any of the following accessory uses within any building within a Planned Business Park, and primarily intended to serve employees and visitors of the park:
 - 1. Cafeterias or restaurants;

2. Banks or similar financial institutions;
3. Day care centers, subject to the following additional standards:
 - a. The property is located on a arterial or collector street or private drive that serves only nonresidential uses or zoning districts, or on a local street within 100 feet of an intersecting arterial or collector street.
 - b. Screening of the play and parking areas from adjacent properties may be required.
 - c. The maximum number of children to be accommodated on a site shall be specified.
 - d. The following minimum areas shall be provided per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen, or office space; 30 square feet of indoor rest area; and 50 square feet of usable outdoor play area.
 - e. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.
4. Living quarters for custodian, caretaker, or watchman;
5. Personal service establishments, including health and fitness centers, exclusively intended to serve occupants of business and research uses allowed in the PBP District.
6. See other conditions established for limited day care at 15.06.050.

09.04.030 Development Standards and Regulations:

All development proposed within the Planned Business Park District shall comply with the following specific standards:

A. Minimum Area Requirements

1. PBP District: Ten (10) contiguous acres under common ownership. Measurement of acreage shall apply to land which is contiguous or would be contiguous except for separation by a public right-of-way or a railroad right-of-way.
2. Individual lot or building site within PBP District: 3 acres.

B. Minimum Yard Requirements - Except for allowable accessory uses, no building or structure shall be located within the following minimum yards:

1. Minimum front yard abutting public right-of-way: 50 feet.
2. Minimum front yard abutting driveway or internal street: 35 feet.
3. Minimum side and rear yard abutting property zoned or used for residential purpose: 60 feet.
4. Minimum side and rear yard abutting property zoned or used for nonresidential purpose: 25 feet.
5. Minimum frontage on public right-of-way for PBP District: 200 feet.

B. Height Limits

1. Maximum Height: 45 feet.
2. The maximum height limitations of this Section shall not apply to heating and ventilation equipment, communication towers, or utility structures, except that no structure exceeding 45 feet shall be located within 200 feet of any property zoned or used for residential purposes.

D. Maximum Floor Area Ratio (FAR) - The total FAR of all buildings within a PBP District shall not exceed: 0.50.

E. Common Open Space Requirements

1. A minimum of 15 percent of the gross land area within a PBP District shall be set aside as common open space to provide for the recreational needs of employees and visitors of the office park.
2. Gross land area shall not include parking areas, driveways, or other impervious surfaces that are not usable for the activities described in Subsection 3. below.
3. Required open space shall be usable for active recreational activities, such as jogging, golf, or tennis; or passive recreation uses, such as sitting, scenic viewing, or lunch breaks. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts, or other recreational or landscaping amenities.

F. Ownership and Maintenance of Common Elements

1. Common elements, such as undedicated streets or drives, recreational and parking facilities, open space, and sanitary and storm sewers, shall be either:
 - a. Maintained by the owner of the Planned Business Park, pursuant to a maintenance agreement approved by the City Attorney; or
 - b. Conveyed to and maintained by a common owner or property owners' association, pursuant to covenants or a maintenance agreement approved by the City Attorney;
 - c. Conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures, or improvements located within it.
2. If common elements are to be maintained by a property owners' association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance with these district regulations, but will not be reviewed as to form, legality, or methods of enforcement. Those covenants must, at a minimum:
 - a. Create a property owners' association;
 - b. Provide for the maintenance of individual sites, common areas, open spaces, and private streets; and
 - c. Provide for minimum development and operational standards for each site which require adherence to local Ordinances and establish uniform landscaping, signage, site design, parking, and loading standards. The

covenants may include additional restrictions or requirements at the discretion of the developer.

G. Off-Street Parking and Loading Space Requirements

1. Minimum Number of Spaces - Off-street parking facilities must conform to City standards set out in Article 11.00, or in lieu of such standards, to requirements established by the Planning Commission.
2. Location of Parking Areas: - Off-street parking areas shall be conveniently accessible to uses within a Planned Business Park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets.

H. Outdoor Storage - Outdoor storage areas may be permitted as an accessory use on an individual lot within a Planned Business Park provided that such storage is completely screened from adjoining uses within and outside the park as well as from public rights-of-way in accordance with Section 13.04, and 13.05. Access through the screening for vehicles is permitted, but is limited to one 30-foot wide location per street frontage. No outside storage areas shall be permitted within any required setback or yard. In no event may the amount of land area devoted to outside storage exceed 15 percent of an individual lot area.

I. Landscaping Screening and Bufferyard Requirements: All developments within a PBP District shall comply with the regulations and standards required in Section 13.04 and 13.05.

J. Undergrounding of Utility Lines - All utility lines, such as electric, telephone, CATV, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

K. Access and Traffic Considerations

1. Planned business parks should be accessible from one or more arterial roads as designated in the Official Street Map of Gallatin, Tennessee. Planned business parks should provide at least one distinctive main gateway entrance to the park. Access to the park shall be designed to discourage outside through traffic.
2. Access to and through developments within a PBP district shall be designed and developed in accordance with Section 13.06.

L. Circulation System Requirements - Separate circulation systems shall be provided for pedestrians, automobiles, and delivery trucks.

1. Pedestrian Circulation. Sidewalks shall be provided along any roadways that are served by bus or vanpool service, and between buildings or to parking areas or transit stops. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. Except where topography makes it impracticable, sidewalks shall be appropriately designed,

graded, constructed, and surfaced to be readily usable by individuals in wheelchairs. Curb ramps shall be installed at all intersections and driveways to aid in wheelchair access.

2. Automobile Circulation: The street circulation system serving a planned business park shall be internally oriented.
3. Delivery Truck Circulation: Truck traffic and its related circulation system shall be separated, whenever feasible from automobile and pedestrian circulation systems. Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.
4. Emergency Vehicles: The street circulation system within a planned business park should be designed to ensure easy access for and maneuvering of emergency vehicles.

M. Sign Regulations: All developments within a PBP district shall be designed and developed in accordance with Section 13.07.

N. Architectural Design Guidelines

1. Buildings within a PBP district should conform to a uniform architectural style and comply with all requirements of Section 13.08.
2. Metal shed type warehouse buildings are strongly discouraged. Natural materials, such as concrete, brick, granite, or wood are more compatible with the purposes and character of the PBP district.
3. The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential, and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.

09.04.040 Additional Site Development Regulations

A. Preliminary Master Development Plan Approval Required: The establishment of the PBP zoning district shall be based upon the submission and approval of a preliminary master development plan according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The preliminary master development plan shall form the basis of the proposed PBP District, and, if approved, the plan and all of its components shall run with the land. All other conditions, regulations, and stipulations of the preliminary master development plan requirements shall be applied to any proposed development in the PBP District.

- B. Final Master Development Plan Approval Required: The Mayor and Aldermen's approval of a preliminary master development plan of a PBP District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02 of this Ordinance:

- C. Additional Site Design Standards: All developments occurring within a PBP District shall be designed and developed to comply with the standards of Articles 11.00, 12.00, and 13.00 of this Ordinance.

ARTICLE 9.00 AMENDMENTS

Section	Ordinance #	Date
09.02.010.A	O0402-006	03/16/04
09.02.010.E*	O0402-006	03/16/04
09.03.010.A*	O0402-006	03/16/04
09.03.010.E*	O0402-006	03/16/04
09.04	O0408-046	09/07/04

**Administrative correction made to correct section number amended by Ordinance 0402-006.*

ARTICLE 10.00
SPECIAL DISTRICT REGULATIONS

10.01 General Purposes of Special Districts

It is the intent of the City to preserve and protect certain areas of the community in order to promote the public health, safety and general welfare of the citizens of the City of Gallatin. Three (3) districts are proposed, Historic (H-1) District, Floodplain District, and Airport Overlay (AO) Zoning District.

10.02 Intent and Purpose of H-1 Historic District

It is the intent of this district to preserve the historic sites and structures of the City of Gallatin. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote the education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the H-1 Historic District, as shown on the official Zoning Map of Gallatin, Tennessee, the following regulations shall apply:

10.02.010 Uses and Structures

Any use permitted by the existing zoning classification is also permitted by the H-1 Historic District.

10.02.020 Application of the H-1 Historic District

The H-1 District classification may be superimposed in addition to the existing zoning classification where the following criteria shall be determined to exist by the Historic District Commission.

- A. The quality of significance in American History, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:
- B. that are associated with events that have made a significant contribution to the broad patterns of our history; or
 - 1. that are associated with the lives of persons significant in our past; or
 - 2. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a matter, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

3. that have yielded, or may be likely to yield, archaeological information.

10.02.030 Administration

No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-1 District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical District Commission.

- A. Administration shall be by the office of the Zoning Administrator and the Historical District Commission and all items regulated within the H-1 District shall be submitted to the Historical District Commission (through the office of the Zoning Administrator) for its review.
- B. Building Permit Required - All alterations, additions, or new construction which, previous to the establishment of this H-1 District, required that application be made for a Building Permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.
- C. Within 90 days of the passage of this Ordinance, the Historic District Commission shall prepare and submit to the Gallatin Mayor and Aldermen design review guidelines which shall be used by the Historical District Commission in the consideration of any application for certificate of appropriateness applied for under this Ordinance. No application may be considered by the Historic District Commission until such time as said guidelines have received approval of the Mayor and Aldermen.
- D. Building Permit Procedures
 1. Applications for building permits within the H-1 District shall be made to the Codes/Planning Department Office and all such applications shall be referred directly to the Historic District Commission. The Historic District Commission shall have broad powers to request detailed construction plans and related data pertinent to a thorough review of any application.
 2. Upon receiving an application for a Building Permit the Historic District Commission shall, within thirty (30) days following the availability of sufficient data, issue to the Codes/Planning Department a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
 3. The office of the Building Inspector shall additionally review applications for Building Permits (which have received written approval from the Historic District Commission) in the same manner review is made of Building Permit

applications outside of the H-1 District, and final issuance or rejection shall additionally be based upon the adopted Building Codes of the City of Gallatin. The fee charged for Building Permits within the H-1 District shall conform to existing fee schedules for Building Permits in any other zoning district within the City of Gallatin.

4. Inspection of building improvements shall be the responsibility of the Codes/Planning Department. The final inspection will be the joint responsibility of the Codes/Planning Department and a designee of the Historic District Commission.

10.02.040 Historic District Commission

- A. Creation and Appointment - In accordance with Tennessee Code Annotated 13-7-401, a Historic District Commission is hereby established. The Mayor and Aldermen shall create a five (5) member Historic District Commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic District Commission members shall be appointed by the Mayor, subject to confirmation by the Aldermen. Appointments to membership on the Historic District Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in the like manner in terms of five (5) years. All members shall serve without compensation. The members of the Commission shall elect a Chairman from among themselves to preside over meetings.
- B. Procedure - Meetings of the Historic District Commission shall be held at the call of the Chairman or by the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this Ordinance, by publication in an official newspaper or a newspaper of general circulation at least seven (7) days immediately prior thereto. At least three (3) members of the Commission shall constitute a quorum for the transaction of its business. The concurring vote of a majority of the Commission shall constitute final action of the Commission on any matter before it. The Commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.
- C. Powers and Duties - The Historic District Commission shall have the following powers:
 1. To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
 2. The Historic District Commission shall within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or

without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.

3. Upon review of the application for a building permit, the Historic District Commission shall give prime consideration to:
 - (a) historic and/or architectural value of present structure;
 - (b) the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - (c) the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
 - (d) to any other factor, including aesthetic, which is deemed pertinent.
4. Additional powers and duties:
 - (a) It shall be the duty of the Historic District Commission to make the following determination with respect to the historic district;

Appropriateness of altering or demolishing any building or structure within the Historic District. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant.

Appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.

Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.

Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.

The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Historic District Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the

purpose of preventing extensions incongruous to the historic aspects of the surroundings.

- (b) Right of Entry Upon Land - The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance, but there shall be no right of entry into any building without the consent of the owner.
- (c) Liability of Historic District Commission Members - Any Historic District Commission member acting within the powers granted by the Ordinance is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.
- (d) Jurisdiction - The Historic District Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgement of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, Sections 27-9-102 and 27-4-103.
- (e) Conflict of Interest - Any member of the Historic District Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participation in the discussion, decision, or proceedings of the Historic District Commission in connection therewith.

10.02.050 Maintenance and Repair of Improvements

Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair.

10.02.060 Remedying of Dangerous Conditions

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this Ordinance, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The

Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

10.02.070 Injunctive Powers and Penalties

- A. Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of the Ordinance, the City Attorney for the City of Gallatin shall, when directed by the Mayor or Aldermen, forthwith apply to an appropriate court for an injunction against such violation of this Ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- B. A violation of this Ordinance is punishable by a fine of not less than two dollars (\$2.00) and not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding ninety (90) days, or by both such fines and imprisonment. Every day of violation may be held to constitute a separate offense.

10.03 Statutory Authorization, Findings of Fact, Purpose and Objectives Related to the Municipal Floodplain Ordinance

10.03.010 Statutory Authorization, Findings of Fact, Purpose and Objectives

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Gallatin Board of Mayor and Aldermen, ordain as follows:

10.03.020 Findings of Fact

- A. The Gallatin Board of Mayor and Aldermen, wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
- B. Areas of Gallatin are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- C. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

10.03.030 Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

- A. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- B. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers involved in the accommodation floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

10.03.040 Objectives

The objectives of this Ordinance are:

- A. To protect human life, health and property;
- B. To minimize expenditure of public funds for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- G. To ensure that potential homebuyers are notified that property is in a floodable area; and
- H. To maintain eligibility for participation in the National Flood Insurance Program.

10.03.041 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-Related Erosion Hazard" is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure")

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance that relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure",

provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

10.03.050 General Provisions

- A. Application - This Chapter shall apply to all areas within the planning region, including the corporate limits of Gallatin, Tennessee.
- B. Basis for Establishing the Areas of Special Flood Hazard – The Areas of Special Flood Hazard identified on the Gallatin, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panels 0293E, 0295E, 0311E, 0312E, 0313E, 0314E, 0316E, 0317E, 0318E, 0319E, 0406E, 0407E, 0408E, 0426E, 0427E, 0428E, 0429E, 0431E, 0432E, 0434E, 0441E, 0442E, dated September 20, 2006, and Map Index INDOC and Community Panels 409F and 433F, dated May 18, 2009, and any subsequent amendments or revisions, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
- C. Requirement for Development Permit - A development permit shall be required in conformity with this Chapter prior to the commencement of any development activity.
- D. Compliance - No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions - This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However,

where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

- F. Interpretation - In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability - The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Gallatin, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.
- H. Penalties for Violation - Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law and/or a fine of \$50.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Gallatin, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

10.03.060 Administration

- A. Designation of Program Administrator -The City Planner is hereby appointed to administer and implement the provisions of this Ordinance.
- B. Permit Procedures - Application for a development permit shall be made to the City Planner on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:
 - 1. Application Stage
 - (a) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations (BFE's) are available, or to the highest adjacent grade when applicable under this Ordinance.
 - (b) Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.

- (c) Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Section 10.03.060.B.
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (e) Submission of surety for completion of work in a form approved by the City Attorney and in an amount based on the cost of development as determined by the City Engineer utilizing the current issue of the R.S. Means Site Work Cost Data.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the City Planner shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the City Planner an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the City Planner - Duties of the City Planner shall include, but not be limited to:

- 1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 2. Advise permitter that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of

such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 10.03.060.B.
6. Record the actual elevation; in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with Section 10.03.060.B.
7. When flood proofing is utilized for a structure, the City Planner shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 10.03.060.B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City Planner shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the City Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the City Planner shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 10.03.041 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 10.03.060.B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City Planner and shall be open for public inspection. Permits

issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

10.03.070 Provisions for Flood Hazard Reduction

A. General Standards - In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards - These provisions shall apply to all areas of special flood hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to

ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 10.03.060.B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 10.03.041 of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 10.03.060.B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 10.03.041 of this Article). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 10.03.060.B.

Buildings located in all A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 10.03.060.B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Section 10.03.070.B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- (a) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
- 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- (c) Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Section 10.03.070.B of this Ordinance.
- (d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (e) All recreational vehicles placed on identified flood hazard sites must either:

- 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.
5. Standards for Subdivisions – Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (d) Base flood elevation data shall be provided for all subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots or five acres in area.
 - (e) Within all districts, the total gross acreage of a site shall be reduced by an amount equal to the number of acres lying within the 100 year floodplain (as identified by FEMA maps), when calculating for the available density or total number of units possible. If the proposal minimizes disturbance to the floodplain through the elimination of fill and/or disturbance of these areas, the reduction of total gross site acreage due to floodplain shall be reduced by fifty percent (50%). All other applicable regulations shall be required of the proposal.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated:

Located within the Areas of Special Flood Hazard established in Section 10.03.050.B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Sections 10.03.070.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 10.03.050.B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Section 10.03.070.B.

E. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Section 10.03.050.B, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Section 1-3, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 10.03.070 ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 10.03.070.B and "Elevated Buildings".

F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Section 10.03.050.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 10.03.070.B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 10.03.060.B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section 1-3 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Section 10.03.060. and Section 10.03.070.A. shall apply.

H. Standards for Unmapped Streams

Located within Gallatin, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Section 10.03.060.

10.03.080 Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard.

A. Board of Zoning Appeals

1. The Gallatin Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other property to the injury of others;
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship; and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will

result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The City Planner shall maintain the records of all appeal actions and report the granting of any variances to the Federal Emergency Management Agency upon request.

10.04 Airport Overlay (AO) Zoning District Regulations

10.04.05 Short Title

This Ordinance shall also be known as and may also be cited as the Sumner County Regional Airport Zoning Ordinance

10.04.010 Purpose

The purpose of this Ordinance is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sumner County Regional Airport; to designate the Boards of Zoning Appeals to hear appeals; to provide for enforcement and penalties; to define certain terms used herein; and to amend the City of Gallatin Zoning Map to create the Sumner County Regional Airport Zoning Map and establish the boundaries of Airport Zoning districts.

10.04.020 Statutory Authorization, Findings of Fact, and Objectives

This ordinance is adopted pursuant to the authority conferred by Title 42 of the Tennessee Code Annotated. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Sumner County Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Sumner County Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Sumner County Regional Airport and the public investment therein. Accordingly, it is hereby declared that:

- A. the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Sumner County Regional Airport;
- B. it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- C. the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

10.04.030 Recommendation and Certification of Airport Zoning Ordinance

- A. The Sumner County Regional Airport Authority recommended approval of this Ordinance on April 28, 2008 and recommended its adoption by the City of Gallatin, Sumner County and Wilson County to be incorporated into their respective zoning ordinances.
- B. The Tennessee Department of Transportation, Division of Aeronautics, has certified the Airport Zoning Regulations pursuant to TCA §42-6-105.

10.04.040 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in context or common usage, and to give this Ordinance the most reasonable application given its stated purpose and objectives:

- A. AIRPORT – Means Sumner County Regional Airport.
- B. AIRPORT ELEVATION - 584 feet above mean sea level.
- C. AIRPORT MANAGER – Airport Manager for the Sumner County Regional Airport
- D. AIRPORT ZONING MAP - The Sumner County Regional Airport – Part 77 Airport Airspace Drawing-Plan, approved by the Tennessee Department of Transportation, Division of Aeronautics on November 13, 2009, is adopted by reference by this Ordinance and incorporated as part of the Official Zoning Map of the City of Gallatin, Tennessee.
- E. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 10.04.060 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- F. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Section 10.04.050 of this Ordinance.
- G. BOARD OF ZONING APPEALS – A Board consisting of 5 members, appointed by the Board of Mayor and Aldermen of the City of Gallatin as provided in Article 15.00, Section 15.04 of the Gallatin Zoning Ordinance.
- H. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

- I. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.
- J. HEIGHT - For the purpose of determining the height limits in all zones set forth in the Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- K. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- L. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- M. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- N. NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- O. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 10.04.060 of this Ordinance.
- P. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- Q. PRECISION INSTRUMENT RUNWAY - A runway, having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- R. PRIMARY SURFACE – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 10.04.050 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

- S. RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.
- T. STRUCTURE – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestack, earth formation, and overhead transmission lines.
- U. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- V. TREE – Any object of natural growth.
- W. UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- X. VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

10.04.050 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Sumner County Regional Airport. Such zones are identified on the Part 77 Airport Airspace Drawing-Plan in the Sumner County Regional Airport Layout Plan, prepared by the Sumner County Regional Airport Authority and approved by the Tennessee Department of Transportation, Division of Aeronautics on November 13, 2009. The following Airport Zones, shown on the aforementioned Airspace Drawing-Plan, are hereby defined and adopted by reference and declared to be a part of these Airport Zoning Regulations and designated as the Airport Zoning Map and shall be incorporated as part of the Official Zoning Map of the City of Gallatin, Tennessee. An area which is located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than ¾ Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of

10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- B. Runway Larger Than Utility With A Visibility Minimum As Low As ¾ Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.
- D. Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

10.04.060 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than ¾ Mile Non-precision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- B. Transitional Zones – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 584 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the

approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

- C. Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 734 feet above mean sea level.
- D. Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- E. Excepted Height Limitations – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

10.04.070 Use Restriction

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

10.04.080 Nonconforming Uses

- A. Regulations Not Retroactive – The regulations prescribed in the Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- B. Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Sumner County Regional Airport Authority.

10.04.090 Permits

A. Future Uses – Except as specifically provided in 1, 2, and 3 hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Zoning Administrator for the City of Gallatin. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 10.04.090.D. Prior to the issuance of a permit, the Zoning Administrator may request that the permit applicant provide verification from the Federal Aviation Administration as to the effect of the requested permit or proposed construction on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The Zoning Administrator may also consult with the Airport Manager for advice as to the aeronautical and operational effects of the permit application.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
4. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by the Ordinance except as set forth in Section 10.04.060.E.

B. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

- C. Nonconforming Uses Abandoned or Destroyed – Whenever the City of Gallatin Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the City of Gallatin Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.
- E. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner’s expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

10.04.100 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Administrator.

10.04.110 Board of Zoning Appeals

The Board of Zoning Appeals is hereby designated to hear appeals from airport zoning ordinances created under this section pursuant to TCA §42-6-108.

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator, made in the administration of Section 10.04 of this Ordinance, may appeal to the Board of Zoning Appeals pursuant to the provisions of Section 15.04 of the Gallatin Zoning Ordinance.
- B. The Board of Zoning Appeals shall be authorized to consider variances from the Airport Zoning Regulations pursuant to Section 10.04.090 of the Gallatin Zoning Ordinance.
- C. An appeal shall stay all proceeding in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or notice to the Zoning Administrator and on due cause shown.
- D. The Board of Zoning Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

10.04.120 Judicial Review

Any person or agency of the city government may appeal to a court of competent jurisdiction a decision of the Board of Zoning Appeals as provided under statutes of the State of Tennessee.

10.04.130 Penalties

Penalties for Violation of this Ordinance shall be pursuant to Section 15.08.020, Penalties for Violation of the Gallatin Zoning Ordinance.

10.04.140 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10.04.150 Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or

application of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are declared to be severable.

10.04.160 Effective Date

Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, and this Ordinance shall be in full force and effect from and after its passage by the Board of Mayor and Alderman and publication and posting as required by law. Adopted by the City of Gallatin on April 21, 2009.

ARTICLE 10.00 AMENDMENTS

Section	Ordinance #	Date
10.03 (Entirety)	O0609-063	09/19/06
10.03.050.B	O0808-53	09/16/08
10.01	O0802-16	04/21/09
Add Section 10.04	O0802-16	04/21/09
10.03.050.B	O0903-30	05/05/09
10.02.030.D.1	O0911-83	01/19/10
10.02.030.D.2	O0911-83	01/19/10
10.02.030.D.4	O0911-83	01/19/10
10.03.060.B.1.(e)	O1003-24	05/04/10
10.04.040.D	O1102-14	04/19/11
10.04.050	O1102-14	04/19/11

ARTICLE 11.00
OFF-STREET PARKING AND LOADING REGULATIONS

11.01 **Off-Street Parking - Purpose**

Article 11.00 shall be known as the Off-Street Parking and Loading Regulations. These regulations require off-street parking and loading facilities in proportion to the need created by each use. The regulations further establish standards for the functional design of such facilities. These regulations are intended to provide for accommodation of vehicles in a functionally and aesthetically satisfactory manner, to reduce congestion on city streets, and to minimize external effects on adjacent land uses and to limit truck parking in residential neighborhoods.

11.02 **General Regulations; Off-Street Parking**

11.02.010 Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing, conforming buildings; or for enlargements of existing structures.

- A. For new uses, conversions or enlargements of existing, conforming buildings, off-street parking in compliance with these regulations shall be provided for the entire facility before issuance of a certificate of occupancy by the planning development.
- B. For enlargements of existing structures or uses which do not conform to these regulations, required parking must equal the sum of those spaces furnished by the use prior to the enlargement and the number of spaces required by these regulations for any additional use area.
- C. Applicability of Regulations to Core Commercial District – Accessory off-street parking spaces within the Core Commercial District shall be provided as follows:
 - 1. For any activity permitted as of right in the Core Commercial District, accessory off-street parking shall not be required and in no case shall the number permitted exceed 50 percent (50%) of the gross floor area of a building, 50 percent (50%) of the maximum capacity in the largest place of public assembly, or 200 spaces per zone lot, whichever requires fewer spaces, provided, however, on a zone lot containing eighty thousand (80,000) square feet or more, the maximum permitted floor area for accessory off-street parking may be fifty percent (50%) of the gross floor area but may not exceed 300 spaces.
 - 2. For activities permitted by a conditional use permit, the Board of Appeals shall specify the maximum number of accessory off-street parking spaces permitted, and in no case shall the amount of space for accessory use exceed fifty percent (50%) of the gross floor area of any building, 50 percent (50%) of the maximum

capacity in the largest place of public assembly, or 200 spaces for any zone lot, whichever requires fewer spaces.

11.02.020 Reduction in Off-Street Parking Facilities

No existing facility used for off-street parking on the effective date of this chapter shall be reduced in capacity to less than the minimum required number of spaces, or altered in design or function to less than the minimum standards prescribed by this section. A reduction of spaces may be permitted by the City Planner if an additional off-street parking area compensating for the reduction and conforming to these regulations is substituted.

11.02.030 Multiple Uses on a Site

For sites with more than one (1) use, the parking requirements shall be the sum of spaces required for each use.

11.02.040 Application of Design Standards

All parking facilities constructed or substantially reconstructed after the effective date of this section shall comply with the design standards contained in Section 11.09 and Article 13.00.

11.02.050 Maintenance and Use of Off-Street Parking Facilities

All required off-street parking facilities shall be maintained for the duration of the use requiring such facilities. Such facilities are to be used solely for the temporary parking of personal vehicles. Personal vehicles include passenger cars, vans, pickup trucks, recreational vehicles, trailers under twenty (20) feet in length, and boats. Off-street parking facilities may not be used for the sale, display or storage of merchandise, or for the storage and repair of vehicles or equipment.

11.03 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accordance with the minimum requirements set forth in Table 11-01.

11.03.010 When a computation of required parking results in a fraction of 0.5 or greater, the requirements should be rounded up to the next whole number.

11.03.020 Unless otherwise indicated, parking requirements are based on gross floor areas. Gross floor areas for the purpose of this computation do not include enclosed areas devoted to off-street parking or loading.

11.03.030 When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code applicable in the city at the time the use is established.

TABLE 11-01
OFF-STREET PARKING REQUIREMENTS

(Requirements Based on Gross Floor Area Unless Otherwise Noted)

Use Types	Minimum Off-Street Parking Requirement
<i>Residential Use Types:</i>	
Single-family residential	2 spaces per dwelling unit
Duplex residential	2 spaces per dwelling unit
Two-family residential	2 spaces per dwelling unit
Townhouse residential	2 spaces per dwelling unit
Upper story residential dwelling	1.5 spaces per dwelling unit
Multiple-family residential: Efficiency One bedroom Two bedrooms and over Multifamily residential occupied exclusively by elderly families under specific long-term contract with an agency of federal, state or local government Group residential Retirement center	2 spaces per dwelling unit 2 spaces per dwelling unit 2 spaces per dwelling unit 1 space per 4 dwelling units 1 space per 2 residents See Schedule C
Mobile home residential: Residence park Subdivisions	2.0 spaces per dwelling unit 2.0 spaces per dwelling unit
<i>Civic Use Types:</i>	
Administrative services	1 space per 300 square feet
Cemetery	See Schedule B
Social or recreational clubs	1 space per 2 person total capacity
College or university	See Schedule B
Convalescent services	1 space per 4 beds plus 1 space per 2 employees on maximum shift
Cultural services	1 space per 1,000 square feet
Day care	1 space per 4 person licensed capacity
Detention facilities	See Schedule B
Group care	1 space per 2 persons permitted capacity
Guidance services	1 space per 300 square feet

Hospital services (limited)	1 space per 500 square feet
Hospital services (general)	1 space per bed patient capacity
Local utility services	No requirement
Emergency residential care	1 space per 2 persons residential capacity
Maintenance and service facilities	See Schedule A
Major utility	See Schedule B
Military installations	See Schedule B
Park and recreation services	See Schedule B
Postal facilities	See Schedule A
Primary educational facilities	1 space per employee on largest shift; 1 space per 25 students
Public assembly	1 space per 4 persons capacity
Religious assembly	1 space per 4 persons capacity of largest place of public assembly
Safety services	See Schedule B
Secondary educational facilities	1 space per employee on largest shift, plus 1 space per 3 students in 10th, 11th and 12th grades
General offices	1 space per 300 square feet
Financial services	1 space per 300 square feet
Medical offices	1 space per 150 square feet
<i>Commercial Use Types:</i>	
Agricultural sales and service	See Schedule A
Automotive and equipment services: Service center Auto rentals Auto sales Equipment rental and sales Auto repair services Equipment repair services Vehicle storage Body and fender repair	3 times number of service bays See Schedule A See Schedule A See Schedule A 4 spaces per repair stall See Schedule A No requirement 4 spaces per repair stall
Automotive disassembly, parts recycling, and materials recovery operations	1 space per 500 gross square feet of floor area
Building maintenance services	1 space per 500 square feet
Business support services	1 space per 500 square feet

Campground	1 space per camping unit
Cocktail lounge	1 space per 150 square feet
Commercial recreation: Indoor sports and recreation: Bowling alley Tennis or racquetball court Other uses Outdoor sports and recreation: Golf courses Swimming pools Tennis or other court games Miniature golf Other uses Indoor entertainment: Theaters Other uses Outdoor entertainment: Spectator uses Other uses	4 space per alley 2 spaces per court See Schedule B 50 spaces per 9 holes 1 space per 100 square feet of water surface 2 spaces per court 1.5 spaces per hole See Schedule B 1 space per 2.5 seats 1 space per 4 persons capacity Smaller of 1 space per 4 seats or 50 square feet of seating area 1 space per 400 square feet of site area
Communications services	1 space per 500 square feet
Construction sales and service	See Schedule A
Convenience sales and service	1 space per 100 square feet of gross floor area
Consumer repair services	1 space per 300 square feet
Convenience storage	1 space per 10 storage units, plus 1 space per 300 square feet of office
Exterminating services	1 space per 800 square feet
Food sales (limited)	1 space per 300 square feet
Food sales (general)	1 space per 200 square feet
Food sales (convenience)	1 space per 200 square feet
Funeral services	1 space per 4 persons capacity in largest place of public assembly
General retail services or multitenant retail centers with greater than 10,000 square feet of gross retail floor area	1 space per 250 square feet
Hotel and motel	1 space per unit
Kennels	1 space per employee, plus 1 space per 1,000 square feet

Laundry services	1 space per 300 square feet
Liquor sales	1 space per 200 square feet
Pawnshop services	1 space per 300 square feet
Personal improvement services	1 space per 500 square feet
Pet services	1 space per 300 square feet
Research services	1 space per 500 square feet
Restaurant (drive-in)	The greater of 1 space per 40 square feet of customer service or dining area or 1 space per 150 square feet of gross building area
Restaurant (limited)	1 space per 4 persons capacity in dining area
Restaurant (general)	1 space per 4 persons capacity in dining area
Stables	1 space per employee
Surplus sales	See Schedule A
Veterinary services	1 space per 500 square feet
<i>Transportation Uses Types:</i>	
Aviation facilities	See Schedule B
Railroad facilities	See Schedule B
Dock facilities	See Schedule B
Transportation terminal	See Schedule B
Truck terminal	See Schedule B
<i>Industrial Use Types:</i>	
Construction yards	See Schedule A
Custom manufacturing	See Schedule A
Light industry	See Schedule A
General industry	See Schedule A
Heavy industry	See Schedule A
Resource extraction	1 space per employee on largest shift
Scrap and salvage services	See Schedule A
Stockyards	1 space per employee on largest shift
Meat packing and related industries	1 space per employee on largest shift
Warehousing and Distribution (limited)	See Schedule A

Warehousing and Distribution (general)	See Schedule A
Miscellaneous Uses:	
Landfills	See Schedule B

Schedule A:

This schedule sets forth minimum off-street parking requirements for uses with elements having different functions or operating characteristics.

Function of Element	Requirement
Office or administrative activity	1 space per 300 square feet
Indoor sales display or service area	1 space per 500 square feet
Outdoor sales, display or service area	1 space per 2,000 square feet
Equipment servicing, or manufacturing	1 space per 1,000 square feet
Indoor or outdoor storage, or warehousing	1 space per 5,000 square feet

Schedule B:

Specific requirements shall be determined by the Zoning Administrator. Requirements shall be based on requirements for similar uses, location of proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the zoning board of appeals.

Schedule C:

Retirement centers are a multifamily residential use with common areas and support services, for exclusive occupancy by households of which at least one (1) person is sixty-two (62) years of age or older. Such facilities exclude multifamily residential occupied by elderly families under specific long-term contract with an agency of federal, state or local government. Retirement centers require one (1) off-street parking space per four (4) dwelling units. Also, additional parking area must be available on the site to permit future conversion to standard multifamily residential use which complies with Sections 11.03 and 11.04. Any change in use shall require a site plan and shall meet parking requirements.

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.

11.05 Adjustment for Mixed Use Developments

11.05.010 Purpose

Different uses with a mixed use development may have complementary parking demands. This can result in a parking requirement that is less than the sum of required parking for each use considered separately. This provision is designed to prevent excessive requirements for off-street parking in mixed uses developments.

11.05.020 The Planning Commission may authorize an adjustment in the total parking requirement of separate uses located on the same site or for separate uses located on adjoining sites and served by a common parking facility.

11.05.030 An application for such an adjustment must include a site plan showing location of parking and extent of various uses; the requested reduction in the parking requirement; and a transportation engineering report addressing the criteria established in Section 11.05.050.

11.05.040 All parking spaces subject to the mixed use adjustment must be located in a common, contiguous facility, nearby equally accessible and usable to all uses which it serves.

11.05.050 The Planning Commission shall consider at least the following criteria in determining approval of a mixed-use adjustment:

- A. The characteristics and time of operation of each use, and differences in project peak parking demand.
- B. Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
- C. Functional design of the development and its parking facilities.
- D. Recommendations of the City Planner.

11.05.060 The Planning Commission may require such guarantees which it considers necessary to assure the continued availability, maintenance and operation of the parking facility.

11.06 Compact Parking

11.06.010 Each parking facility may provide a maximum of thirty (30) percent of its space for compact cars.

11.06.020 Dimensions for compact spaces are set forth in Section 11.09.

11.06.030 Compact spaces shall be located in groups of five (5) or more contiguous spaces, be appropriately identified by markings, and be located in a manner affording the same convenience as standards stalls.

11.07 Handicapped Parking

11.07.010 Off-street parking facilities shall provide parking spaces specifically designed, located, signed and reserved for vehicles licensed for use by the handicapped, according to Table 11-02.

**TABLE 11-02
HANDICAPPED PARKING REQUIREMENTS**

Total Parking Spaces	Accessible Parking Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

11.07.020 Design criteria and dimensions for handicapped spaces are set forth in Section 11.09.

11.07.030 Off-street parking facilities for single-family, duplex, two-family and townhouse residential uses located on the same lot or site shall be exempt from handicapped parking requirements.

11.08 Bonus Provisions

11.08.010 Bicycle Parking Bonus

A. A use may substitute bicycle parking for a maximum of five (5) percent of its minimum off-street parking requirement.

- B. For the purpose of calculating a permitted substitution, one (1) completely enclosed and secure bicycle locker is the equivalent of one (1) parking space; five (5) spaces in a bicycle rack is the equivalent of one (1) parking space.
- C. Bicycle parking facilities shall be anchored to prevent easy removal.
- D. The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking.

11.08.020 Public Transportation Access Bonus

- A. The City Planner may authorize reductions of the off-street parking requirement of a use requiring one hundred (100) or more parking stalls for providing access to public transportation.
- B. The off-street parking requirement for such a use may be reduced by five (5) percent if the building having such use is within three hundred (300) feet of a transit stop as designated by the Metropolitan Transit Authority or similar regional transit authority.
- C. The off-street parking requirement for such a use may be reduced by an additional five (5) percent if the use includes one (1) or more of the following improvements:
 - 1. Provision of a bus shelter of a design approved by Metro Transit Authority at the bus stop, together with a designated pedestrian route connecting the bus stop to the building.
 - 2. Provision of a waiting area within the building with ready visual access to the bus stop, together with a designated pedestrian route connecting the bus stop to the building.
 - 3. Provision of a waiting area within the building or a bus shelter within the site together with a designated routing area through the site accepted by Metro Transit Authority.

11.09 Off-Street Parking Design Standards

11.09.010 Standards:

This section establishes minimum standards for the design, construction and maintenance of off-street parking areas.

11.09.020 Dimensions:

- A. Standard parking stalls must comply with minimum dimensions specified in Table 11-03 and Figure 11-01. The standard-size parking stall shall be at least nine (9) feet

wide and twenty (20) feet long. Handicapped stalls shall be thirteen (13) by twenty (20) feet.

TABLE 11-03
STANDARD PARKING LAYOUT DIMENSIONS

Parking Pattern or Angle	Curb Length per Car (B)	Parking Space Depth (A)	Drive Aisle Width (C)
0	21 ft	8 ft	12 ft
45	13 ft	19 ft	13 ft
60	10.5 ft	20 ft	16 ft
75	9.3 ft	20 ft	22 ft
90	9.0 ft	20 ft	24 ft

B. Compact parking stalls as permitted by Section 11.06 shall be eight (8) feet in width and sixteen (16) feet in depth. These stalls shall comply with minimum dimensions specified in Table 11-04 and Figure 11-02.

TABLE 11-04
COMPACT PARKING LAYOUT DIMENSIONS

Parking Pattern or Angle	Curb Length per Car (B)	Parking Space Depth (A)	Drive Aisle Width (C)
0	19 ft	8 ft	11 ft
45	12 ft	17 ft	11 ft
60	10 ft	18 ft	14 ft
75	9 ft	18 ft	18 ft
90	8 ft	16 ft	20 ft

11.09.025 Surfacing

All off-street parking areas containing five spaces or more shall be surfaced with asphalt, concrete, or other hard-surfaced dustless material and so constructed to provide for adequate drainage for both on and off-site drainage and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks.

11.09.030 Vehicle Overhang:

Where parking stalls lie adjacent to landscaped areas, the paved depth of the stalls may be decreased by two (2) feet to provide for a vehicular overhang area. The vehicular overhang area may not encroach into a required landscaped area or public sidewalk.

11.09.040 Landscaping and Screening Requirements:

Interior and perimeter landscaping shall be provided for all parking facilities, to buffer the facility from surrounding properties and rights-of-way; reduce the environmental effects of large, hard-surfaced areas; and improve the retention and absorption of storm water runoff. The landscape and screening requirements are set forth in Section 13.05 or in the design standards of the respective district. The most stringent landscaping standards shall apply.

11.09.050 Entrances and Exits:

Adequate access to each parking facility must be provided by means of clearly defined and limited driveways in conformance with design standards established in this section and Article 13.00. Entrances and exits should be located so as to direct nonresidential traffic away from residential areas.

11.09.060 Lighting:

- A. Lighting used to illuminate any parking area shall be shielded or otherwise designed to direct light away from adjacent residential districts.
- B. The ambient level of lighting used by a parking facility shall not exceed three (3) foot candles, measured at any point along the boundary of the adjoining residential district at a height of six (6) feet above grade.

11.09.070 Safety Features:

- A. Parking facilities shall use curbs, protective bumpers, wheel stops or other devices to prevent encroachment on public rights-of-way or adjoining private property and to protect landscaping.
- B. Parking facility design shall provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility.
- C. Vehicular circulation patterns shall be designed in accord with the accepted principles of traffic engineering and safety.
- D. Parking facility design, lighting, landscaping and other features shall provide ready visibility into the facility from adjacent public sidewalks and shall not create blind or hidden areas.

E. Additional design standards for traffic access and control in proposed parking area are contained in Section 13.06.

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.

TABLE 11-05
OFF-STREET LOADING REQUIREMENTS

Gross Floor Area of Use (in Square Feet)	Number of Required Loading Spaces
5,000 or less	No requirement
5,001 - 25,000	1
25,001 - 75,000	2
75,001 - 150,000	3
Over 150,000	4

11.10.020 Dimensions and Design Standards:

- A. Each off-street loading space shall be at least ten (10) feet by fifty (50) feet, with a vertical clearance of at least fourteen (14) feet.
- B. Paving surfaces of off-street loading spaces shall be permanent, durable and dustless.
- C. Off-street loading spaces may not be located in any required yard adjacent to a residential district.
- D. Off-street loading spaces are subject to the bufferyards and screening requirements Sections 13.04 and 13.05.
- E. Circulation area and access to loading spaces must allow maneuvering into or out of the space to occur outside of any public street.

ARTICLE 11.00 AMENDMENTS

Section	Ordinance #	Date
11.02.010.C	09810-061	10/20/98
11.09.025	09909-054	10/19/99
11.02.010.C.1	O1303-11	05/21/13
11.02.010.C.2	O1303-11	05/21/13

ARTICLE 12.00
SUPPLEMENTARY DISTRICT REGULATIONS

12.01 **Regulations Applicable to All Districts**

The following supplemental regulations shall apply to specified districts.

12.01.010 Visibility at Intersections

On a corner lot in any district, except CC, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

12.01.015 Permitted Obstructions in Required Yards

In all zoning districts, the following shall not be considered obstructions when located within any required yard, except these items shall also comply with Section 12.01.010, Visibility at Intersections:

- A. Accessory Structures as permitted in Section 12.01.030.
- B. Arbors or trellises.
- C. Awnings or canopies projecting from a building wall over a required yard not more than six (6) feet and having no supports other than provided by the wall or its integral parts.
- D. Chimneys projecting not more than three (3) feet into a required yard.
- E. Eaves, gutters, or downspouts projecting into or over required yards not more than 24 inches or 20 percent of the width of such yard, whichever is the lesser distance.
- F. Fences, walls or hedges as permitted in Section 12.01.020.
- G. Fire escapes or staircases, the riser of which shall be at least 50 percent open, and whose vertical projection downward onto a required yard does not project more than three (3) feet into, and not exceeding ten (10) percent of the area of the required yard.
- H. Flag poles having only one structural ground member.
- I. Freestanding signs as permitted in Section 13.07.
- J. Heating and air conditioning units provided that no such unit shall extend into more than one-half (1/2) the width of the required yard.
- K. Mailboxes.
- L. Open terraces, fountains, sculptures, or other similar objects of art.
- M. Retaining walls.
- N. Sidewalks, driveways, and vehicular parking areas, unless otherwise specifically prohibited by applicable sections of this ordinance.
- O. Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, light standards, and directional signs.
- P. Uncovered concrete patios projecting not more than 50 percent into a required yard.

12.01.020 Fences, Walls, and Hedges

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard as follows:

- A. Fences, walls, and hedges must comply with Section 12.01.010, Visibility at Intersections.
- B. No fence or wall shall be installed so as to block or divert a natural drainage flow on to or off of any other land.
- C. Appearance – Fences and walls shall comply with the following standards:
 - 1. Customary Materials – Fences and walls shall be constructed of materials customarily used and manufactured as common fence or wall materials, including solid wood, brick, masonry, stone, chain link, wrought iron, decorative metal materials, or products designed to resemble these materials. Chain link fencing approved as part of a Site Plan or Final Master Development Plan shall be vinyl coated and colored dark green, brown or black.
 - 2. Prohibited Materials – Fences and walls constructed of debris, junk, rolled plastic, sheet metal, plywood, or other waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and designed for use as fencing or wall materials.
 - 3. Finished Side to Outside – All fences and walls shall be oriented with the “good” or “finished” side facing outward (i.e. one side has visible support framing and the other does not) rather than facing the interior of the lot. This provision may be varied by the Zoning Administrator in situations where the unfinished side will not be visible to the public or other properties, or where other unusual circumstances exist. This provision shall not preclude the placement of a shadowbox type fence.
 - 4. Uniformity of Materials – Fencing and wall segments located along a single lot side shall be of uniform height, material, type, color, and design and shall be uniform for the entire length of the fence or wall, except where a fence or wall segment transitions from one yard to another or from one height to another.
 - 5. Height Requirements
 - a. In residential and mixed use zone districts, fences and walls shall not exceed a height of four (4) feet in a required front yard and six (6) feet in a required side and rear yard. Any fence installed in a front yard shall be of no greater than 50 percent opacity (that is, it shall obscure no more than 50 percent of the view into the land). If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.
 - b. In commercial and industrial districts, fences and walls shall not exceed a height of six (6) feet in a required front yard and ten (10) feet in a required

side or rear yard. If a fence is constructed on top of a retaining or other wall or berm, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone, in relation to the grade on the highest side of the wall.

- c. Fences or walls provided to meet the requirements outlined in Section 13.04, Transitional Bufferyard Design Standards, may be exempted from the height and location standards as necessary to meet the requirements of that section when approved as part of an overall landscape and bufferyard plan.
 - d. The Zoning Administrator may approve driveway entry features, including, but not limited to, decorative columns and gates, at a height greater than the height specified in Section 12.01.020.C.5 a through c.
6. Maintenance Required – All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements.

12.01.030 Accessory Structures

No accessory structures shall be erected in any required front yard. Accessory structures such as detached garages and storage buildings may be located at any point at least five (5) feet behind the principal structure, and a minimum of four (4) feet from all side and rear property lines. No accessory structures are permitted in any easements. A garage may be connected to the principal residence but must adhere to the prescribed yard setbacks for the zoning district.

12.01.040 Semi-Trailer (Van or Box) or Freight Container Outdoor Storage Unit

“Semi-Trailer (Van or Box)” shall mean a pre-manufactured trailer of metal construction without a front axle that is delivered to a site as a fully contained storage unit and is used for the primary purpose of storing items or goods within the semi-trailer (van or box). A large proportion of its weight is supported by a landing gear (legs which can be lowered) to support it when it is uncoupled.

“Freight Container” shall mean a pre-manufactured structure of metal construction that is delivered to a site as a fully contained unit and is used for the primary purpose of storing items or goods within a structure outside of a building.

“Outdoor Storage Unit” shall mean Semi-Trailer (Van or Box) or Freight Container rented or owned by the owner or occupant of a property that is designed for the primary purpose of storing items or goods.

- A. Outdoor Storage Units are allowed to be placed within all Commercial and Industrial Zone Districts and shall comply with all applicable zoning and building regulations.

B. Outdoor Storage Units shall be accessory to a principle building or use and subject to compliance with all the following requirements:

1. Units shall not be placed on public property, on public right-of-way, or in a location that obstructs traffic visibility.
2. Units shall not be located in any required yard setbacks, bufferyard, off-street parking spaces or loading/unloading areas or fire lanes.
3. Units shall not be located in floodways or floodplains. Refer to Gallatin Zoning Ordinance Article 10.00, Special District Regulations, Section 10.03, Statutory Authorizations, Findings of Fact, Purpose and Objectives Related to Municipal Floodplain Ordinance.
4. Units shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
5. Units shall be located behind the front facade (building line) of the main building. If the property is located on a corner lot with two streets abutting the property than they shall be located behind the rear of the building or side of the building opposite the adjacent street.
6. Units shall not be stacked on top of each other or on any other structure.
7. Units shall not exceed 48 feet in length, 9 feet in width, and 14 feet in height.
8. Units are not allowed within visibility of a residential neighborhood unless screened by a suitable fence, wall or evergreen trees or shrubs. Evergreen trees or shrubs used to meet screening requirement shall be sufficient of height and size to provide screening immediately upon planting.
9. Units shall not be used for human or animal habitation, or store hazardous or combustible materials.
10. Units shall be maintained in a good state of repair, free from rust, peeling or fading paint, and other forms of visible deterioration.
11. Refuse and debris shall not be stored in, against, on, or under the units.
12. No signage, lettering, text, or artwork shall be placed on any units.
13. A person whose property meets the requirements is limited to one (1) unit for the first two (2) acres, and two (2) additional units for property containing more than two (2) acres.
14. Existing units shall come into conformance with regulations within two (2) years following final passage of this ordinance.

12.02 Preliminary Master Development Plan and Final Master Development Plan Requirements and Approval

As required by this Ordinance, the establishment of certain zoning districts shall be conditioned upon the application for and approval of a preliminary master development plan after public hearing as specified in Section 15.07 of this Ordinance. This section

outlines the plan requirements and the process for preliminary master development plan and final master development plan review and approval.

12.02.010 Preliminary Master Development Plan Required

- A. Pre-application Conference: Prior to the filing of the application for a zoning amendment requiring the approval of a preliminary master development plan, the applicant shall confer with the City Planning and Engineering staff to determine whether the applicant is proceeding under the proper section of this ordinance, to consider the desirability or necessity of amending the application or previously approved preliminary master development plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.
- B. Preliminary Master Development Plan Information: A preliminary master development plan shall be prepared and submitted to the Planning Commission as part of the application for a zoning amendment. The preliminary master plan shall be a general concept plan which shall be drawn to a scale of not less than 100 feet to the inch and shall include the following information:
1. Written description of the proposed project, including information addressing the overall concept, proposed uses and development schedule of the project.
 2. Property boundary lines, dimensions, topography, general physical features of the property, and a location map of the proposed project.
 3. Identification of surrounding property owners according to the latest tax roll available at the Sumner County Property Assessor's Office.
 4. Generalized transportation plan including routes of proposed major streets, driveways, sidewalks, and pedestrian ways.
 5. Identification of the proposed use of the property, including a tabulation of the land area to be devoted to various uses and activities and overall densities.
 6. A general landscaping plan including the location of major existing growth that is to be retained. The landscape plan shall include general information pertaining to bufferyards and required landscaped areas and open space areas.
 7. General locations and types of utilities and easements.
 8. General locations and description of proposed storm drainage.
 9. Preliminary estimates of traffic volumes and movements to and from the completed project and along the boundary streets.
 10. General information sufficient to describe the general design of the development as required by the City Planner.
 11. Proposed means of dedication of common open space areas and description of the proposed organizational arrangements for the ownership, maintenance, and preservation of common open space.
 12. A preliminary time schedule for completion of the entire project.

12.02.020 Adoption of a Preliminary Master Development Plan

The following steps shall constitute the process by which a preliminary master development plan is adopted:

- A. The Planning Commission shall study the preliminary master development plan and supporting data and may make suggestions for changes and adjustments. Upon review and discussion, the Commission shall recommend approval or disapproval of the preliminary master development plan and submit this recommendation with a brief report to the Mayor and Aldermen.

The Mayor and Aldermen shall review and discuss the proposed preliminary master development plan and approve or disapprove the proposal with or without conditions. The Mayor and Aldermen's actions shall comply with Section 15.07 of this Ordinance and shall constitute the final action required of a proposal for preliminary approval. Whenever the Mayor and Aldermen approve the preliminary master development plan and supporting material, one copy shall be filed in the Office of the Zoning Administrator/City Planner and one copy shall be given to the Owner.

Upon receipt of the approved preliminary master development plan, the Owner may proceed with preparation of final master development plans and specifications for all or for any portion of the project. The final master development plan shall be reviewed and approved by the Planning Commission according to the provisions of Section 12.02.030. Upon approval by the Planning Commission, one copy shall be filed in the office of the Zoning Administrator/City Planner. No building permits shall be issued until the final master development plan of the proposed development, or portion thereof, is approved and filed with the Zoning Administrator/City Planner.

- B. Modification of Master Development Plan: The Planning Commission or the Mayor and Aldermen may require modification of a preliminary master development plan as a prerequisite for approval. Required modifications may be more restrictive than district and/or supplementary regulations and may include, but not be limited to, project phasing, provision for additional bufferyards, open space, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs, architectural design of the proposed development, and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.
- C. Revisions to a Master Development Plan Approval: The Planning Commission may approve an application for modification of a previously-approved preliminary master development plan approval if it is determined that the revisions do not affect the findings relating to the criteria outlined in 12.02.050, leading to the original approval.

- D. New Applications Following Denial or Revocation: No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a preliminary master development plan review by the Mayor and Alderman. The Owner may petition the Mayor and Aldermen to grant a new review of the site if undue hardship or new facts concerning the site and/or application can be demonstrated.
- E. Approval to Run with the Land: A preliminary master development plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.
- F. Master Development Plan – Granting of Exceptions to Bulk Regulations and Waiver of Board of Zoning Appeal Approval of Conditional Use Permits
1. **Granting of Exceptions to Bulk Regulations**: An applicant requesting approval of a Preliminary Master Development Plan or Final Master Development Plan may request exceptions from the zoning district bulk regulations governing development area per dwelling unit, site area per unit, yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height as may be necessary or desirable to achieve the objectives of the proposed planned development. Exceptions may be granted in accordance with the following provisions in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to:
 - a. **Request for Granting of Exceptions**: Exceptions must be specifically requested in writing on the Planning Commission Application Form submitted for a planned development and must also be clearly noted on the Preliminary Master Development Plan and Final Master Development.
 - b. **Granting of Exceptions – Preliminary Master Development Plan**: Exceptions to the zoning district bulk regulations governing development area per dwelling unit, site area per unit, yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height may be granted as part of the approval of a Preliminary Master Development Plan and shall be based upon the recommendation of the Planning Commission, and determination by the Board of Mayor and Alderman, that the exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. In approving exceptions, the Board of Mayor and Alderman may impose conditions which will secure substantially the objectives, standards, and requirements of this Ordinance.

Exceptions to the development area per dwelling unit or site area per unit requirement may be granted in order to permit greater development flexibility

in order to permit the increased density or number of units permitted on individual zone lots when approved by the Board of Mayor and Alderman as a part of the approval of an overall Preliminary Master Development Plan. However, exceptions to bulk regulations for development area per dwelling unit or site area per unit shall not result in an increase in the total number of dwelling units or density permitted by district regulations for the overall development approved as part of a Preliminary Master Development Plan.

- c. **Granting of Exceptions – Final Master Development Plan:** The Planning Commission may grant exceptions to the zoning district bulk regulations governing yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height may be granted as part of their approval of a Final Master Development Plan as may be necessary or desirable to achieve the objectives of the overall planned development. Exceptions may be granted in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to. In granting exceptions, the Planning Commission shall determine that the exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. The Planning Commission may impose conditions which will secure substantially the objectives, standards, and requirements of this Ordinance.
2. **Waiver of Board of Zoning Appeals Approval of Conditional Use Permits:** No action of the Board of Zoning Appeals shall be required in the approval of a planned development including those activities or uses which would otherwise require conditional use permits as provided by other provisions of this Ordinance. Activities or Uses designated as a Conditional Use shall be approved by the Planning Commission in accordance with any Special Conditions specified by other provisions of this Ordinance.

12.02.030 Final Approval by the Planning Commission of a Final Master Development Plan

The Mayor and Aldermen's approval of a preliminary master development plan establishing a defined zoning district shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the following procedures and requirements:

- A. Pre-application Conference: Prior to the filing of the application for a final master development plan, the applicant shall confer with the City Planning and Engineering staff to determine whether the applicant is proceeding according to the conditions of approval of the preliminary master development plan, to consider the desirability or necessity of amending the application or previously approved preliminary master

development plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.

- B. Application for Final Master Development Plan Approval: After the approval of a preliminary master development plan, the landowner may make application to the Planning Commission for final approval of the development or portion thereof provided that the proposed final master development plan is in substantial conformance with the substance of the preliminary approval by the Mayor and Aldermen. Prior to submission of the final master development plan application, the final master development plan shall include all information contained in the master development plan receiving approval plus the following information:
1. Property boundary lines and dimensions, topography (5' contour intervals), location map.
 2. Arrangement and size of buildings and the specific use of the property.
 3. Information pertaining required bulk regulations as required in Section 08.04.040. A, including the size of the site, lot area, floor area ratio, lot width, building height(s), building setback lines, front yards, side yards and rear yards.
 4. Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses designed in accordance with Articles 11.00 and 13.00.
 5. Detailed landscape plans including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards, open space, and required landscaped areas as required by the preliminary master development plan and various sections of this ordinance.
 6. Detailed locations and types of utilities and easements including storm drainage as well as specific details of all surfaced areas.
 7. Traffic study including estimates of traffic volumes and movements to and from the completed project from the boundary streets, and recommended improvements as required by the City Engineer in accordance with Section 13.06.
 8. Details of the proposed traffic control and access management plan as required by Section 13.06. Plans shall also include details for street improvements, and grading and earth moving plans showing existing and proposed topography at 2-foot contour intervals.
 9. Detailed architectural plans and elevations sufficient to indicate building, height, bulk, materials, and architectural design as required by Article 13.00, or if required by the City Planner.
 10. Detailed signage plans and elevations sufficient to indicate the design of proposed signage, height, materials and overall amount of signage.
 11. Time schedule for completion of the project.
 12. A statement regarding the proposed method of operating and maintaining the project.
 13. A statement of adequate surety, in the form specified in Section 15.03.080, to ensure construction of the planned development within the proposed phasing/time schedule.

14. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Also, the proposed final master development plan shall follow all applicable procedures and requirements governing the subdivision of land, and no building permit shall be issued for the project until a final plat, if necessary, of the proposed development, or portion thereof, is approved, filed, and recorded.

C. Final Planning Commission Action: Upon receipt of an application for final approval of a final master development plan, the Planning Commission shall examine the final master development plan and determine whether it substantially conforms to all applicable criteria and standards, and whether it substantially conforms in all respects to the previously approved preliminary master development plan. The Planning Commission may impose such conditions of approval as are, in its judgment, necessary to ensure conformity to the applicable criteria and standards.

12.02.040 Lapse of Approval

A. Preliminary Master Development Plan – The approval of a Preliminary Master Development Plan shall become void two (2) years after the date of Planning Commission approval unless a Final Master Development Plan (previously referred to as a Final Site Development Plan) for the subject property, or portion thereof, has been approved by the Planning Commission in accordance with Section 12.02.030.

If a Final Master Development Plan has not been approved by the end of this two (2) year period, the owner may not apply for approval of a Final Master Development Plan until the owner requests the Planning Commission review the previously approved Preliminary Master Development Plan and provide the Mayor and Alderman with a recommendation to either: (1) extend the approval of the Preliminary Master Development Plan of the subject property for a period not to exceed two (2) years; (2) revise the approval of the Preliminary Master Development Plan in regards to the use, bulk, and/or design standards required of the previous approval; or (3) cancel the approval and impose a new base zoning district on the subject project.

B. Final Master Development Plan – If within three (3) years after the date of Planning Commission approval work has not been performed, pursuant to a validly issued building permit, the approval of a Final Master Development Plan shall become void. For purposes of this section, grading or excavating activities shall not constitute work.

12.02.050 Procedures to Amend a Preliminary Master Development Plan or Final Master Development Plan

Major amendments to the master development plan must be submitted to the Planning Commission for review and recommendations and approved by the Mayor and Aldermen. Major amendments shall include, but not be limited to:

- A. An increase in the density of the development;
- B. Substantial changes in circulation or access;
- C. Substantial changes in the mix of dwelling unit types included in the project;
- D. Substantial changes in grading or utility provision;
- E. Substantial changes in the mixture of land uses;
- F. Reduction in approved open space, landscaping, and bufferyards;
- G. Substantial changes in architectural or site design features of the development; or
- H. Any other change that the City Planner determines to be a major divergence from the approved preliminary master development plan. The Planning Commission may overrule this determination upon the favorable vote of a majority of the entire membership of the Planning Commission.

All other changes in the preliminary or final master development plan shall be considered revisions to the approved plan. The planning commission may approve these minor revisions.

12.03 Requirements for Moving Single Family Residence From One Foundation to Another

- A. No single family residence shall be moved from an existing foundation to another foundation located within a developed area of single family residences unless:
 - 1. The residence to be moved is consistent with the age, value, size, and appearance of existing residences within the developed area of single family residences to which the single family residence is to be moved; provided, that the value of the house may be greater than that of the existing residences and the size of the house may be larger than that of the existing residences; and
 - 2. Approval for the movement of the single family residence to a foundation within a developed area of single family residences has been given by:
 - a. The homeowners' association of the development where the residence is to be moved, if a homeowners' association is in existence;
 - b. A neighborhood association where the residence is to be moved that has been in existence for more than one (1) year prior to the date the residence is to be moved, if a neighborhood association is in existence in the area; or
 - c. The Gallatin Municipal-Regional Planning Commission if there is not a homeowner's association or neighborhood association in existence in the area where the residence is to be moved.

- B. The single family residence to be moved is considered consistent if:
1. It is within 10 years of the average age of the existing structures within the developed area;
 2. The valuation of the residence to be moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided, that nothing in this subsection shall be construed to prevent the residence from exceeding the value of the existing structures. In establishing the value of existing structures, the value of modular homes located in the developed area shall not be used in arriving at the average appraisal of the existing structures. If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that the residence shall appraise at least at the same or greater value once it is moved;
 3. It is within 100 square feet of the average size of the existing structures within the developed area. Nothing in this subsection shall be construed to prevent the residence from exceeding the average square footage of the existing structures within the developed area. In establishing the average size of existing structures, the square footage of modular homes shall not be used in making the calculations; and
 4. The appearance of the residence is consistent with the appearance of existing residences within the developed area of single family residences as determined by the body giving its approval for the single family residence to be moved to the developed area.
- C. As used in this Section, “developed area of single family residences” means an area generally referred to as a subdivision as indicated on a plat filed in the Sumner County Register of Deeds Office.
- D. As used in this section, the terms “single family residence” or “residence” are synonymous with the use classification, Dwelling, One Family Detached as defined in Section 02.02 of this Ordinance, but does not include manufactured or modular homes as defined in T.C.A. § 47-9-102, § 55-1-105, or title 68, chapter 1, parts 1-4.
- E. No single family residence may be stored on any lot for more than thirty (30) days.

12.04 Unassigned

12.05 Minimum Spacing of Buildings on a Single Zone Lot

In all districts, the minimum distance between any two buildings on any single zone lot shall be as provided in this section, except that these provisions do not apply to space between a building enclosing a principal permitted use and a garage or other unoccupied building accessory thereto.

12.05.010 Minimum Distance Between Buildings

Notwithstanding any other provisions of this Ordinance, two or more buildings may be constructed on a single zone lot if parking spaces and usable open space are and will continue to be available in the same proportion to all occupants of the buildings on the lot. The minimum distance between buildings shall be twenty (20) feet.

A. “Mini” warehouses must have a distance of thirty (30) feet between buildings.

12.05.020 Minimum Required Yard Area

Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the outer boundaries of the zone lot.

12.05.030 Subdivision of Zone Lot After Development

In all districts, after any portion of a zone lot has been developed under the provisions of this Section 12.05, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

12.06 Exception to Height Regulations

The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

12.07 Structures to Have Access

Every structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

12.08 Parking, Storage, or Use of Major Recreation Equipment

For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district in any front yard; provided, however, that such equipment may park anywhere on residential premises not to exceed 24 hours during loading or unloading. No

such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Provided, however, that such equipment may park anywhere on the lot not too exceed twenty four (24) hours or permanently toward the rear of the dwelling.

12.09 Special Provisions for Party Walls

12.09.010 General Provisions

Within those districts where two family dwellings (duplexes) may be located upon single zone lots, such zone lots may be subdivided by party wall into two separate zone lots, provided that all site plan information is provided along with a subdivision plat. In no case shall these provisions apply to the development of more than ten (10) coterminous structures. In granting approval of the site plan, the planning commission shall be guided by the following criteria:

- A. Other than the zero-lot line separating the two dwelling units or zone lot, all other lot, yard, and density requirements of the zoning district shall be met.
- B. No zero side yard shall be adjacent to any public or private right-of-way.
- C. No portion of a dwelling or architectural features of a structure shall project over any property line.
- D. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches, in order to limit undue noise between adjoining dwelling units.
- E. Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the most recently adopted version of the International Building Code and International Fire Prevention Code shall be met and all such fire walls shall have a rating of not less than two (2) hours duration.
- F. All residential structures must contain a fire wall between the various dwelling units, extending from the footing to the underside of the roof deck, without openings which would permit the spread of fire. Such wall shall not have less than two (2) hours fire rating. The fire wall must be bisected by a line dividing each dwelling so that one-half of the fire wall is on each parcel.
- G. Individual water and sewer services, as well as metering and service maintenance easements, for each zone lot shall be required.
- H. All the requirements of the Gallatin Subdivision Regulations shall be met.
- I. All Current requirements of the International Fire Prevention Code must be satisfied.

12.09.020 Special Provisions

- A. The side yard setback may be zero on any parcel provided that the parcel adjacent to that side yard is held under the same ownership at the time of initial construction.

- B. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved for a zero lot line development.
- C. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots, or in the case of special districts governed by this Ordinance, comply as applicable.
- D. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise, when by the planning staff, or planning commission, as well as sections within this Ordinance, as applicable.
- E. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
- F. Appropriate notations verifying these standards shall be placed on the application form for a building permit when a subdivision of land is not involved in the review and approval of any zero lot line development, or on the applicable subdivision plat whenever any zero lot line developments are involved. Such notations shall be placed on the plans to be reviewed by the planning commission as special exceptions whenever zero lot line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person(s), or commission in question.
- G. The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective zone district.

12.10 Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership

12.10.010 Purpose

It is held to be in the public interest to protect the health, safety, and welfare of residents of developments, which by reason of ownership or method of development places numerous dwellings on a single parcel of ground in which the ownership remains undivided, and the general public by providing for the orderly continuance of street patterns and the extension of utilities service, drainage ways, etc., through such developments. It is the purpose and intent of these provisions to protect that interest by enabling the extension of these facilities by the dedication of easements, rights-of-way, etc., through such sites.

12.10.020 Requirement for Site Plan

Within such developments as described above, the following shall apply:

- A. In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a plat meeting the requirements set forth below shall be prepared, submitted for approval, and upon approval, filed with the County Registrar. See the Gallatin Subdivision Regulations for specific requirements.
- B. A site plan meeting the provisions of Section 15.03.020 shall be prepared except where otherwise indicated.

12.10.030 Contents of Required Site Plan

The following information shall appear on all plats prepared in accordance with the provisions contained within this Section:

- A. a boundary survey of the site indicating the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot;
- B. the location and width of all streets, easements, rights-of-way, or other properties located within the site which are to be dedicated to the public. The purpose and restrictions concerning all easements shall be noted;
- C. the size and location of all utility lines and necessary valves, connections and other appurtenances which comprise utilities to be dedicated to the public;
- D. the distance and bearing from one point along the boundary of the development to an established survey monument;
- E. certificate of accuracy, dedication, and acceptance as may be necessary to establish transfer of all dedicated properties and facilities (format of certificates may be taken from the Subdivision Regulations).

12.11 Standards for Telecommunication Towers and Antennas

Section 1. PURPOSE AND GOALS

The purpose of this ordinance is to establish general guidelines for siting of wireless communication towers, antennas and related equipment housing facilities. The goals are to:

- (a) Minimize the total number of towers throughout the City of Gallatin City limits and its related planning region by:
 - Encouraging strongly the location of antennas of at least three (3) wireless communications providers per existing or new tower, and by;
 - Encouraging strongly wireless communication providers to initially maximize and to continue to update equipment, to the extent made possible by the then current technical state of art, to ensure the highest possible cell capacity in terms of number of calls handled (or other succeeding capacity measurement);
- (b) Protect residential areas and land uses from potential adverse visual and/or safety impacts of towers, antennas and housing facilities;
- (c) Encourage users of antennas to locate them, to the extent possible, on existing structures, such as lighting towers, water tanks or buildings, and encourage users of towers and antennas to locate them, to the extent possible, in nonresidential areas where the adverse impact on the community is reduced;
- (d) When it is determined by substantial data that no alternate location of a tower is possible other than in a residential area, encourage strongly users to employ alternate tower (sometimes referred to as "stealth") designs or locations, such as modified clock towers, church spires, flag poles, artificial trees or building modifications;
- (e) When new tower siting is the only available alternative, to require siting of the most visually intrusive and taller towers in the less developed, lower population areas and to require adequate landscaping, both of tower base and housing facilities, which will necessarily be more rigorous in residential areas where potential visual impact is greatest. Where higher visual impact towers are unavoidable, such as guyed lattice towers, to locate them in outlying areas of the community as defined by the radii measured from the City Hall of Gallatin set forth herein; and
- (f) Encourage users to employ tower types and antenna configurations having the least visual impact on the community, such as monopole designs, and, if using horizontal cross-bar or star-antenna mounts is unavoidable, to blend or shield them into the tower, using "stealth shrouds."

Site Selection Policies:

In order to accomplish the above goals and to protect and promote the public health, safety and welfare the City of Gallatin will use the following order of preference in siting wireless communications antennas and towers:

- (a) Within any district, sites should be located in the following order of preference:
 - (1) Co-location of antennas on, or replacement of, existing towers and, in the process, adding additional co-locaters to the tower.
 - (2) On existing structures such as buildings, communications towers, water towers, smokestacks, and athletic, street or traffic light standards (See following figures 4,6,7, and 8).
 - (3) Using stealth designs involving mounting antennas within existing buildings or structures in the form of bell towers, clock towers, or other architectural modification of buildings, or by mounting antennas on artificial trees.
 - (4) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

- (b) Certain types of wireless communications facilities are more appropriate in some districts than others. The District Use Standards contained in Section 7 provide the basis for modifications to the Zoning Ordinance concerning suitability of districts to accommodate the various types of wireless communications facilities. In addition to the Chart of Use Standards, this ordinance has established a set of uniform standards for visual impact applicable to the various type of facilities and districts. The policies balance wireless communications provider and home owner concerns and are based on the specific impacts of the different types of wireless communications in relation to the character of land uses found in the City of Gallatin and its planning region. For example, the policies recognize that guyed lattice towers generate the greatest impacts and, therefore, are most suitable at outside minimum distance radii from the historic downtown district as measured from the Gallatin City Hall (See following Figure 9).

**THE USE OF EXISTING VERTICAL ELEMENTS TO MOUNT
COMMUNICATION EQUIPMENT**

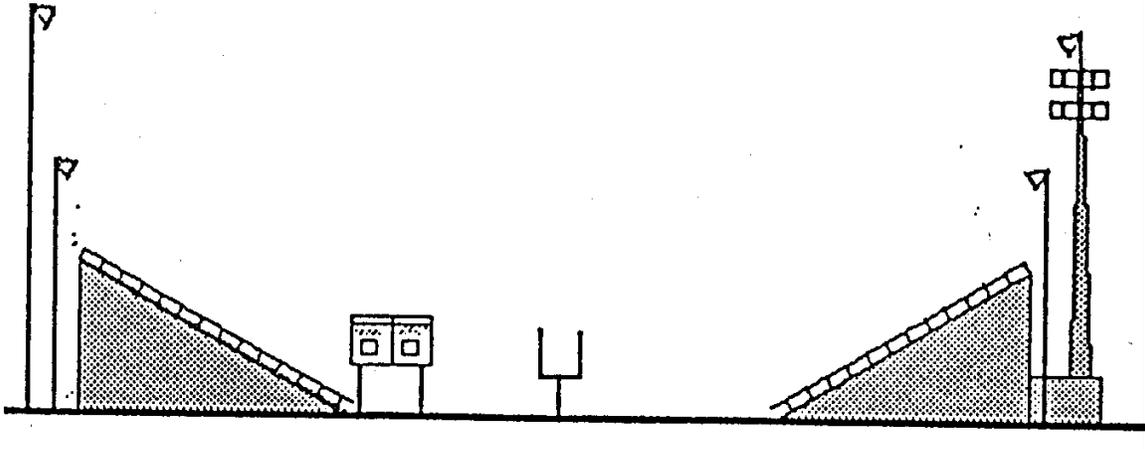


Figure 4: Athletic Field Standards.

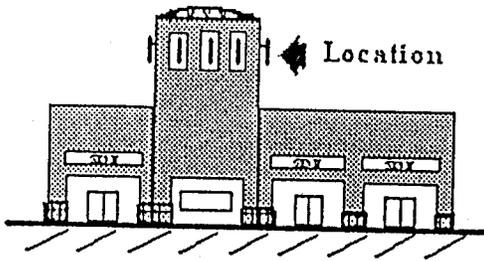


Figure 6: Commercial Architectural Features

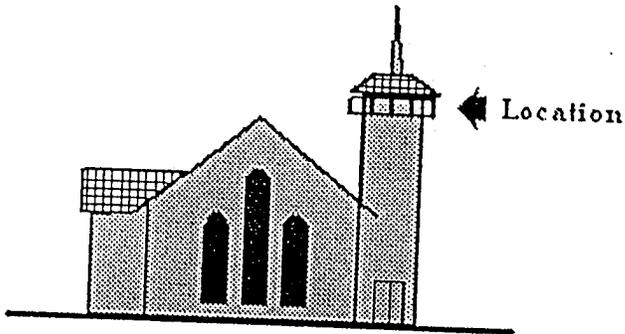


Figure 7: Church Steeples

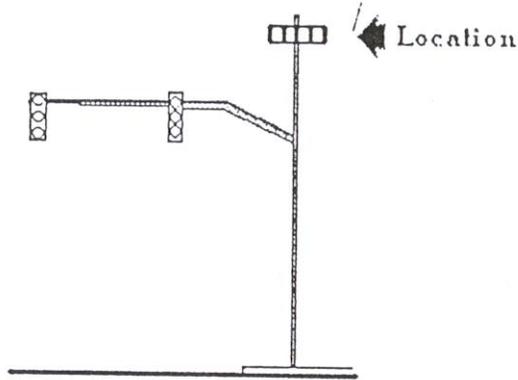


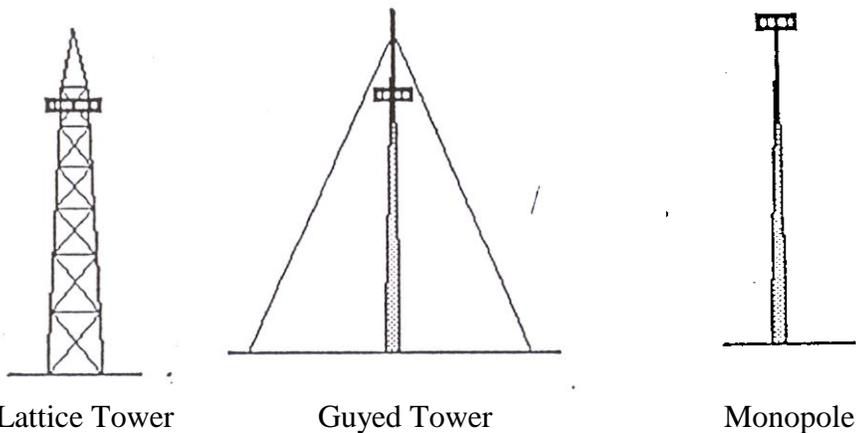
Figure 8: Street Lights and Signal Standards

Section 2. DEFINITIONS AND TYPES OF FACILITIES

As used in this ordinance, the following terms shall have the meanings set forth 'below:

- (a) "Stealth" tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) Antenna. Any apparatus designed for telephone, data, radio, or television communications through the sending and /or receiving of electromagnetic waves.
- (c) Cell. The area served by one (1) communication tower, estimated by one PCS service provider's engineer as presently about the area covered within a two and a half (2 ½) mile radius of the tower; however, as the number of phone users increases, this distance decreases, i.e., cells have to be split with additional towers/antennas.
- (d) Co-location. The use of a single tower or other support structure and site by more than one wireless communications provider.
- (e) FAA. The Federal Aviation Administration.
- (f) FCC. The Federal Communications Commission.
- (g) Height. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna or lighting rod.
- (h) Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, such as guyed lattice or monopole towers.

Figure 9: Tower Design



Section 3. APPLICABILITY

- (a) New Towers and Antennas. All new towers or antennas in the City of Gallatin shall be subject to these regulations, except as provided in Sections 3 (c) through (e) inclusive.
- (b) Small Towers. This Ordinance shall not govern any tower, or installation of any antenna, that is less than forty (40) feet in height and is connected to a residence, except for the following requirements:
 - (1) All towers are subject to safety inspections.
 - (2) The fall zone of a small tower shall not equal a distance greater than the distance from the base to the property line.
 - (3) Small towers shall comply with the National Electric Code 810, Section B.
 - (4) Small towers shall be installed in accordance with the manufacturer's specifications and shall conform to the wind and ice loading specifications of the City of Gallatin.
 - (5) No small tower shall be located in the front of the building façade facing any street.
- (c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).
- (d) AM, FM and Television Transmitting Antennas and Arrays. For the purposes of implementing this Ordinance, an AM, FM, or TV antenna array, consisting of one or more tower units and supporting ground system which functions as one broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the array. Additional towers may be added within the perimeter of the array by right.

- (e) Amateur Radio Stations. Amateur radio stations (Hams) licensed under FCC Regulations, Part 97, shall be compliant with FCC 97.15 (a-e) and shall not be subject to the regulations of this Ordinance, other than as listed below:
- (1) The normal fall zone of the amateur tower shall not equal a distance greater than the distance from the base of the tower to the property line.
 - (2) All towers are subject to safety inspections.
 - (3) Fall zones greater than the distance from the base of the tower to the property line shall require written permission from the affected property owner. This written permission shall be kept on file by the amateur station operator. The amateur station operator may be required to show this document to the City Codes Inspector.
 - (4) At no time shall the fall zone of the tower include a structure not owned by the amateur station operator, i. e., a neighbor's house or any other building having human occupancy.
 - (5) Amateur towers shall be in compliance with the National Electric Code 810, Section C.
 - (6) Amateur towers shall be installed in accordance with manufacturer's specifications and shall conform to the wind and ice loading specifications for the City of Gallatin.
 - (7) No Amateur tower shall be located in front of the building façade facing any street.
 - (8) Amateur towers greater than 100 feet from the base to the highest point of the tower shall require approval. Application must be made to the City Planning Office.
- (f) Citizens Band Station. Citizens band stations (CB) shall be governed under Section 3. (b) above. CB stations shall be compliant with FCC Regulations Part 95 [For antenna heights see FCC 95.408 (c) (1-2)].

Section 4. GENERAL GUIDELINES AND REQUIREMENTS

- (a) Principal or Accessory Use. For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Office an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of

Gallatin, its planning region, or within five (5) miles of the border thereof, including specific information about the location, height, design, existing use and available capacity of each tower. The Planning Office may share such information with other applicants applying for administrative approvals or new tower permits under this ordinance or other organizations seeking to locate antennas or towers within the jurisdiction of the City of Gallatin, provided, however, that the Planning Office is not, by sharing such information, in any way representing that such sites are available or suitable for tower construction.

- (c) Aesthetics. Towers and antennas shall meet the following requirements:
- (1) Towers shall either maintain a galvanized (dull gray, not shiny) steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower site into the natural setting and surrounding structures.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (e) State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulation, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense (See Penalties, Section 16).
- (f) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from

time to time. If, upon inspection, the City of Gallatin concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense (See Penalties, Section 16).

- (g) Measurement For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Gallatin irrespective of municipal and county jurisdictional boundaries.
- (h) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City of Gallatin have been obtained and shall file a copy of all required franchises with the City.
- (i) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7 (f), in addition to any notice otherwise required by the Zoning Ordinance.
- (j) Advertising. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- (k) Tower Extension. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 199 feet where permitted by district height regulations.
- (l) Tower Safety Design. Towers shall be designed to collapse within the lot lines, and clear of any manned building or structure on or adjacent to the lot, in case of structural failure.
- (m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.
- (n) Multiple Antenna/Tower Plan. The City of Gallatin encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

Section 5. EXCEPTIONS

- (a) The provisions of this part of the Ordinance shall not apply to:
 - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City and under 50' in height.
 - (2) Antennas or towers located on property owned, leased, or otherwise controlled by the City and over 50' in height, and in accordance with Section 6 (a) and (b) of this part.

Section 6. ADMINISTRATIVELY APPROVED USES

- (a) General. The following provisions shall govern the issuance of administrative approvals for replacement of existing towers and antennas and adding new antennas to any existing tower, building, or other structure.
 - (1) The Zoning Administrator may administratively approve the uses listed in this Section.
 - (2) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Section 7 (a) and 7(b), if applicable, of this ordinance and pay a non-refundable fee as established by resolution of the City Council to reimburse the City of Gallatin for the costs of reviewing the application.
 - (3) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(c), 7(d), 7(e), 7(f) and 7(g).
 - (4) The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 - (5) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction, provided that the reconstructed tower shall have provisions for mounting the antennas of a minimum of three (3) telecommunications service providers as well as, at the tower base, space and concrete pads for the related accessory buildings.
 - (6) If an administrative approval is denied, the applicant has the right to appeal to the Planning Commission.
- (b) List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

- (1) Locating antennas on existing structures or towers consistent with the terms of subsections of (a) and (b) below:
- a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 - (i) The antenna does not add more than twenty (20) feet to the highest point of the structure; and
 - (ii) The antenna complies with all applicable FCC and FAA regulations and does not require additional lighting pursuant to FAA or other applicable requirements; and
 - (iii) The antenna complies with all applicable building codes.
 - b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one provider on existing towers shall take precedence over the construction of new towers, provided that such co-location is accomplished in a manner consistent with the following :
 - (i) A tower which is modified or reconstructed to accommodate the co-location of one or more additional antennas to provide the required minimum of three locators, shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
 - (ii) Height
 - a) An existing tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet per additional co-locator, including a lightning rod, for a minimum total of two co-locators, where allowed by the zone district maximum height and tower setbacks.
 - b) The height change referred to in subsection (ii) a) may only occur one time per communication tower.
 - c) The additional height referred to in subsection (ii) a) shall not require an additional separation as set forth in Section 7(f). The tower's premodification height shall be used to calculate such distance separations.
 - (iii) Onsite location
 - a) A tower which is being rebuilt to accommodate co-location of additional antennas may be moved onsite within fifty (50) feet of its existing location.

- b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
 - c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 7(f). The relocation of a tower thereunder shall in no way be deemed to cause a violation of Section 7(f).
 - d) The onsite relocation of a tower which comes within the setback distances to residentially zoned lands as established in Section 7(c) is prohibited.
- (2) Installing a cable micro-cell network through the use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

Section 7. NEW TOWER PLACEMENT

- (a) Siting Policy. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength/space to support applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (b) Application Requirements. The applicant for a zoning permit for construction of a new communications tower must file with the Zoning Administrator an application accompanied by the following documents, if applicable, and a site plan shall be approved by the Planning Commission prior to the issuance of a building permit:

- (1) Specifications. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
- (2) Site Plan (Nine Copies). A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, on-site land uses and zoning, Land Use Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(f), adjacent roadways, proposed means of access, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator may require other information to be necessary to assess compliance with this Ordinance. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site.
- (3) Landscape Plan. A landscape plan showing specific landscape materials.
- (4) Fencing Plan. Method of fencing, and finished color, and, if applicable, the method of camouflage and illumination.
- (5) Tower Location Map. A current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city;
- (6) Co-Location. The applicant shall provide copies of its co-location policy. Also, the applicant must submit an engineering report certifying that the proposed tower is compatible for co-location with a minimum of three (3) users. The latter provision may be waived by a governing body in a particular case.
- (7) Propagation Maps. The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.
- (8) Antenna Capacity/Wind Load/Ice Load. A report from a structural engineer registered in Tennessee showing that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- (9) Separation Distance. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing tower(s) and owner/operator of the existing tower(s), if known.

- (10) Antenna Owners. Identification of the owners of all antenna and equipment to be located at the site as of the date of application.
- (11) Proof of Ownership/Owner Authorization. Legal description of the parent tract and leased parcel (if applicable). Proof of ownership (deed or title documentation) or a letter of authorization for the application from the owner of the real property on which the telecommunications facility is proposed to be located.
- (12) FAA and FCC Information. All applications for permits in Gallatin shall be accompanied by a Determination of No Hazard from the FAA as well as all required FCC permit information.
- (13) Visual impact Analysis. Pictures of any potential visual and aesthetic impacts on adjacent residential districts (Pictures taken to North, South, East, and West of site.).
- (14) Reduction of Visual Impact. The applicant has taken reasonable measures to assure that the proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area (i.e., adjacent public rights-of-way) in accordance with minimum standards of applicable federal and other regulations. Additionally, the applicant shall describe the proposed methods for minimizing the visibility of the proposed telecommunications facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.
- (15) Safety Codes. Applicant must show that all applicable health, nuisance, fire, and safety codes are met.
- (16) Evidence acceptable to the City that the property owner and the telecommunications provider shall remove, at the property owner's and the telecommunications provider's cost and expense, the telecommunications facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunications provider and the property owner that is approved by the City Attorney. Such, an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the telecommunications provider.
- (17) Evidence that the telecommunications provider has obtained or secured an irrevocable letter of credit, or other surety acceptable to the City Attorney in an amount of one hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunications facility following abandonment of the facility or non-use of the facility for a period of six (6) months. Any such

surety shall authorize the City to obtain the funds secured by the surety upon the City's determination that the telecommunications facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such surety shall be based upon an estimate obtained by the telecommunications provider which shall be subject to review and approval of the City Engineer. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the surety. The telecommunications provider shall take all action necessary to keep such surety valid and in effect at all times.

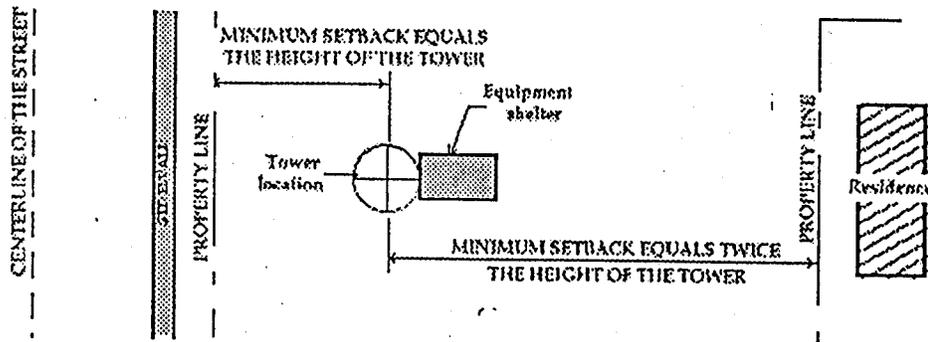
Expiration of a surety may, at the option of the City and following notice to the telecommunications provider, result in the expiration of the City's approval of the telecommunications facility..

- (18) The applicant telecommunications provider shall provide proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damage caused by or arising from the operation and maintenance of the telecommunications site.
 - (19) The applicant shall notify adjoining property owners by certified letter concerning the project 14 days prior to public hearings before the Planning Commission.
 - (20) A description of the suitability of the use of existing towers, other structures or alternate technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (21) A description of the feasible location(s) of future towers or antennas within the City of Gallatin based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (c) Setbacks. The following setback requirements shall apply to all towers and antennas for which a site plan is required, except for alternate design ("stealth") towers when the latter towers are installed within or on a building or structure.
- (1) All towers shall be set back from any adjoining lot line by a distance which is equal to one hundred percent (100%) of the height of the tower measured from finished grade from the base to the highest point of the tower, including antenna and/or lightning rod (Figure 1). In the event that any building or structure having human occupancy intervenes on a setback line measured from any tower, the required setback distance shall be measured from the tower to the nearest point of the occupied building or structure.
 - (2) The tower shall be set back from any residential property line or property designated historically or architecturally significant a minimum distance of two (2) feet for each one (1) foot of tower height.
 - (3) Anchor, guys, and accessory facilities shall satisfy the minimum zoning district setback requirements for primary structures.

- (4) Wireless communication towers shall avoid locations, which are immediately adjacent to a public right-of-way. Towers shall be set back from the property line along the right-of-way at least one foot (1') for each one foot (1') of tower height (Figure 1).

SETBACKS

Fig. 1



- (d) Maximum Heights By Zoning Districts. The following maximum height requirements shall apply to all towers and antennas, except alternate design ("stealth") towers when the latter towers are installed within or on a building or structure (See Footnote 1).

Maximum Tower Height (1)	Feet
All Residential Districts	50
All Commercial & Industrial Districts (2)	150
All Agricultural Districts	199

- (1) Maximum height shall be measured from finished grade of base to highest point of tower, including antenna and/or lightning rod, and shall not exceed FAA Regulations; alternate design ("stealth") towers are excluded from these height regulations when sited within an existing building or structure and do not increase the height of the applicable building or structure by more than twenty (20) feet.
 - (2) Note minimum radii from Gallatin City Hall for siting of guyed lattice and freestanding monopole towers.
- (e) Radii from City Hall. The following radii, measured in air miles from the Gallatin City Hall to the base of the tower, shall be the minimum distance for siting the following types of towers (in order of greater to lesser visual impact):
- (1) guyed lattice towers: three (3) miles; and
 - (2) unguyed monopole towers (over 50 feet in height): two (2) miles.

- (f) Separation distance between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

**MINIMUM SEPARATION DISTANCES BETWEEN TOWERS BY
TYPE (IN FEET, BASE TO BASE) (1)**

	Guy Lattice	Unguyed Monopole (50 ft. in height or greater)	Unguyed Monopole (Less than 50 ft. in height)	Stealth Design
Guy Lattice	13,200	6,600	3,300	1,650
Unguyed Monopole (50 ft. in height or greater)	6,600	6,600	3,300	1,650
Unguyed Monopole (Less than 50 ft. in height)	3,300	3,300	3,300	1,650
Stealth Design	1,650	1,650	1,650	1,650

(1) Note minimum radii from Gallatin City Hall for siting of guy lattice or unguyed monopole (Stealth design excluded).

- (g) Site Selection Policies. The following District Use Standards Chart contains regulations setting forth permitted and conditional uses by Zoning District which shall be followed in considering site plans for siting new towers.

**WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS
DISTRICT USE STANDARDS**

Facility Type (1)

District	Co-location On or Repl. of Existing Tower (5); Light Pole Mount	Roof or Building Mount	Stealth Design	Unguyed Monopole (2)	Guy Lattice (2)	Micro-cell or Repeater (4)
A	P	P	P	P	P	P
R-40	P	NP	P	NP	NP	NP
R-20	P	NP	P	NP	NP	NP
R-15	P	NP	P	NP	NP	NP
R-10	P	CU (3)	P	NP	NP	NP
R-8	P	CU (3)	P	NP	NP	NP
R-6	P	P (3)	P	NP	NP	NP
PRD	P	P	P	NP	NP	NP
CC	P	P	P	NP	NP	NP
CG	P	P	P	P	P	P
CS	P	P	P	P	P	P
PGC	P	P	P	NP	NP	NP
PNC	P	P	P	NP	NP	NP
MRO	P	P	P	NP	NP	NP
GO	P	P	P	NP	NP	NP
OR	P	P	P	NP	NP	NP
MU	P	P	P	NP	NP	NP
IR	P	P	P	P	P	P
IG	P	P	P	P	P	P
PBP	P	P	P	P	P	P

P= Permitted Use

CU=Conditional Use

NP=Not Permitted

- (1) Shall meet height and separation distance regulations by zoning district and tower or antenna mount type.
- (2) Shall meet minimum radii distance regulations from Gallatin City Hall.
- (3) Shall be permitted only on multi-family dwellings of eight units or more.
- (4) Repeater or satellites dishes shall be of the open grid design.
- (5) Replacement towers shall conform to zoning district height and setback regulations.

N. B. Unguyed lattice towers of tapered design, base to top, are specifically excluded from all City of Gallatin zoning districts.

Section 8. VISUAL IMPACT & SCREENING POLICIES

The unique and diverse landscapes of the City of Gallatin and its planning region are among its most valuable assets. Protecting these valuable assets will require that location and design of wireless communication facilities be sensitive to the setting in which they are placed. This is especially true in the hilly parts of the City of Gallatin and its planning region where homes may be oriented to capture significant views and where sight distance is greater. Visual concerns should include both those found on and off site. The following policies have been incorporated into the modifications to the Zoning Ordinance establishing the visual impact and screening criteria applicable to wireless communications facilities.

The following visual policies are applicable to wireless communications facilities:

- (a) Wireless communications facilities should be located and designed to minimize any adverse effect they may have on residential property values.
 - (1) Colors and facility designs shall be used which are compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.
 - (2) Location and design of sites in commercial or industrial zones shall consider the impact of the site on the surrounding neighborhood, particularly the visual impact within the zone district.
 - (3) Security fencing shall be colored or shall be of a design which blends into the character of the existing environment.
 - (4) Freestanding facilities shall be located to avoid a dominant silhouette on top of ridges.
- (b) Certain components of a site create a greater impact than other components. For example, the cross bar, star mount or other antenna mounting device and accessory building which may typically be part of a freestanding wireless communications facility or a micro-cell or repeater site, may create a strong visual impact in a residential, rural or hilly environment. A horizontal plane in a vertical setting can be intrusive, so the cross bar or other horizontal mounting device shall be placed below the tree line to adequately mitigate its visual effect or shall be covered with stealth shrouds to provide a smooth transition between the tower and the antenna mount. Wireless communications components shall be afforded maximum screening, using existing vegetation and/or topography to minimize visual impact on the surrounding community.
- (c) Facilities shall be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
- (d) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and

disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated, taking into consideration the site as built.

- (e) At the time of rezoning, conditional use request or application for site plan approval, an evaluation of the visual impact shall be taken into consideration if vegetation is to be removed for wildfire mitigation.
- (f) Innovative design shall be used whenever the screening potential of the site is low. For example, by using existing light standards and telephone poles as mounting structures (Figure 4 attached) or by constructing screening structures which are compatible with surrounding architecture, the visual impact of the site may be mitigated.
- (g) Roof and/or Building Mount Facility. Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding 12 inches in diameter on a roof or building mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.
- (h) Security Fencing. Towers and equipment shelters shall be enclosed by security fencing not less than six (6) feet in height and also shall be equipped with an appropriate anti-climbing device. Access gate(s) shall be locked at all times when the site is not occupied.
- (i) Landscaping. The following requirements shall govern the landscaping surrounding towers and equipment shelters for which a site plan is required; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.
 - (1) Equipment Shelters. The design of equipment shelters should be compatible with adjacent buildings, and should not encroach into required tower or building setbacks or landscape areas. Mechanical equipment shall not be visible from beyond the boundaries of the site (Figure 2). Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening and it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting outside the perimeter of the facilities and shall be permanently maintained.

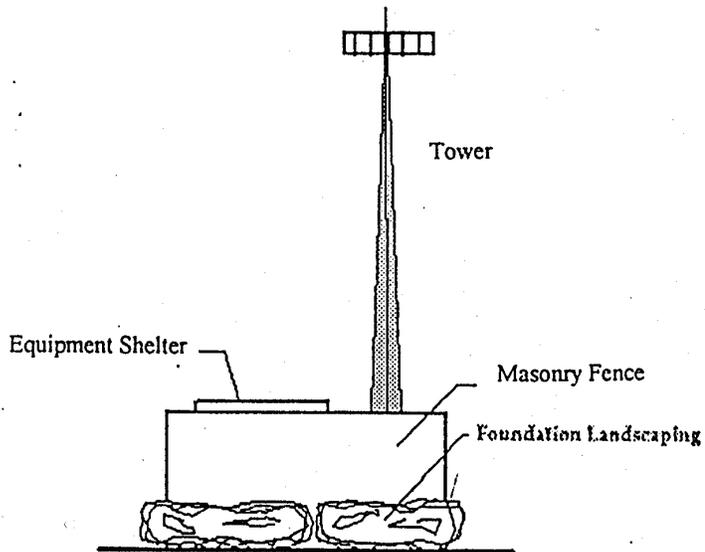
- (2) Towers. Trees, landscaping, and other screening devices shall be used to help screen the tower from adjacent residences. Placement of the landscaping or screening devices should be done so as to minimize the view of the tower from residential sites (Figure 3).
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may determine the natural growth around the property perimeter may be sufficient buffer.
- (4) Existing trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. This provision may be waived by the Planning Commission in a particular case.

Section 9. BUILDING OR OTHER EQUIPMENT STORAGE

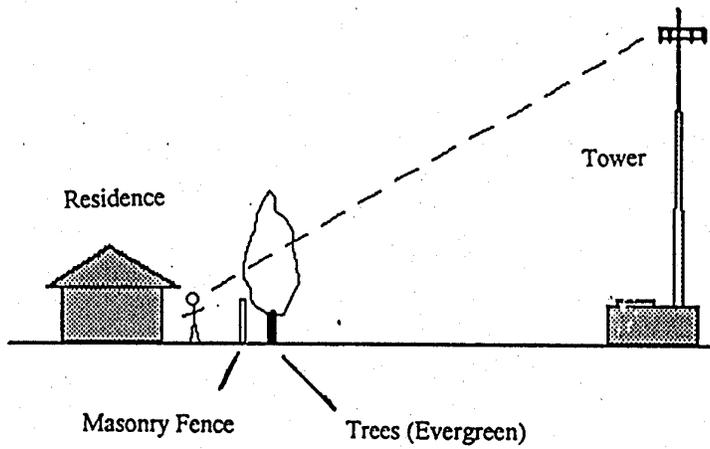
- (a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - (1) For rooftop or other structure mounting, the cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof or the structure.
 - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
 - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with the antennas shall be located in accordance with the following:
 - (1) In residential districts, the equipment cabinet or structure may be located:

In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet, a planted height of at least 48 inches and shall be permanently maintained.

Ground Mounted Equipment Screen
Fig. 2



Perimeter Landscape Screening
Fig. 3



- (2) In industrial districts, the equipment cabinet or structure shall be no greater than 20 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet, a planted height of at least 48 inches, and shall be permanently maintained. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut, or are directly across the street from the structure or cabinet, by a shadow box fence six (6) feet in height, or an evergreen hedge with ultimate height of 12 feet, a planted height of a least 60 inches, and shall be permanently maintained.
- (c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- (d) Modification of Building Size Requirements. The requirements of Section 9(a) through (c) may be modified by the Zoning Administrator in case of administratively approved uses or by the Planning Commission in the case of permitted uses to encourage co-location.

Section 10. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of notice from the City of Gallatin notifying the owner of such equipment removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The site shall be revegetated to blend with the existing surrounding vegetation. The buildings may remain with the owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Failure to remove the tower, and related materials specified in this paragraph, within the ninety (90) day period shall result in forfeiture of the performance guaranty required under Section 7 of this ordinance.

Section 11. NON-CONFORMING USES

- (a) Not Expansion of Non-Conforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provision of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the provisions of this ordinance.
- (c) Rebuilding Damaged or Destroyed Non-conforming Towers or Antennas. Notwithstanding Section 10, bona fide non-conforming towers and antennas that are

damaged or destroyed may be rebuilt without having to first obtain administrative approval or a zoning permit and without having to meet the separation requirements specified in Section 7 (f). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed to be abandoned as specified in Section 10.

Section 12. LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the City co-location opportunities as a community benefit to improve radio communications for City departments and emergency services, provided it does not conflict with co-location requirements of Section 7.

Section 13. REPORTING, REVIEWS & FEES

- (a) Required Yearly Report. The owner of each such tower or antenna shall submit a report to the City of Gallatin once a year, no later than July 1. The report shall state the current user status of each tower and antenna installed and operated in the City of Gallatin, its planning region or within five (5) miles of its planning boundary by each respective owner.
- (b) Co-location Request Review by Tower Owners. Owners of wireless communication towers within the City of Gallatin or its planning region shall review written requests for co-location on the towers within 45 days of receipt and provide a written reply to the requesting provider within two (2) weeks of completion of its review; reasons for any denial shall be covered fully in the written reply and clearly explained. Failure to comply with this provision may result in revocation of a zoning permit.
- (c) Third Party Review. The wireless communications industry uses various methodologies and analysis tools, including geographically based computer software, to determine specific technical parameters of a wireless communications facility, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances there may be a need for expert review by a third party of the technical data submitted by the wireless communications provider. The Planning Commission, or the Zoning Administrator, may require such a technical review, to be paid for by the applicant for the wireless communications facility. Selection of the third party expert may be by mutual agreement among the applicant and interested parties or at the discretion of the City with a provision for the applicant and interested parties to comment on the proposed expert(s) and review qualifications.

The expert review is intended to be a site-specific review of technical aspects of the wireless communications facility and not a subjective review of the site selection.

Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the Planning Commission, staff or interested parties. Based on the results of the third party review, the City may require changes to the application for the wireless communications facility that comply with the recommendations of the expert.

The expert review of technical submission shall address the following:

- (1) The accuracy and completeness of submissions;
- (2) The applicability of analysis techniques and methodologies;
- (3) The validity of conclusions reached; and
- (4) Any specific technical issues designated by the Planning Commission or the City Council.

Section 14. SEVERABILITY

The various parts, sections and clauses of this part of the ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 15. REPEALER

Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 16. PENALTIES

In addition to other remedies provided herein, any violation of this Ordinance may be punishable by penalty to the maximum allowed by the Gallatin City Charter. Each day shall constitute a separate violation hereof.

12.12 Special Provisions Governing Mobile Home Parks

12.12.010 Purpose - The establishment of these provisions is intended to supplement the state health regulations by the Tennessee Trailer Court Act of 1957 (Section 53-3201 through 53-3220, Tennessee Code Annotated) by ensuring a minimum standard of site development for mobile home parks where permitted as a conditional use within a zoning district. It is intended that within any zoning district where permitted, mobile home parks shall be excluded from certain regulations relating to uses other than mobile home parks but that such use shall be subject to the general provisions of the district with regard to the uses permitted within the zoning district in which such use is located. Additionally, it is intended that in any instance of a conflict between the provisions of these regulations and the general provisions of the district as they relate to mobile home parks, these regulations shall apply.

12.12.020 Permit

A. Application for Permits

The application for "mobile home park permit" shall be filed with and issued by the Sumner County Health Department as authorized by Section 53-3203 of the Tennessee Code Annotated. However, the construction or extension of a mobile home park may not commence within the area of jurisdiction of this Ordinance until a zoning permit has been issued by the Zoning Administrator. A zoning permit may be issued for a mobile home park only upon approval of a zoning permit or conditional use permit by the Board of Appeals. The Board shall act upon an application for a permit after a favorable or conditionally favorable report from the Planning Commission.

Where conditions are attached by the Planning Commission they shall be included as part of the zoning compliance certificate. Additionally, the Board of Appeals may add whatever conditions it sees fit to those established by the Planning Commission.

B. Site Plan Required

A zoning permit may be issued for the construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan meeting the minimum requirements.

12.12.030 Development Standards

A. General - A mobile home park shall be located only as a conditional use within those districts where permitted. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of

park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

- B. Minimum Development Size - No mobile home park shall be approved which contains less than three (3) acres in area or has less than fifteen (15) mobile home spaces.
- C. Density - The number of mobile homes permitted within any mobile home park shall be determined as follows:
 - 1. from the gross acreage located within the site of the mobile home park shall be subtracted:
 - any portion lying within a flood district;
 - any portion exceeding 15% in slope;
 - 10% of the remainder for streets.
 - 2. the remaining acreage shall then be divided by 6,000 square feet.
- D. Yards - Along the entire periphery of a mobile home park, yards meeting the district regulations shall be provided. Within the interior portions of a mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
- E. Setbacks - The setback provisions applicable to the zoning district in which the mobile home park is located shall apply.
- F. Spacing of Mobile Homes and Site Coverage - Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet.

There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting street.

Mobile home stands shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

G. The Mobile Home Lot

General: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans.

Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.

Outdoor Living Area: Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with at least a dimension of fifteen (15) feet.

12.12.040 Utilities and Other Services

- A. Water Supply and Distribution System - An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. Adequate fire protection shall be provided within each mobile home park.
- B. Sewage Disposal - Each mobile home park shall be served by public sewer with service provided each trailer site.
- C. Solid Waste Disposal System - Solid waste collection stands shall be provided, pursuant to the Gallatin Municipal Code as for all other residential zone districts.
- D. Service Buildings - Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

12.12.050 Streets

- A. General: All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

- B. Entrance Streets: Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.
- C. Circulation: The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to one thousand (1,000) feet and their closed end shall be provided with an adequate turn-around. (60 feet diameter cul-de-sac).
- D. Pavement Widths: Pavements shall be of such width as set forth in the Gallatin Subdivision Regulations.
- E. All streets shall be paved with an all weather bituminous or concrete surface.

12.12.060 Walks

- A. General Requirements: All mobile home developments shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
- B. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet.
- C. Individual Walks: All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of three (3) feet.

12.12.070 Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

12.12.080 Buffer and Screening

A landscape buffer shall be provided according to Section 13.04 or as outlined herein, whichever is more stringent. The buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped, screen or fence shall be provided within fifteen (15) feet any vehicular entrance and/or exit to the park.

12.12.090 Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12.12.100 Parking

Parking shall be provided in accordance with Article 11.00, 11.00 of this Ordinance.

A. Off-Street Parking

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least two parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

12.13 Development on Steep Slopes

Within all districts, the total gross acreage of a development site shall be reduced by an amount equal to the number of acres of the site containing slopes greater than twenty percent (20%) when calculating for the available density or total number of units possible. If the proposal minimizes or eliminates grading or disturbance of these areas, the reduction of total gross site acreage due to sloping areas shall be reduced by fifty percent (50%). All other applicable districts' regulations shall be required of the proposal.

12.14 Home Occupations

A home occupation may be conducted in a residential dwelling unit provided that:

- A. The Home Occupation does not disrupt the peace, quiet, and domestic tranquility within any residential neighborhood within which it is located and guarantees to residents freedom from excessive noise, traffic, nuisance, fire hazard and other possible effects of business activities on adjoining residences within 1,000 feet of said Home Occupation.
- B. Only one person other than family members residing on the premises shall be engaged in such occupation and under no circumstance shall more than 3 persons be involved in any home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- E. No Home occupation nor any storage of goods, materials or products connected with such home occupation shall be conducted in any accessory building except as a secondary use of the accessory structure.
- F. There shall be no sales of goods excluding telephone sales via electronic media in connection with such home occupation.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
- I. There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation.
- J. Only one home occupation per dwelling shall be permitted.
- K. One vehicle with company logo may be parked on the premises as long as it conforms with the prohibition on truck parking in residential neighborhoods.

12.15 Adult Entertainment

No adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult entertainment center, massage parlor, or sauna shall be operated or maintained within 1000 feet of a residentially zoned district, or within 500 feet of a church, state licensed daycare facility, public library, public or private educational facility that serves persons age seventeen or younger, elementary school, middle school, high school, or municipal park. Only one of the above regulated uses shall be allowed per block face. As used in this Section, "block face" shall contain a maximum of five hundred (500) linear feet of road frontage.

The distance limitations above shall be measured in a straight line from the lot lines of the land containing regulated uses to the lot lines of properties described above.

No adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult entertainment centers shall be operated or maintained except within the IG district.

ARTICLE 12.00 AMENDMENTS

Section	Ordinance #	Date
12.10.020.B	O9810-060	10/20/98
12.11	O9901-006	02/02/99
12.01.030	O0107-041	08/07/01
12.15	O0402-006	03/16/04
12.02	O0404-017	05/18/04
12.02	O0408-046	09/07/04
12.01.030	O0409-053	10/19/04
12.02.050.G	O0602-017	03/21/06
12.02.050.H	O0602-017	03/21/06
12.02.020.F	O0804-28	06/17/08
12.03	O0907-49	10/20/09
12.01.015	O0910-76	12/15/09
12.01.020	O0910-76	12/15/09
12.03	O0911-85	01/19/10
12.09.010.E	O0911-83	01/19/10
12.09.010.I	O0911-83	01/19/10
12.02.020.F	O1001-7	03/16/10
12.02.040	O1001-9	03/16/10
12.02.030.B.13	O1003-24	05/04/10
12.11 Sec. 7.b.17	O1003-24	05/04/10
12.01.040	O1106-67	10/04/11

ARTICLE 13.00
PERFORMANCE AND DESIGN STANDARDS

13.01 Purpose and Intent

The purpose of this Article is to establish regulations and standards for the design, construction and operation of residential, industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance and design standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Ordinance, the applicable performance and design standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this Article shall apply notwithstanding the issuance after the effective date of this Ordinance of any zoning permit or use and occupancy permit.

Performance and design standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance and design standards, the latter shall control. In the case of any conflict between the performance and design standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

13.02 Performance Standards Regulations

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

13.02.010 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulation of this Article limiting dangerous and objectionable elements at the point of the determination of their existence.

13.02.020 Performance Standards Regulating Noise

A. Definitions - For the purpose of this Article, the following terms shall apply:

1. Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.00002 microbars. It is abbreviated as DB.
2. Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated c.p.s.
3. Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.
4. Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.
5. Noise: a subjective description of an undesirable or unwanted sound.
6. Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

Preferred Frequency Octave Band: these octave bands are replacing the pre-1960 octave bands. The Preferred Frequency Bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest of industrial noise and are described in United States America Standard Institute (USASI) Standard Number SI.6-1960.

7. Octave Band Analyzer: an instrument to measure octave band composition of a noise by means of bandpass filters. It shall meet all requirements of the USASI and shall be calibrated for use with Preferred Frequencies.
 8. Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 c.p.s.
 9. Sound: rapid fluctuations of atmospheric pressure which are audible to persons.
 10. Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI.
 11. Steady State: a noise or vibration which is continuous such as from a fan or compressor.
- B. Method of Measurement - For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer, and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI standards. During these measurements, the instruments shall be set on the "A" - weighted sound pressure level with the meter set for slow response.

Impact noises shall be measured on a commercially available impact noise analyzer.

- C. Maximum Permitted Sound Levels - The maximum permitted sound pressure levels in decibels across lot lines or district boundaries shall be in accordance with the Table 13-01. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories.

TABLE 13-01

MAXIMUM PERMITTED SOUND LEVELS (dBA)

<u>RECEIVING LAND USE CATEGORY</u>	<u>SOUND LEVEL LIMIT</u>	
	7 p.m. - 7 a.m.	(dBA) 7 a.m. - 7 p.m.
Industrial and Agricultural	55	75
All Others	45	65

13.02.030 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

13.02.040 Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

A. Definitions

1. Particulate Matter: matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions.
2. Ringlemann Number: the shade of gray which appears on the chart published and described in the U.S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks, chimneys, and other sources.
3. Smoke: small gas-borne or airborne particles resulting from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

- B. Smoke - No emission shall be permitted at any point from any stack, chimney, or other source or smoke of visible effluent of a shade equal to or darker than Ringlemann No. 1, except as provided below:

Within the IR Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the IG Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in, any one (1) hour period.

- C. Gases, Dust, and Particulate Matter - No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

13.02.050 Performance Standards Regulating Odors

A. Definitions

1. Odorous Matter: solid, liquid, or gaseous material which produces an olfactory response in a human being.
2. Odor Threshold Concentration: the lowest concentration of odorous matter which will produce an olfactory response in a human being.

B. Emission of Odorous Matter

Within the IR and IG Districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential, commercial or agricultural district.

Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

13.02.060 Performance Standards Regulation Toxic Matter

A. Definitions

1. Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
2. Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

B. Methods of Measurement - The measurement of toxic matter shall be at ground level or habitable elevation at the zone lot line and shall be average of a 24 hour sample.

C. Emission of Toxic Matter - Within all industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

13.02.070 Performance Standards Regulating Fire and Explosive Hazards

A. Explosive Materials - Activities involving the storage, utilization, or manufacture of products or materials which decompose by detonation shall be provided with adequate fire-fighting and suppression equipment and devices standard to the activity involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

Within the IR and IG Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with

applicable state and local regulations. The storage of such materials in all other districts is prohibited.

B. Fire Hazard Solids - Within all industrial districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines. The storage or manufacture of such materials in all other districts is prohibited.

C. Fire Hazard Liquids and Gases - In all industrial districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.

The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in Table 13-02 and Table 13-02 for each industrial district. The storage of such materials in all other districts is prohibited.

D. There shall be an earthen berm of sufficient size surrounding the location of flammable material to contain the volume of liquids and/or gases.

TABLE 13-02
STORAGE CAPACITY OF FLAMMABLE LIQUIDS

	Above Ground Flash Point, <u>Degrees Fahrenheit</u>	Below Ground Flash Point, <u>Degrees Fahrenheit</u>
<u>District</u>	<u>Less than 125 125-300</u>	<u>Less than 125 125-300</u>
IR	10,000 gal. 40,000 gal.	20,000 gal. 80,000 gal.
IG	Unlimited except that within 300 feet of a district boundary no more than 50,000 gallons per acre within such distance shall be permitted.	Unlimited

Note: Flash point is defined as the lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

TABLE 13-03
STORAGE CAPACITY OF GASES

District	Above Ground	Below Ground
IR	300,000 SCF	600,000 SCG
IG	Unlimited except that within 300 feet of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted.	

Note: SCF is defined as standard cubic feet which is the measure of the volume of a gas reduced to 60 Degrees Fahrenheit and 29.92" mercury, absolute.

13.02.080 Performance Standards Regulating Glare and Electromagnetic Interference

A. Definitions

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

B. Limitation of Glare

1. In all districts, site lighting shall be shielded to that substantially all directly emitted light falls within the property line. Illumination in excess of one-half (0.5) foot-candle shall not be permitted across the boundary of any adjacent residential property or public street.
2. No illumination shall produce direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to, any light that may be confused with or construed as a traffic control device.
3. Maximum permitted height of light fixtures/luminaries in residential districts shall be thirty (30) feet. Maximum permitted height of light fixtures/luminaries in non-residential districts shall be forty (40) feet, except that ball fields and other recreation facilities may have 100 foot power.
4. Exterior Lighting Plan. At the time any exterior light is installed or substantially modified and whenever a use and occupancy permit is sought, an exterior lighting plan shall be submitted to the City in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
5. Additional/Alternative Standards for Cutoff Fixture Types. If a luminaire (bulb) has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer at ground level at the point where the cutoff angle intersects the ground. The maximum permitted illumination and height of the luminaire shall be as indicated in Table 13-04 and as measured at ground level.

TABLE 13-04

Alternative Standards for Cut-Off Fixture Types

Use and District	Maximum Maintained Illumination (in foot candles)*	Maximum Permitted Height of Luminaire (in feet)
Residential Parking Areas	0.50	30 feet
Non-Residential Parking areas in Non-Residential Districts other than PB, IR, and IG	0.75	40 feet
Non-Residential Parking Areas in PB, IR, and IG Districts	1.0	40 feet

* Note: As measured at ground level

6. Exterior Lighting for Specified Outdoor Recreational Uses. Ball Diamonds, playing fields, and tennis courts have unique requirements for night-time visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards if the applicant can satisfy the Planning Commission upon site plan review that the following requirements are met:
 - (a) The site plan must meet all other requirements of this Article and this Ordinance; and
 - (b) Any exterior light sources shall not exceed the maximum permitted luminaire (bulb) height of 100 feet.
 - (c) If provided that the luminaire (bulb) is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cutoff angle of ninety (90) degrees. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) foot candles.
7. Additional Standards. Notwithstanding any other provision of this Section to the contrary:
 - (a) No flickering or flashing lights shall be permitted.
 - (b) Light sources or luminaries shall not be located within bufferyard areas except on pedestrian walkways.
8. The Planning Commission may require at the recommendation of staff, shoe box fixture or other means to shield and contain light and may determine whether or not it is appropriate to use high pressure sodium, metal halide or other style bulbs as luminaires.

C. Electromagnetic Interference - In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

13.02.090 Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

13.02.100 Non-conforming Uses by Reason of Performance Standards

Any use existing on the effective date of this Ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this Article or by reference shall be subject to the non-conforming use provisions of Section 14.02.

13.03 Design Standards and Regulations

The following sections detail the design standards to be applied to all developments in all districts as set forth herein.

13.04 Transitional Bufferyard Design Standards

13.04.010 Purpose

The bufferyard and screening provisions are included in this section to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods within the City.

13.04.020 Applicability

The provisions of this section shall apply to all new development on each lot, site, or common development which has not received a final site plan approval or a building permit, except for the following:

- A. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.
- B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements.
- C. Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs.

13.04.030 Unassigned

13.04.040 Definitions

The following definitions shall be used for terms contained within this Article:

- A. Bufferyard: A landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
- B. Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines,

groundcover, and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas, provided that such material comprises no more than thirty-five (35) percent of the area of the required landscaped area. Flat concrete or asphalt areas, other than public walkways or bikeways, shall not be used within a required landscaped area.

- C. Tree: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.

13.04.050 General Standards

- A. Location and Design: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way.

The bufferyard is normally calculated as parallel to the property line. However, the City Planner may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this Article. Average depth shall be measured at the two end points of the buffer and two additional points that are approximately one-third of the total linear distance from the end point. At his/her sole discretion, the City Planner may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard.

Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement. The City Planner, and the Planning Commission may require additional bufferyard area or additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.

- B. Use of Bufferyards. A bufferyard may be used for some forms of passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that:

1. No required plant material is eliminated.
2. The total depth/width of the bufferyard is maintained.
3. All other regulations of this chapter are met.

In no event, however, shall the following uses be allowed in bufferyards: accessory buildings, outdoor storage, sheds, garages, play fields, stables, swimming pools, tennis courts, or similar active recreation uses.

- C. Ownership of Buffers: Bufferyards may remain in the ownership of the original owner/developer (and assigns) of a developing property. Bufferyards may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as owners associations, adjoining land owners, a park district, the City, or any conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyard for the purposes of this Article.

13.04.060 Determination of Bufferyard Requirements

To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:

- A. Identify the zoning classification of the proposed development by referring to Table 13-05 of this section.
- B. Identify the zoning classification and status of development (undeveloped vs. platted and/or developed) of each adjoining property, including properties located across an intervening street, by referring to Table 13-05.
- C. Determine the bufferyard requirements for those, side, rear, and front lines or portion thereof on the subject development parcel by referring to Table 13-05, and the additional requirements of this section. Existing plant material may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
- D. When a development parcel is proposed adjacent to vacant, unplatted/unsubdivided land, the following provisions shall apply:
 - 1. The owners of the affected properties may submit a contractual agreement (which becomes a deed restriction on both properties) whereby the bufferyard for the development parcel is reduced or waived, provided that the owner of the development parcel agrees to develop, at no greater intensity than as shown on his approved sited/subdivision plan; and if any additional bufferyard is required by this section at a future date, it will be provided on the vacant land; or
 - 2. The required bufferyard for the development parcel, derived by using the existing zoning of the undeveloped tract, shall be equal to one-half of the minimum width prescribed in Table 13-05 or ten (10) feet in width, whichever is the greater. However, any development parcel proposed for non-residential use, which lies contiguous to a tract of undeveloped/subdivided land zoned for residential use or is designated as "Rural Preservation Residential" "Low Residential Density," "Medium Residential Density," or "High Residential Density" on the approved Land Use Plan Maps of Gallatin, Tennessee (1996-2010), shall be required to fulfill the bufferyard requirements of this Article utilizing the existing zoning on the undeveloped tract as the determinant of the bufferyard requirement.

- E. Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense zoning district (e.g., from R-40 to R-20, from CS to CG), the Planning Commission shall, during the site plan or subdivision review process, determine if additional bufferyard is needed and, if so, to what extent and type.
- F. Additional Bufferyard Provisions: In addition to the requirements provided in this section, the following bufferyard provisions shall apply to proposed development parcels. In general, the owner, developer, or operator of a proposed use within a development parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development, as set forth in this section.
1. Parcels with Intervening Major Street: When an arterial or collector street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee, separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of one-half of the required bufferyard set forth in Table 13-05 or fifteen (15) feet.
 2. Parcels with Intervening Local Street: When a local street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee, or any other public right-of-way separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of two-thirds of the required bufferyard set forth in Table 13-05, or twelve (12) feet.
 3. Railroad Right-of-Way: Any lot or site zoned or planned for non-residential use, which is adjacent to an active railroad right-of-way, shall be exempt from any bufferyard requirement along the common property line with such right-of-way.
 4. Lot Size Compatibility Provision: For any residential development parcel, including parcels located in a Residential PUD District or a PRD - Planned Residential Development District, along a common property line of an adjacent developed and/or platted residential use, the following provisions may be applied in lieu of the requirements of Table 13-05:
 - (a) No bufferyard shall be required if the average lot size of a development parcel's contiguous lots is equal to or is within five (5) percent of the average lot size of an adjacent, developed, residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).
 - (b) The required bufferyard shall be reduced to ten (10) feet, if the average lot size of a development parcel's contiguous lots is equal to or is within twenty (20) percent of the average lot size of an adjacent, developed residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

5. Bufferyards for Planned Residential Development Districts: Subject to the provisions of Section 06.09, for all proposed Planned Residential Development Districts, the required bufferyard along a common property line shall be determined by utilizing Table 13-05 and the site's base zoning district and then increasing the required bufferyard (utilizing the adjacent tract's zoning and the Planned Residential Development District base zoning as the determinants) up to the next bufferyard type (i.e., a R-10 Planned Residential next to an existing R-20 subdivision would require a bufferyard type 35).
 6. On any lot or development parcel platted before the effective date of this section, which requires the provision of a bufferyard and has a dimension perpendicular to such bufferyard of less than two hundred (200) feet, such bufferyard may be reduced to no less than fifty (50) percent of the applicable dimension.
- G. Table of Bufferyard Requirements. Table 13-05 shall be used to determine the bufferyard requirements of a development parcel which is adjacent to a developed and/or platted property, site, or common development.

**TABLE 13-05
BUFFERYARD REQUIREMENTS**

Zoning of Developing Tract	Zoning of Adjacent Platted or Developed Property																							
	RESIDENTIAL							COMMERCIAL													INDUSTRIAL			
	A	R40	R20	R15	R10	R8	R6	MU	MUG	MUL	MRO	MPO	OR	GO	CC	CS	CSL	CG	PGC	PNC	PB	IR	IG	
A	*	15	25	35	40	45	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
R40	15	*	20	35	40	45	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
R20	25	20	*	25	35	35	40	50	50	50	40	40	40	40	50	35	35	50	40	40	50	50	50	50
R15	35	35	25	*	15	25	40	50	50	50	40	40	40	40	50	30	30	40	30	30	40	50	50	50
R10	40	40	35	15	*	15	40	40	40	40	30	30	30	30	10	30	30	35	30	30	40	50	50	50
R8	45	45	35	25	15	*	30	40	40	40	30	30	30	30	10	30	30	30	30	30	35	50	50	50
R-6	50	50	40	40	40	30	*	25	25	25	15	15	15	15	10	25	25	30	25	25	30	50	50	50
MU	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50	50
MUG	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50	50
MUL	50	50	50	50	40	40	25	10	10	10	15	15	15	15	15	25	25	30	25	25	25	50	50	50
MRO	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35	35
MPO	50	50	40	40	30	30	15	15	15	15	15	10	15	15	10	10	10	20	15	15	20	30	35	35
OR	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35	35
GO	50	50	40	40	30	30	15	15	15	15	10	15	10	10	10	10	10	20	15	15	20	35	35	35
CC	50	50	50	50	10	10	10	15	15	15	10	10	10	10	10	10	10	10	10	10	10	10	10	10
CS	50	50	35	30	30	30	25	25	25	25	10	10	10	10	15	15	15	15	15	15	15	20	30	30
CSL	50	50	35	30	30	30	25	25	25	25	10	10	10	10	10	15	15	15	15	15	15	30	30	30
CG	50	50	50	40	35	30	30	30	30	30	20	20	20	20	10	15	15	15	15	15	15	30	30	30
PGC	50	50	40	30	30	30	25	25	25	25	15	15	15	15	10	15	15	15	15	15	20	35	35	35
PNC	50	50	40	30	30	30	25	25	25	25	15	15	15	15	10	15	15	15	15	15	20	35	35	35
PB	50	50	50	40	40	35	30	25	25	25	20	20	20	20	10	15	15	15	20	20	15	15	25	25
IR	50	50	50	50	50	50	50	50	50	50	35	30	35	35	10	20	30	30	35	35	15	*	*	*
IG	50	50	50	50	50	50	50	50	50	50	35	35	35	35	10	30	30	30	35	35	25	*	*	*

* No bufferyard required.

NOTE: Bufferyard requirements stated above are in terms of the average width of the bufferyard along a common boundary of an adjacent development and/or platted property. Consult all other paragraphs of this section for additional bufferyard provisions and landscape screening requirements of the bufferyard. The base residential zoning of all Planned Residential developments shall be utilized as the applicable zoning of developing or developed properties.

13.04.070 Unassigned

13.04.080 Transitional Bufferyard Landscaped Area and Minimum Width Regulations

A. General Design Standards. The following general provisions shall apply to the design and construction of transitional bufferyards as defined herein:

1. The layout, design, and arrangement of the prescribed numbers and types of landscape materials within a bufferyard shall be in accordance with this section.
2. In those bufferyards which require the construction of a berm, wall, or similar opaque barrier, the following provisions shall apply:

An opaque barrier, at the height prescribed in the specific bufferyard design type standards in this section, shall be provided which visually screens the potentially offensive development parcel uses from the adjacent properties as follows:

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

13.04.090 Description and Standards of Transitional Bufferyard Design Types

Transitional bufferyards of the following types shall be provided in the situations as identified in Table 13-05:

- A. Bufferyard Type "10": Transitional bufferyard Type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, landscaped as follows:
1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the common property line.
 2. Commercial Bufferyard: One large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.
- B. Bufferyard Type "15": Transitional bufferyard Type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, landscaped as follows:
1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the common property line.
 2. Commercial Bufferyard: One large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.
- C. Bufferyard Type "20": Transitional bufferyard type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50± feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.
- D. Bufferyard Type "25": Transitional bufferyard type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced 30 feet on center) for every sixty (60) linear feet.
- E. Bufferyard Type "30": Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.08, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50± feet) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be

planted on the side of the opaque barrier which abuts the less intense zoning district or development.

- F. Bufferyard Type "35": Transitional bufferyard type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- G. Bufferyard Type "40": Transitional bufferyard type 40 shall consist of a strip of landscaped area, a minimum of forty (40) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.
- H. Bufferyard Type "50": Transitional bufferyard type 50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with Section 13.04.080, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every ten (10) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50± feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

13.04.100 Additional Bufferyard Provisions

The following additional provisions shall apply to the design standards for required bufferyard landscaping:

- A. Preservation of healthy existing tree vegetation within a required bufferyard is strongly encouraged. Preservation of each healthy existing tree, of species and size (at least four and one-half inches caliper) approved by the City Planner, shall count as one tree towards the fulfillment of the landscape requirements of this section.

- B. A development parcel may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its initial building permit, regardless of whether an adjacent lot, site, or common development is rezoned to a less intense district which requires additional bufferyards or screening.
- C. Alternative Plan Approval. Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative Bufferyard Plan is clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property; the suitability of any alternative screening or buffering proposals; and other similar factors.

13.04.110 Time of Completion

The landscaping required of this section shall be installed and completed in accordance with the following:

- A. Except as otherwise provided in Section 13.04.110 B, all landscaping must be completed in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on the lot.
- B. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months, the Zoning Administrator may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, documented assurance means:
 1. A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or
 2. A set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
 - (a) expressly provide that they may be enforced by the City of Gallatin;
 - (b) be approved as to form by the City attorney; and
 - (c) be filed in the deed records of the County in which the land is located.
 3. If a temporary certificate of occupancy is issued under Section 13.04.110 B,2 and, at the end of the six-month period, no permanent certificate of occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the City for a civil

penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The City Planner shall give written notice to the property owner of the amount owed to the City in civil penalties, and shall notify the City attorney of any unpaid civil penalty. The City attorney shall collect unpaid civil penalties in a suit on the City's behalf.

4. The civil penalty provided for in Section 13.04.110 B,3 is in addition to any other enforcement remedies the City may have under city ordinances and state law.

13.04.120 Maintenance of Required Landscaping Improvements

The landscaping required of this section shall be installed and maintained in accordance with the following:

- A. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed.
- B. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
- C. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb line.
- D. All plantings will be subject to periodic inspections by Officials of the City of Gallatin.
- E. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed \$300 or imprisoned not more than 90 days, or both. Each day of such an infraction shall be deemed a separate offense.

13.05 Intent of Parking Area Screening and Landscaping Design Standards

This section is to delineate minimum standards by which parking areas will be screened from adjacent public streets or from adjacent properties. In addition, this section delineates standards for the planting of the interiors of parking areas.

13.05.010 Applicability

The following requirements are cumulative, not exclusive.

- A. Perimeter and Interior Parking Area Landscaping Required. The perimeter parking area landscaping requirements of this section shall apply to all off-street parking facilities in all zone districts adjacent to a public street or to a property line which:
 - 1. Have five (5) or more parking spaces; or,
 - 2. Are larger than one thousand (1,000) square feet in area.
- B. Parking Area landscaping standards may be waived for property located within an approved Master Development Plan or Final Site Plan authorized by the Planning Commission if the approved Master Development Plan or Final Site Plan provides for landscaping and screening measures in excess of this regulation.

13.05.020 Parking Area Screening and Landscaping Standards

- A. Perimeter Requirements. Unless supplanted by more stringent standards in Section 13.04, parking areas which qualify under this Section shall be landscaped as follows:
 - 1. Parking Areas Adjacent to Public Streets. Parking areas adjacent to public rights-of-way shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in Section 13.05.020 A,3 herein. The public right-of-way and areas reserved for future rights-of-way in compliance with the Official Street Map shall not be used to satisfy the requirements of this section. Perimeter landscape strips shall be continuous and unbroken except for driveways or sidewalks required to access the parking area. Such driveways or sidewalks shall cross the perimeter landscape strip as close to perpendicularly as possible, to minimize interruption of the landscape.
 - (a) Perimeter landscape strips adjacent to public streets classified as Arterials or Major Collectors on the Official Street Map shall be a minimum of fifteen (15) feet in width, unless: (a) the strip includes a permanent finished wall no less than thirty (30) inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases, the perimeter landscape strip may be reduced to eight (8) feet in width.

- (b) Perimeter landscape strips adjacent to public streets classified as Minor Collectors or Locals on the Official Street Map shall be a minimum of ten (10) feet in width, unless: (1) the strip includes a permanent finished wall no less than thirty (30) inches in height; or (b) the required trees are planted in islands between the parking spaces. In such cases, the perimeter landscape strip may be reduced to five (5) feet in width.
2. Parking Areas Adjacent to Side or Rear Property Lines A parking area which lies adjacent to a side or rear property line shall provide a seven (7) foot minimum perimeter landscape strip, as measured from the outermost edge of pavement or back of curb to the common property line. Two adjacent properties may each share in the development of a seven (7) foot landscape strip along their common property line. In instances where the resulting perimeter landscape strip is a part of a plan for shared access in compliance with these provisions, each owner may count the area contributed toward the resulting seven (7) foot strip toward the interior planting area requirements of the parcel. The resulting strip shall be landscaped per the standards set out herein. See Figure 13-01.
3. Landscape Materials in Perimeter Parking Areas Abutting Public Rights-of-Way and Side/Rear Property Lines. Within designated Perimeter Parking Areas abutting public rights-of-way, a minimum of one (1) tree shall be preserved or planted for each fifty (50) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of three (3) inches in caliper, as applicable for the type of material specified. The remaining area within the perimeter landscape strip which fronts on a street right-of-way shall be planted with one (1) continuous row of evergreen shrubs which shall be expected to mature at a height not greater than two and one-half (2-1/2) feet, except as modified for walls. The remainder of the area within all perimeter strips not occupied by trees or shrubs shall be covered by organic or mineral mulches, other shrubs, groundcover plants, or grassed lawns. The use of concrete, asphalt, or other impervious surfaces shall be prohibited.

Within designated perimeter parking areas at side/rear property lines, a minimum of one (1) tree shall be preserved or planted for each sixty (60) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of two and one-half (2.5) inches in caliper, as applicable for the type of material specified. The remaining area within the perimeter landscape strip not occupied by trees shall be covered by organic or mineral mulches, other shrubs, groundcover plants, or grassed lawns. The use of concrete, asphalt, or other impervious surfaces is prohibited.

4. Corner Visibility Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Section 12.02 and Section 13.06.050.

5. Adjacent Parking Areas with Shared Access Parking areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travelway along their common property line shall be exempt from the requirement for a parking area perimeter landscape strip along their common property line, upon the recording of an easement agreement which provides for the mutual right of ingress and egress for both property owners. See Figure 13-02.

B. Interior Planting Areas

1. General Requirements At least six (6) percent of the gross area of the parking area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of the parking bays or inside seven (7) foot wide or greater medians (where the median area is to be included as a part of the calculations for the interior planting area). Interior planting areas shall be located so as not to impede storm water run-off and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. See Figure 13-03.
 - (a) Tree spacing shall not exceed a maximum of one hundred ninety-five (195) feet or three (3) parking modules, whichever is less. See Figure 13-03.
 - (b) Trees shall be required at the minimum rate of one canopy tree for every ten (10) parking spaces. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least two and one-half (2-1/2) inches caliper. See Figure 13-03.

2. Minimum Size of Interior Planting Areas

- (a) A minimum of ninety (90) square feet of planting area shall be required for each new canopy tree. See Figure 13-03.
- (b) A minimum planting area of one hundred (100) percent of the drip line area of the tree shall be required for all existing trees to remain. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred (100) percent, lesser area may be approved by the City Planner. See Figure 13-03.

13.05.030 Non-Conforming Parking Area Landscaping Requirements

When the *gross* area of a non-conforming parking area is increased, compliance with this section is required as follows:

- A. Expansion by Twenty-Five (25) Percent or Less. When a parking area is expanded by not more than twenty-five (25) percent, only the expanded area must be brought into compliance with this section.
- B. Expansion by More Than Twenty-Five (25) Percent. When a parking area is expanded by more than twenty-five (25) percent, the entire parking area (pre-existing and expanded) must be brought into compliance with this section.
- C. Repeated Expansions. Repeated expansions of a parking area over a period of time commencing with the effective date of this section shall be combined in determining whether the twenty-five (25) percent threshold has been reached.

13.05.040 Completion of Required Landscaping

- A. Completion of Required Landscaping Improvements. The landscaping required of this section shall be installed and completed in accordance with the following:
 - 1. Except as otherwise provided in Subsection 13.05.040 A,2, all landscaping must be completed in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on the lot.
 - 2. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months, the Zoning Administrator may issue one six-month temporary certificate of occupancy and permit the property owner to complete his landscaping during the six-month period. For purposes of this subsection, documented assurance means:
 - (a) A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or
 - (b) A set of deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
 - (i) expressly provide that they may be enforced by the City of Gallatin;
 - (ii) be approved as to form by the City attorney; and
 - (iii) be filed in the deed records of the County in which the land is located.
 - (c) If a temporary certificate of occupancy is issued under Section 13.05.040 A,2 and, at the end of the six-month period, no permanent certificate of occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the owner of the property is liable to the City for a civil penalty in the amount of \$200 a day for each calendar day thereafter until the landscaping is properly installed. The Zoning Administrator shall give written notice to the property owner of the amount owed to the City in civil

penalties, and shall notify the City attorney of any unpaid civil penalty. the City attorney shall collect unpaid civil penalties in a suite on the City's behalf.

- (d) The civil penalty provided for in Section 13.05.04 A,2,(c) is in addition to any other enforcement remedies the City may have under city ordinances and state law.

13.05.050 Maintenance of Required Landscaping Improvements

The landscaping required of this section shall be installed and maintained in accordance with the following:

- A. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed.
- B. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
- C. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb line.
- D. All plantings will be subject to periodic inspections by local, county, or state agencies.
- E. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed \$300 or imprisoned not more than 90 days, or both. Each day of such an infraction shall be deemed a separate offense.

13.05.060 Preservation of Existing Vegetation and Alternative Plans

Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative Landscape Plan is clearly superior to a plan that would be in strict compliance with this section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property (including existing vegetation to be preserved); the suitability of an alternative screening; and other similar factors.

13.06 Intent of Traffic Control and Access Management Design Standards

The following standards are applied to all developments in all districts as set forth herein. The design standards require the efficient, attractive and safe design and construction of access points, driveways and other vehicular circulation elements within new development.

13.06.010 Traffic Impact Studies’ Requirements and Provisions

- A. Requirements for a Traffic Impact Study. A Traffic Impact Study (TIS) shall be required for any proposed development or project which proposes:
 - 1. residential developments with more than 125 dwelling units;
 - 2. non-residential developments of more than 25,000 square feet;
 - 3. combinations of residential and non-residential uses which would be expected to generate 1,000 vehicle trips or more per day, or 100 or more peak hour trips.

- B. Levels of Traffic Impact Study Required: - Three levels of Traffic Impact Studies have been identified based on the number of trips that a development is projected to generate in a 24 hour period. See Table 13-06.

Level 1 studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.

Level 2 studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where traffic control device does not exist, the City Engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the City Engineer will determine if ramps need to be included in the study.

Level 3 studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the City Engineer. The exact area to be studied will be determined by the City Engineer with input from the study preparer.

TABLE 13-06
LEVELS OF TRAFFIC STUDIES REQUIRED

24 Hour Trip Generation	Level of Study Required
1,000 to 3,000 Average Daily Trips	Level 1
3,000 to 6,000 Average Daily Trips	Level 2
6,000 or Higher Average Daily Trips	Level 3

- C. Waiver of a Traffic Impact Study. Waiver of a Traffic Impact Study. Any property located within the Downtown Redevelopment Area (as identified in Sec. 3-164. of the Gallatin Municipal Code) shall be exempt from Traffic Impact Studies. Furthermore, a property owner who can show that a development will not have a significant impact on the transportation system or affect the existing level of service of a roadway or an intersection may seek a waiver of a TIS from the City Engineer. Such a request shall be made in writing and shall be in accordance with guidelines established by the City Engineer. A Traffic Impact Study also may be waived by the City Engineer in cases where the applicant and the City Engineer agree on the nature and scope of the applicant's responsibilities for mitigating the impacts of traffic generated by the development. A waiver granted by the City Engineer must be documented in writing and must accompany an application to the Zoning Administrator.
- D. Approval of Traffic Impact Study The Traffic Impact Study shall be approved by the City Engineer, with all applicable performance requirements incorporated into any site and building plans submitted to the Zoning Administrator.
- E. Implementation of a Traffic Impact Study The Traffic Impact Study may take into account the Capital Improvements Budget of the City and/or State of Tennessee and may rely on improvements which have been funded and scheduled for construction. Any required traffic improvements which have not been funded or otherwise completed by the City of Gallatin or the State of Tennessee shall be completed by the developer prior to the issuance of a use and occupancy permit by the Zoning Administrator. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Zoning Administrator may require a pro-rata contribution under guidelines established by the Gallatin Regional Planning Commission and the City Engineer. The Zoning Administrator will certify that all traffic improvements to be provided by the developer or property owner have been completed before a use and occupancy permit shall be issued.

If the development is to be phased, the sequence and timing of a development shall be incorporated into the Traffic Impact Study. For projects which include multiple phases and/or multiple buildings, the Zoning Administrator shall certify the scheduling of improvements through the site plan approval process. If no phasing is identified in the Traffic Impact Study as approved by the City Engineer, all study recommendations shall be satisfied at the initial stage of development.

13.06.020 Traffic Control and Access Management Standards - Protection of Residential Areas

- A. In order to minimize deterioration and destabilization of residential areas, commercial access for non-residential properties which abut residential zoned areas shall be designed so as to minimize the intrusion of non-residential and non-local traffic onto residential local and minor local streets.

13.06.030 Traffic Control and Access Management Standards - Access from Local and Collector Streets

Driveways providing vehicular access from streets which are designated by the Planning Commission as local or collector streets shall comply with the following provisions:

A. Driveway Location. The following provisions apply to the location of driveways providing access to and from local and collector streets.

1. A driveway providing access to a single-family or two-family lot shall be located at least fifteen (15) feet from a street intersection.
2. A driveway providing access to a use other than a single-family or two-family dwelling shall be located at least fifty (50) feet from a street intersection.
3. All driveways shall be separated by at least thirty (30) feet except for instances where two single-family or two-family lots are being accessed and separated.
4. Where feasible, commercial driveways shall be aligned and placed across from driveways occurring across an intervening street.
5. All driveway curb cuts shall conform to the requirements additionally set forth in the Gallatin Municipal Code, Section 15-160.

B. Number of Driveways The maximum number of driveways providing access to and from local and collector streets shall be as follows:

1. There shall be no more than two (2) driveways for the use of any single property fronting on any local or collector street.
2. At the intersection of two local or collector streets where property is located on a corner lot, there shall be no more than one (1) driveway on each street for the use of the property.
3. Deviations The City Engineer may authorize deviations from the provisions of Section 13.06.030, based upon a demonstration by the applicant that improvement of the property is impractical under the standards of this section and a determination that granting the requested deviation will not be contrary to public health, safety, and welfare.

C. Permits A permit for the construction of a driveway crossing a curb or sidewalk, which has been duly accepted by the City of Gallatin shall be obtained prior to the commencement of any such work.

13.06.040 Traffic Control and Access Management Standards - Access from Arterial Streets

Driveways providing vehicular access from streets which are designated by the Regional Planning Commission on the Official Street Plan as arterial streets shall comply with the following provisions:

- A. Driveway Location Table 13.07 sets forth maximum number of driveways based on the amount of arterial lot frontage. Driveways shall be a minimum of 30 feet apart.
1. The City Engineer may require a greater minimum distance between driveways if it is in the best interest of public safety.
 2. Where feasible, all new driveways shall be placed directly across from driveways on the opposite side of the street to enhance traffic flow and public safety.

**TABLE 13-07
NUMBER OF DRIVEWAYS**

Lot Frontage	Maximum Number of Driveways
Up to 150 Feet	1
150 to 299 Feet	2
Each Additional 300 Feet	1

- B. Driveway Distances from Intersecting Streets Driveways of developments which have property frontage along an arterial street shall not be located:
1. within 185 feet of the right-of-way line of any intersecting arterial street; or
 2. within 100 feet of the right-of-way line of any other intersecting street; or
 3. within 250 feet of an interchange ramp.
- C. Permit Restrictions If an undeveloped lot or unplatted parcel has less street frontage than the minimum spacing required in this Section and is adjacent to another lot under common ownership on the effective date of this Section, no building or use permit shall be issued until a joint access driveway is approved by the City Engineer.
- D. Alternative Access Where the configuration of properties located on arterial streets precludes spacing of driveway access in accordance with the requirements of this section due to topography or prior site development layout, the City Engineer shall be authorized to require joint access driveways or cross access corridors. The following provisions set forth standards for joint use driveways and cross access corridors for reduced spacing situations.
1. Joint Use Driveways Wherever feasible, the City Engineer shall require the establishment of a joint use driveway serving two (2) or more abutting properties (see Figure 13-04). If a proposed development abuts an existing development which contains an existing joint access driveway, the vehicular circulation of the

proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts an existing undeveloped property, the vehicular circulation of the proposed development will contain a joint access driveway which is designed to connect to the abutting property at a later date.

2. Cross Access Corridors The Planning Commission and staff, in coordination with the City Engineer, shall be authorized to designate cross access corridors on properties adjacent to arterials (see Figure 13-05). The developments within the affected cross access area shall be designed so as to provide for mutually coordinated parking, access, and circulation systems. Such designation shall be referenced on a plat of subdivision.

Additionally, if a development within the cross access area abuts an existing developed property which is not in the cross access area, but has an abutting joint access driveway, it shall be designed to tie into the abutting access and circulation system.

3. Recording Easements Wherever cross access corridors or joint use driveways are provided in accordance with this section, the final site plan shall not be approved unless the plan grants an easement for cross access to and from abutting properties. Such easement shall be recorded by the applicant in the public records of the City of Gallatin and Sumner County, and constitute a covenant running with the land.
4. Closing of Interim Driveways Wherever a permanent joint use driveway or cross access easement is constructed in accordance with this section, all preceding interim driveways shall be closed and eliminated. In the case of a joint use driveway, the property owner shall enter into a written agreement with the City of Gallatin, recorded in the public records of the City of Gallatin and Sumner County and running with the land, that existing driveways shall be closed and eliminated after the construction of both sides of a joint use driveway.
5. Where Unified Access and Circulation is not Practical The City Engineer shall be authorized to waive the requirements of this subsection when abutting properties have been developed in such a manner that it is clearly impractical to create a unified access and circulation system with all or part of the affected areas.

13.06.050 Traffic Control and Access Management Standards - Visibility

In order to safely accommodate vehicular movements to and from public streets, the following sight distance and visibility provisions shall be required.

A. Visibility Areas

1. At the intersection of public and private streets, no fence, wall, hedge, or other planting or structure that will obstruct vision at any point above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the said right-of-way lines and a straight line joining said right-of-way lines in accordance with Table 13-07 and Figure 13-06.
2. In all zoning districts except CC, no fence, wall, hedge, or other planting or structure shall be allowed on private property that will obstruct vision at any point where private driveways intersect a public street in such a manner as to interfere with traffic visibility of any driver using an authorized driveway, alley, or roadway.

TABLE 13-08
SITE VISIBILITY AREAS

Major Approach	Minor Approach	
	Public/Private Street	Driveway
Major Arterial	L = 325' R = 150' M = 30'	L = 325' R = 150' M = 25'
Minor Arterial	L = 275' R = 150' M = 25'	L = 275' R = 150' M = 20'
Collector	L = 200' R = 150' M = 20'	Non-Residential L = 200' R = 150' M = 20' Residential L = 150' R = 120' M = 15'
Local Street	L = 175' R = 130' M = 15'	L = 75' R = 55' M = 15'

NOTES:

1. The table assumes right angle intersections and straight intersection street approach movements within the sight distance. Situations involving skewed intersections, curvilinear streets, and other mitigating factors shall have sight distances as determined by the City Engineer.
2. In the CC zone, the sight triangle may be modified as determined by the City Engineer.
3. All landscaping within the triangular areas described above shall provide unobstructed cross-visibility at a level between 30 inches and 9 feet above street grade. Where rigid enforcement of the landscaping and screening standards contained in Sections 13.04 and 13.05 creates a conflict with the provisions of this section, the regulations of this section shall take precedence. Placement of the required landscaping and screening elements shall be revised to the extent necessary to alleviate this conflict.

13.06.060 Traffic Control and Access Management Standards - Measurement

For the purpose of Section 13.06, distances shall be measured in the following manner:

- A. Distance between Driveways. Distances between driveways shall be measured along the right-of-way line from the nearest points of intersection of the driveways with the right-of-way line. In the event that the curb return of a driveway begins outside of the right-of-way, the point of intersection of the extension of the driveway curb or edge shall be used for measurement purposes.
- B. Distance from Intersection. The distance from street intersections shall be measured from the nearest intersection of the existing right-of-way lines or extensions thereof. For streets designated to be widened at a future time by the adopted Thoroughfare Plan, measurement shall be made from the ultimate right-of-way.
- C. Distance from an Interstate Ramp. The distance from interstate ramps shall be measured from that point where the right-of-way for the interstate ramp intersects the right-of-way for the arterial street serving the lot.

13.07 Sign Regulations

TABLE OF CONTENTS

ADMINISTRATION

<u>Subsection</u>		<u>Page</u>
13.07.005	Purpose and Intent	13-34
13.07.010	Rationale, Applicability, Effect, System for Regulation and Overall Use	13-35
13.07.015	Code Compliance, Construction, and Maintenance	13-36
13.07.020	Permits and Inspections	13-36
13.07.025	Violations	13-37
13.07.030	Enforcement and Remedies	13-38
13.07.035	Severability Clause	13-38
13.07.040	Transitional Provisions	13-38

DEFINITIONS

<u>Subsection</u>		<u>Page</u>
13.07.045	Definitions	13-39

REGULATIONS

<u>Subsection</u>		<u>Page</u>
13.07.050	Prohibited Signs	13-46
13.07.055	Exempt Signs	13-48
13.07.060	Temporary Signs	13-49
13.07.065	General Provisions for Permanent On-Premises Signs	13-52
13.07.070	Permanent On-Premises Signs in Residential and Mixed Use Zone Districts	13-54
13.07.075	Permitted Permanent On-Premises Signs in Non-Residential and Mixed Use Zone Districts	13-56
13.07.080	Permanent Signs in the CC Zone District	13-58
13.07.085	Community Facility On-Premises Signs	13-64

13.07.090	Performance Standards Regulating Glare and Illuminated Sign Brightness	13-65
13.07.095	Alternative Plan Approval	13-65
13.07.100	Freestanding Sign Height, Setback Requirements, and Display Surface Area	13-67
13.07.105	Wall-Mounted Signs Display Surface Area Calculations	13-68
13.07.110	Non-Residential and Mixed Use Zone Districts Freestanding Signs Basic Allowances	13-69
13.07.115	Non-Residential and Mixed Use Zone Districts Wall-Mounted Signs Basic Allowances	13-69
13.07.120	Multi-Tenant Development and Out Parcel Signs	13-70
13.07.125	Example for Determining Sight and Traffic Visibility Areas for Signs	13-71

ADMINISTRATION

13.07.005 Purpose and Intent

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

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

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

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

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

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

13.07.015 Code Compliance, Construction, and Maintenance

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

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

13.07.020 Permits and Inspections

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

for a sign permit:

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

13.07.025 Violations

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

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

13.07.030 Enforcement and Remedies

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

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

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

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

13.07.035 Severability Clause

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

13.07.040 Transitional Provisions

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

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

DEFINITIONS

13.07.045 Definitions

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

A-Frame Sign – See, Sandwich Board Sign

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

Airborne Sign – See, Inflatable and Airborne Sign

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

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

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

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

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

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

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

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

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

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

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

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

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

Channel Letters - Individual letters mounted directly to the wall.

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

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

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

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

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

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

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

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

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

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

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

Face/Sign Face – See, Display Surface Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULATIONS

13.07.050 Prohibited Signs

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

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

J. Roof Signs

K. Vehicle Signs

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

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

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

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

13.07.055 Exempt Signs

A. Guidance and Restrictions for the Use of Sign

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

B. Permissible Exempt Signs

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

13.07.060 Temporary Signs

A. Guidance and Restrictions for the Use of Signs

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

B. Permissible Temporary Signs and Restrictions

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

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

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

13.07.065 General Provisions for Permanent On-Premises Signs

A. Guidance for the Use of Signs

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

B. Setback and Height Requirements

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

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

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

C. Calculation of Sign Area

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

D. Material and Style

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

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

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

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

4. Prohibited Materials

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

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

E. Master Signage Plan

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

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

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

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

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

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

1. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;
2. No residential freestanding sign shall exceed eight (8) feet in height;
3. All residential freestanding signs shall be illuminated by direct and steady means only;
4. Each residential freestanding sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

- B. Each residential development containing at least sixteen (16) units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premise freestanding sign per development entry from a public street, up to a maximum of three (3) from a public street, with a maximum size sign face of thirty-two (32) square feet each. The following provisions shall apply:

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

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

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

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

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

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

I. Wall-Mounted Signs

1. Single Business Frontage

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

2. Multiple Business Frontages – as defined in Subsection 13.07.045

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

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

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

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

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

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

13.07.080 Permanent Signs in the CC Zone District

A. Purpose and Intent

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

B. Permitted Signs

1. Projecting Signs:

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

2. Wall-Mounted Signs:

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

- v. A wall-mounted sign shall be located between the top of the storefront and the bottom of the second story windows and shall not cover any part of the storefront or second story windows.
- b. The following design guidelines apply to wall-mounted signs for buildings that are located more than five (5) feet away from the right-of-way.
 - i. The sign area of a wall-mounted sign shall not exceed one (1) square foot of sign for every linear foot of the front face of the building, up to a maximum of one hundred (100) square feet.
 - ii. A wall-mounted sign shall have a maximum height of thirty (30) inches.
 - iii. A wall-mounted sign shall not extend more than six (6) inches from the wall of the building.
 - iv. There shall be no more than one (1) wall-mounted sign per primary business entrance and a maximum of two (2) wall-mounted signs per building.
3. Window Signs:
- a. Window signs shall not cover more than twenty percent (20%) of the glass area of a window.
 - b. The lettering of a window sign shall not exceed a height of eight (8) inches.
 - c. There shall be no more than two (2) window signs per business.
 - d. Window signs shall be made of vinyl letters and/or logo or painted by a sign painter. Large hand painted signs and temporary signs shall be avoided.
4. Multi-Tenant or Directory Signs:
- a. If the multi-tenant sign is a projecting sign it shall follow the guidelines for projecting signs in Subsection 13.07.080.B.1, with the following exception:
 - i. The maximum size of a multi-tenant projecting sign shall be fourteen (14) square feet [seven (7) square feet per face].
 - b. If the multi-tenant sign is a wall-mounted sign it shall be:
 - i. Considered a single sided sign.
 - ii. The sign shall be a maximum of twelve (12) square feet.
 - iii. The sign shall be a maximum width of three (3) feet.

5. Sandwich Board or A-Frame Signs:

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

No lighting of any kind is permitted on sandwich boards.

6. Awning Signs:

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

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

8. Monument Sign:

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

9. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Only one (1) flag may contain a commercial logo or message. Combined size and weight of all flags must meet the wind load requirements per pole.
10. Flag Poles, Outrigger Wall-Mounted
 - a. The maximum number of wall mounted flag poles is two (2) per building.
 - b. The maximum number of flags is two (2) per building.
 - c. The wall mount shall not be installed above the top of the storefront windows or the top of the primary entrance.
 - d. The maximum height of the flagpole tip is sixteen (16) feet above the sidewalk.
 - e. The bottom edge of a flag, flying on the wall mounted pole, shall be no less than seven and a half (7.5) feet above the sidewalk.

C. Maximum Number of Signs:

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

D. Sign Materials

1. Permitted Materials:

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

2. Prohibited Materials:

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

E. Performance Standards for Glare and Maximum Illumination

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

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

F. Awnings

1. Awning Shapes:

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

2. Materials:

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

3. General Awning Guidelines:

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

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

G. Liability Insurance

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

13.07.085 Community Facility On-Premises Signs in Residential Zone Districts

A. Signs for Community Facilities:

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

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

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

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

13.07.090 Performance Standards Regulating Glare and Illuminated Sign Brightness

A. Definitions

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

B. Limitation of Glare

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

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

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

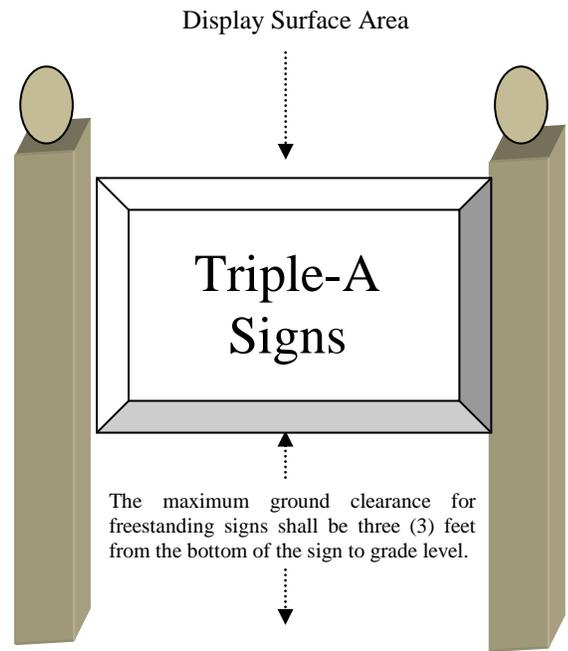
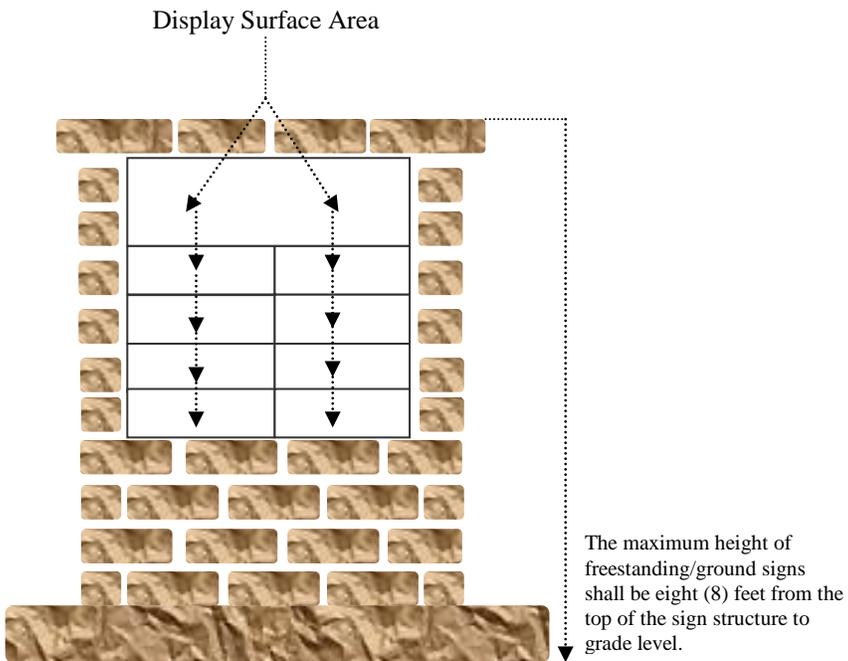
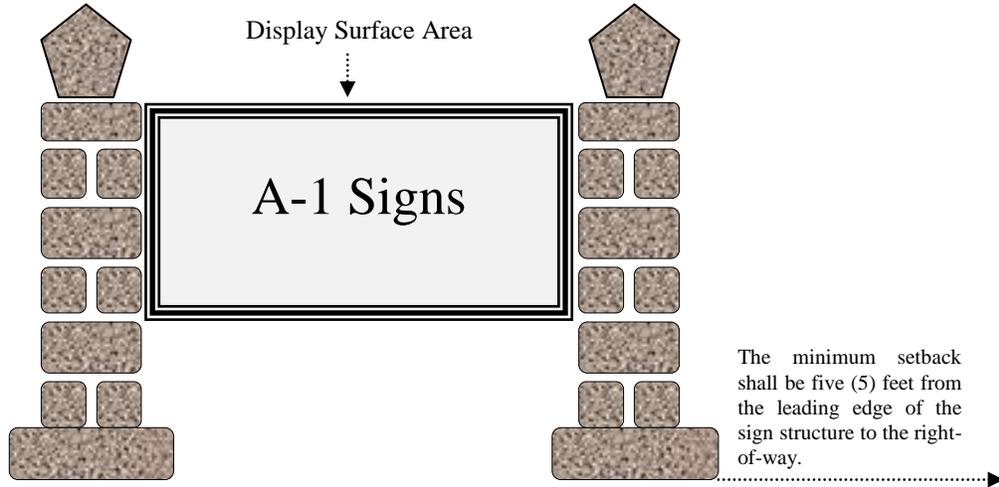
- a. If illuminated, signs shall be illuminated only by the following means:
 - i. A steady, stationary light of reasonable intensity in accordance with Performance Standards, shielded, and directed solely at the sign;
 - ii. Light sources to illuminate signs shall be shielded from all adjacent buildings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

13.07.095 Alternative Plan Approval

Upon the request of any owner of property to which this Subsection applies, the Planning Commission may approve an alternative master signage plan which is not in strict compliance with the requirements of this Subsection, if the Planning Commission finds that such alternative plan meets the purpose and intent of the requirements of this

Subsection and the alternative master signage plan is clearly equal to or superior to a plan that would be in strict compliance with this Subsection. In making the determination, the Planning Commission may consider the topography, shape, size, or other natural features of the property and the size, location, materials, design, color, and other natural or man-made elements of the proposed signage which could impact the proposal's conformance to these standards.

13.07.100 Freestanding Sign Height, Setback Requirements and Display Surface Area



13.07.105 Wall-Mounted Signs Display Surface Area Calculations

Raceway

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

5' x 8' = 40 sq. ft.



3' x 20' = 60 sq. ft.

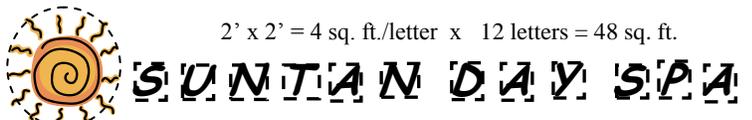
40 sq. ft. + 60 sq. ft. = 100 sq. ft.

Total of 100 sq. ft.

Channel Letters

Individual letters mounted directly to the wall.

4' x 4' = 16 sq. ft.



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

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

Total of 64 sq. ft.

Cabinet Sign

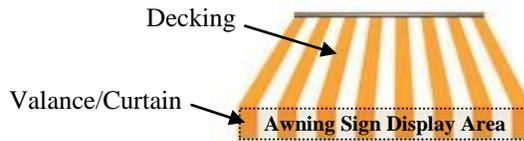
Sign panel(s) within a frame.

4' x 7' = 28 sq. ft.



Awning Sign

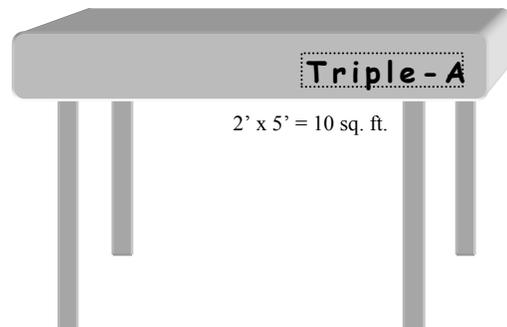
Awning signage is only permitted on the valance/curtain area of the awning.



Canopy Sign

Calculated as part of the wall-mounted signage

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



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

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

	 Single Face Maximum Maximum Total Aggregate of all freestanding signs permitted per zone lot					
Zone District	75 sq. ft.	100 sq. ft.	125 sq. ft.	150 sq. ft.	200 sq. ft.	225 sq. ft.
CG, CS, CSL, PGC, PNC, GO, OR, MRO, MU, MUG, MUL, MPO						
PBP, IR, IG						

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

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

	 Single Face Maximum Maximum Total Aggregate of all wall-mounted signs permitted per business					
Zone District	120 sq. ft.	150 sq. ft.	180 sq. ft.	200 sq. ft.	225 sq. ft.	300 sq. ft.
GO, OR, MRO, MU, MUG, MUL, MPO						
PBP, IR, IG						
*CC, CG, CS, CSL, PGC, PNC						

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

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

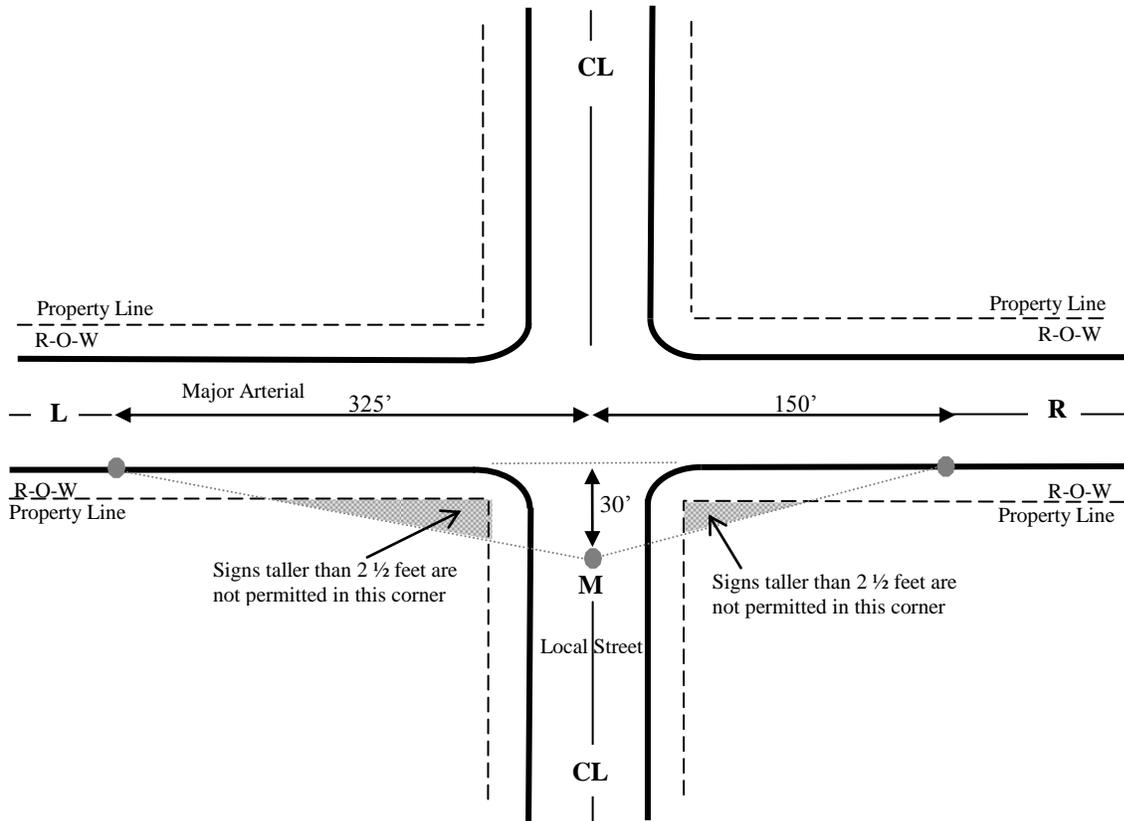
** In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one (1) additional wall sign not exceeding forty (40) square feet may be allowed for building identification.

13.07.120 Multi-Tenant Development and Out Parcel Signs

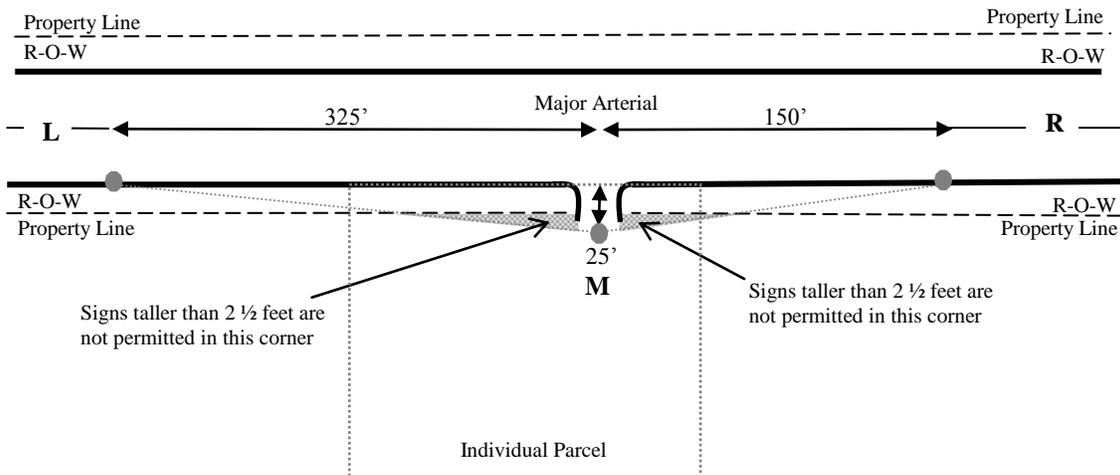
Maximum Number of Signs	1 per development access, minimum of 350 feet apart, maximum of 2 per street front
Maximum Height	12 feet from grade level
Ground Clearance	Maximum of 3 feet from grade level to bottom of sign
Minimum Setback	10 feet from right-of-way
Materials	Shall match the architectural design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

13.07.125 Example for Determining Sight and Traffic Visibility Areas for Signs

Intersection Approach



Driveway Approach



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

13.08 Architectural Character and Compatibility Standards

13.08.010 Basic Design Criteria

- A. Materials – To ensure a consistent and high quality design standard throughout the City, in all districts with the exception of A, R-40, R-20, R-15, R-10, R-8, and IG, stone and/or brick materials shall be used as the predominant (minimum 70%) exterior facade materials in all developments. Concrete block, split face block, other related concrete-masonry block materials, and/or manufactured/pre-cast panels are not considered stone or brick materials, but may be approved as an alternative material under Section 13.08.010.D.

In the A, R-40, R-20, R-15, R-10, R-8, districts, any use and building, other than single family detached residential units, shall use brick and/or stone materials as the predominant (minimum 65%) exterior facade materials. One-family detached dwelling units shall be exempt from this requirement unless otherwise specified in Section 13.08.010.E.

- B. Compatibility with Adjacent Buildings - In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. To this end, the following criteria are required:
1. Building forms shall be tailored to fit within the existing topography and site features as much as possible.
 2. While architectural styles may vary, buildings of a proposed development shall be compatible with surrounding buildings (within the site and with adjacent properties) with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.
 3. The use of materials and colors compatible with buildings adjacent to a site is required.
- C. Adapting Prototypical Designs to Particular Sites: National standard designs shall be adapted to reflect the specific site context within the City by careful siting, use of compatible materials, and landscaping of the site so that it blends with its surroundings.
- D. Alternative Plan Approval: Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative architectural plan and materials are clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the materials, design, color, and other natural or man-made elements which could impact a proposal's conformance to these standards.

E. Residential Infill Development Design Standards: To ensure the conservation and protection of established housing and residential neighborhoods in the City of Gallatin, the Planning Commission may establish architectural character and compatibility standards as a prerequisite of approval of any sketch, preliminary, or final plat for residential developments containing one-family detached dwelling units that are determined by the Planning Commission to be classified as an infill development. For the purposes of this section, an infill development shall be defined as follows:

1. Any proposed residential development involving the resubdivision of an existing lot or lots of record, which are also a lot or lots in a subdivision recorded in the office of the County Register of Deeds, into a major subdivision containing five (5) or more lots as defined by the Gallatin Municipal-Regional Planning Commission.
2. Any proposed residential development that is located adjacent to, or across a local or collector street from, existing residential neighborhoods. For the purposes of this section, a residential neighborhood shall be deemed “existing” if it has been platted and recorded for a period of ten years or more and is more than sixty (60) percent built out.

Architectural character and compatibility standards established by the Planning Commission may more restrictive than district and/or supplementary regulations and may include, standards regulating building materials, size, scale, proportion of openings, roof types, and degree of architectural detail to which new buildings or structures shall be constructed in order to ensure that the new construction will be compatible with the established character of existing residential neighborhoods.

The establishment of architectural character and compatibility standards shall be based on a determination by the Planning Commission that a proposed development is classified as an infill development and it has been determined that establishment of such standards is necessary to promote and protect the health, safety, morals, general welfare and character of existing residential neighborhoods in the City of Gallatin. The decision of the Planning Commission to establish architectural character and compatibility standards may be appealed to the City Council upon the request of any owner of property to which this Section applies.

F. Screening - To ensure that roof mounted equipment is not visible from any public right-of-way the following criteria is required:

1. Roofs shall not be visually cluttered. All roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view, along all building elevations, with materials compatible with and well integrated into the overall design.
2. If no roof top equipment exists on a flat roof, a parapet may still be required to be installed on all elevations of the building.

13.09 Pedestrian and Bicycle Path Standards

13.09.010 Purpose and Intent

The purpose of this section is to provide for the health, safety and welfare of the citizens of Gallatin by requiring the construction of pedestrian and bicycle access ways in new residential and commercial developments in order to:

- (1) maximize pedestrian safety and make pedestrian travel a more attractive alternative;
- (2) provide a safer environment for pedestrians by separating pedestrian and vehicular traffic;
- (3) provide a bicycle route system throughout the City of Gallatin; and
- (4) improve the aesthetics and connectivity of neighborhoods within the City of Gallatin.

13.09.020 Applicability

The provision of safe and convenient pedestrian access shall be incorporated into all new developments in residential zones R-6, R-8, R-10, R-15, R-20 and PRD, in mixed-use zones MRO, MU, GO and OR and in commercial zones CS, CG, CC, PGC, PNC and PBP. Such pedestrian systems may include conventional sidewalks or alternative walkways and new trails, as approved by the Gallatin Municipal Regional Planning Commission. New construction should be completed with consideration of pedestrian safety, handicapped access and visual quality.

13.09.030 Sidewalks

- A. Residential and Mixed Use Developments: Sidewalks shall be required for all residential and mixed-use site plans with the exception of those developments that received final site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.
- B. Commercial Developments: Sidewalks shall be required for all commercial site plans with the exception of those commercial subdivisions that received site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.
- C. Design Standards: The design, dimensions, dedications, easements, and reservations for all sidewalks shall conform to all applicable City of Gallatin regulations. Sidewalks constructed within the public rights-of-way shall be installed in accordance with the adopted standards of the City of Gallatin.
 1. Sidewalks are required to be constructed along all streets within or abutting a development and shall connect to sidewalks in adjoining developments.

2. Sidewalks shall be constructed of concrete and shall be a minimum of five (5) feet in width on all streets for residential site plans and developments, and six (6) feet in width for non-residential site plans and developments.
 3. Sidewalks shall maintain minimum thickness of four (4) inches except at driveway areas where the minimum thickness is six (6) inches.
 4. Along streets where concrete curbs are required, a median strip of grassed or landscaped area of at least five (5) feet wide shall be provided between the curb and sidewalk.
 5. Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative pedestrian walkway design which is not in strict compliance with the requirements of this Section, if the Commission finds that such an alternative meets the purpose and intent of the requirements of this Section. In making the determination the Commission may consider issues such as impeding road construction, significant trees, severe roadside conditions, or recommendations from approved traffic studies that could impact a proposals conformance to these standards.
- D. Internal Sidewalk Network Requirements: A continuous internal sidewalk network shall be provided in all commercial developments to connect all building entryways and exits to parking areas and shall conform to all applicable City of Gallatin regulations and be improved as required by the City Engineer.
- E. Permit Requirements: Unless otherwise provided for in a permit issued for other construction work, a permit from the City of Gallatin Public Works Department shall be required for the original construction or any replacement or reconstruction of a sidewalk, or portion thereof.
- F. Bond Requirements: In any case where the reconstruction or construction of a sidewalk or other pedestrian walkway is required, the City of Gallatin may require the contractor to post surety in the form specified in Section 15.03.080, for the construction of the sidewalk or walkway.
- G. Maintenance of Sidewalks: It shall be the duty of all owners of property abutting or adjacent to any sidewalk, whether such sidewalk is in a public right-of-way, or subject to public easement, to maintain such sidewalks in good repair.
- H. Completion of Required Sidewalk Improvements: The required sidewalk improvements must be installed prior to the final inspection for a building permit for residential developments and prior to the issuance of a Certificate of Occupancy for non-residential developments.

13.09.040 Alternate Pedestrian Walkway Systems, Bicycle Lanes and Paths

The Planning Commission may require or approve an alternate pedestrian walkway system or bicycle paths for a given development. Alternative pedestrian walkways and bikeways may include walking trails, multi-use trails, bicycle lanes, or bicycle paths.

A. Design Standards

1. Bicycle lanes and paths where required by the Planning Commission, shall be improved as required by the City Engineer and shall be a designed portion of the roadway included within the dedicated street right-of-way.
2. Bicycle lanes shall be designed according to the latest edition of the American Association of State Highway and Transportation Official (AASHTO) Guide for the Development of Bicycle Facilities.
3. Alternate pedestrian walkways, bikeways, and multi-use trails may be considered internal to the development and are not restricted to alongside streets. These facilities must conform to all applicable City of Gallatin regulations and improved as required by the City Engineer.

- B. Access to Nearby Public Facilities: The Planning Commission may require, in order to facilitate pedestrian and bicycle access from developments and roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed public access easements at least twenty (20) feet in width. Access easements shall be indicated on the site plan.

13.10 Grading Standards

13.10.010 Purpose

The purpose and intent of this ordinance is to promote the health, safety and public welfare of the inhabitants of the City of Gallatin and the Planning Region; to improve surface drainage in the City of Gallatin; to ensure that activities in one area do not adversely affect activities within adjacent areas; to limit land clearing and alteration of natural topography prior to development review; to protect water quality throughout the City; to promote land development and site planning practices that are responsive to the City's character without preventing the reasonable development of land; and, to prevent overload of existing drainage facilities.

13.10.020 Applicability

The provisions of this section shall apply to all new developments on each lot, site or common development which has not received final plat approval, final site plan approval or a building permit prior to the effective date of this ordinance. No person shall undertake land clearing or grading activities of an area greater than one (1) acre or change the elevation of a property without first obtaining a grading permit from the City Engineer; provided, however, that no permit shall be required incidental to construction on a parcel of land for the purpose of constructing a one-family detached dwelling or an addition to an existing one-family detached dwelling; accessory buildings; routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants and/or to contain noxious weeds; or, agricultural land management activities.

13.10.030 Definitions

The following definitions shall be used for terms contained within this article:

- A. Clearing: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.
- B. Cross-drain: A culvert used to convey flow under a road or other obstruction between channels or surface flow.
- C. Culvert: A man-made conveyance of stormwater flows. This may include a pipe or other constructed conveyance.
- D. Cut: Portion of land surface area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

- E. Detention: The temporary delay of storm runoff prior to discharge into receiving waters.
- F. Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials [as defined as materials of like nature stored in whole or in part for more than six (6) months].
- G. Erosion: The disintegration or wearing away of soil by the action of water in the form of flowing water or precipitation impact.
- H. Excavation: See “Cut”
- I. Existing Grade: The slope or elevation of existing ground surface prior to cutting or filling.
- J. Filling: The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.
- K. Finished Grade: The final slope or elevation of the ground surface, after cutting or filling.
- L. Grading: Any excavating, filling, clearing, or the creation of impervious surface, or any combination hereof, which alters the existing surface of the land.
- M. Grading Permit: A special permit issued by the City Engineer authorizing land clearing and grading activities in the City of Gallatin and the Planning Region.
- N. Impervious Surface: A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.
- O. Natural Ground Surface: The ground surface in its original state before any grading, excavating, or filling.
- P. Retention: The prevention of storm runoff from direct discharge into receiving waters.
- Q. Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
- R. Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.
- S. Subsoil: The layer of soil just below the surface of the ground.
- T. Topsoil: The original upper layer of soil material to a depth of six (6) inches that is usually darker and richer than the subsoil.

13.10.040 General Standards

A. Grading Permits

Before commencing the site grading upon any site for which a permit is required by this Section and before commencing any excavation or fill for the purpose of construction, reconstruction, alteration, or extension of any building or other structure which is located or to be located upon such site, the owner or his agent shall receive approval for grading and/or building permits as required by the City of Gallatin Zoning Ordinance.

A grading permit will be issued by the City Engineer upon approval of a grading, drainage, and erosion control plan. This permit is required for any grading activity on a site which meets the criteria of Section 13.10.020 of this article. A grading permit is not required if a building permit has been issued.

B. Process and Requirements

The grading plan for any lot shall include the following basic information:

1. Three (3) sets of plans on a scale no less than 1" = 100' (one inch = one hundred feet).
2. Existing and proposed site contours of an interval no greater than five (5) feet.
3. Existing and proposed buildings on the property (including floor elevations).
4. Existing and proposed drainage structures on, and in the immediate vicinity of, the property. Must include size, type, slope and invert elevations of the structures.
5. Submit drainage and runoff calculations (including drainage area worksheet) and temporary sediment/detention pond design as required by the City Engineer. Calculation should be for pipes and ditches as well as areas where the runoff sheet flows.
6. Existing and proposed paving on the property (including parking and roadway improvements).
7. Erosion and sediment control measures to be implemented prior to construction (i.e. straw bales, silt fence, etc.). Plans shall include details on erosion control structures, spillway designs, types of sediment traps, pipe sizes, outlet lengths, etc.

13.10.050 Enforcement

If any person, company, or facility shall violate the provisions of this ordinance, the City Engineer, or his designee, may give notice to the owner or to a person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice. The City of Gallatin may take any or all of the enforcement actions prescribed in this Zoning Ordinance to ensure compliance with, and/or remedy a violation of this ordinance. The City Engineer may post the site with a Stop Work Order directing that all grading activities not authorized under a grading permit and/or building permit shall cease immediately. The issuance of a Stop Work Order may include remediation or other requirements, which must be met before grading activities may resume. Further, the City Engineer may require submission of a grading plan, drainage calculations, and review of the site conditions prior to the continuation of grading activities.

13.10.060 Severability

If a court of competent jurisdiction holds any provision of this ordinance invalid, the remainder of the ordinance shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the City of Gallatin's Zoning Ordinance.

ARTICLE 13.00 AMENDMENTS

Section	Ordinance #	Date
13.07.100.A.1	O9810-059	10/20/98
13.09	O0004-028	05/16/00
13.04.060.F.5	O0009-066	10/17/00
13.04.060.G, Table 13-05	O0009-067	10/17/00
13.07	O0308-030	09/19/03
13.10	O0408-047	09/07/04
13.08.010.A	O0511-077	11/15/05
13.08.010.E	O0511-077	11/15/05
13.07.050.Q	O00711-72	02/19/08
13.07.050.R	O00711-72	02/19/08
13.07.050.S	O00711-72	02/19/08
13.07.110	O0907-55	09/15/09
13.07.020.B.1	O0911-83	01/19/10
13.07.030.D	O0911-83	01/19/10
13.08.010.A	O0001-10	03/16/10
13.08.010.F	O0001-10	03/16/10
13.06.010.C	O1003-23	05/14/10
13.09.030.F	O1003-24	05/14/10
13.07 (Entirety)	O1304-22	10/15/13

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

14.01 Statement of Purpose

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

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

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

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

14.01.010 Conflicts with State or Federal Law

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

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

14.02.010 Applicability

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

14.02.020 General Provisions

A. Continuation of Non-Conforming Uses

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

B. Change of Non-Conforming Uses

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

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

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

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

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

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

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

E. Expansion of Non-Conforming Uses and Structures

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

F. Destroy Present Facilities and Reconstruct New Facilities

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

14.03 Non-Conforming Residential Uses

14.03.010 Applicability

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

14.03.020 General Provisions

A. Continuation of Non-Conforming Uses

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

B. Change of Non-Conforming Uses

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

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

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

C. Discontinuance of Residential Use

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

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

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

E. Expansion of Non-Conforming Residential Structures

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

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

A. Continuation Permitted

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

B. Change in Residential Use

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

14.04 Non-Conforming Multifamily Residential Establishments

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

14.05 Non-Conforming On-Premises Signs

14.05.010 Applicability

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

14.05.020 General Provisions

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

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

14.06 Non-Conforming Billboards

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

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

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

ARTICLE 14.00 AMENDMENTS

Section	Ordinance #	Date
14.00 (Entirety)	O1307-40	10/15/13

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
Planning and Zoning Fees

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 15.04.040 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.

- 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 - Notwithstanding 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.

15.03.100 Planning and Zoning Fees

Prior to the submittal of any request for a site plan, change of use site plan, temporary use permit, preliminary or final master development plan, annexation, Boards of Zoning Appeals process, or special called meeting, the following fees shall be paid to the City:

PROJECT TYPE	FEE
Site Plan	\$75 – up to 10,000 sq. ft. (bldg. area) + .05 per sq. ft. thereafter to a maximum of \$500
Change of Use/In-House Site Plan	\$50
Temporary Use Permit	\$50
Final Master Development Plan	\$150 + \$5.00 per acre over 5 acres up to \$750 maximum
Master Development Plan Revision	\$150
Rezoning Request with Preliminary Master Development Plan	\$300 + \$5.00 per acre over 5 acres
Rezoning Request without Preliminary Master Development Plan	\$125 (up to 1 acre) \$225 (1 – 15 acres) \$325 (16 – 50 acres) \$425 (51 – 100 acres) \$525 (100+ acres)
Annexation [T.C.A. § 6-51-102(a)(1)]	\$100
C. Boards of Zoning Appeals – Variance Request, Conditional Use Permit, Administrative Appeal	\$50
D. Special Called Meeting Fee	
• Boards of Zoning Appeals	\$300
• Planning Commission	\$400
• City Council voting meeting requested by applicant	\$1,050

15.04 The Board of Zoning Appeals

15.04.010 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.

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.

15.04.027 Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- A. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Gallatin at least ten (10) days before the date set for a public hearing and written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) days before the hearing of an appeal. The notice to the appellant shall be sent by registered mail. No appeal shall be considered and heard by the Board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;
- B. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;
- C. The Gallatin Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing;
- D. Any officer, agency, or department of the City of Gallatin or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;
- E. In any decision made by the Board on a variance the Board shall:
 - 1. Indicate the specific section of this Ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
 - 2. In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board;
- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health,

safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

- G. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown;
- H. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

15.04.029 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such, stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

15.04.030 Liability of Board Members, Zoning Administrator, and Employees

Any Board member, Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for the City of Gallatin in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Gallatin of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, Zoning Administrator or employee charged with the enforcement of any provision of this Ordinance shall be defended by legal representative furnished by the City of Gallatin until the final termination of such proceedings.

15.04.031 Right to Entry Upon Land

The Board, its members, and employees, in the performance of its work, may enter upon any land within -its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance.

15.05 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

15.05.010 Application for Variances, Notice of Hearing, Fee

A written application for a variance shall be filed with the Board by the property owner or his designated agent on forms provided by the Board and the application shall contain information and exhibits as may be required under Section 15.03.020 D. No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section 15.04.080. A fee of \$50.00 payable to the City of Gallatin shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

15.05.020 Notice to Affected Property Owners

It shall be the general rule of the Board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the Board, may be affected by any matter brought before the Board. In all cases all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified. The notification required to meet this provision shall be accomplished by direct mail addressed to the respective owners at the address given in the latest assessment roll.

15.05.030 Standards for Variances

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated;
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance;
- D. Financial returns only shall not be considered as a basis for granting a variance;
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance;
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts;

- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

15.05.040 Non-Conformity Does Not Constitute Grounds for Granting of a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

15.05.050 Prohibition of Use Variances

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.

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation; upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

15.05.070 Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official

In exercising its powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

15.05.080 Variance Appeals

Any person including any agency of the city government aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final and subject to review only for illegality or want of jurisdiction.

15.06 Conditional Use Permits

15.06.010 Conditional Uses

The Board of Appeals may hear and decide, in accordance with the provisions of this Ordinance, requests for conditional use permits. For the purposes of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Sections 13-706, Tennessee Code Annotated.

15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 15.03.020 or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Section 10.03. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 15.04.080 B. A fee of \$50.00 payable to the City of Gallatin shall be charged to partially defray cost of review and processing for each application for a conditional use permit, except that the fee may be waived for any government agency.

15.06.030 Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 15.06.040 through 15.06.070 C in order to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this Ordinance. The Board may establish expiration dates for the expiration of any conditional use permit as a condition of approval.

15.06.040 General Requirements

A conditional use permit shall be granted provided the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- B. Will not adversely affect other property in the area in which it is located;
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and

- D. Conforms to all applicable provisions-of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.

15.06.050 Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit shall be granted for the community facility activities specified in Sections 15.06.050 A through 15.06.050 G when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

A. Special Conditions for Limited Child and Adult Care Facilities

1. In the Agriculture, R-40, MRO, MPO, CC, CS, CG, IR and IG Zoning Districts the lot size, setbacks, and lot coverage shall conform to those applicable to the Zoning District. In the R-10, R-8 and R-6 Zoning Districts no such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the Zoning District.
2. All other bulk regulations of the district shall be met.
3. One accessory off-street parking space for each five persons accommodated in the day care facility shall be provided.
4. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
5. All public utilities and sewage disposal shall be available to the site and shall be subject to approval of either the Public Utilities Department or the County Environmentalist Office.
6. All regulations of the State of Tennessee that pertain to the use shall be met.
7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
8. Fencing, screening, and landscaping shall be provided as required by Article 13.00 of the Zoning Ordinance and as appropriate to protect the surrounding area for such facility.
9. Upon the approval by the Board of Appeals, the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

B. Special Conditions for Nursing Homes

1. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district.
2. All bulk regulations of the district shall be met.
3. The requirements of the accessory off-street parking regulations of this Ordinance in Article 11.00 shall apply.
4. All regulations of the State of Tennessee shall be met.
5. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewerage Services. Upon approval by the Board of Appeals the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above condition as well as any other pertinent factors.

C. Special Conditions for Community Assembly

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.
2. All bulk regulations of the zone district shall apply.
3. Off-street parking;
 - (a) For non-profit clubs, lodges, meeting halls and recreation centers, one space for each four (4) seats in an assembly area within the facility, or one (1) space for each 75 square feet of gross floor area, whichever is greater, shall be provided.
 - (b) For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Zoning Administrator, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
4. Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.
5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

6. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Department of Water and Sewerage Services.

D. Special Conditions for Non-assembly Cultural

1. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.
2. All bulk regulations of the zone district shall apply.
3. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.
4. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.

E. Special Conditions for Health Care

1. Minimum Lot Area

- (a) No health clinic shall be permitted on a zone lot unless it contains 10,000 square feet, or twice the lot area requirements of the district, whichever is greater.
- (b) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

2. Hospitals, Centers for Observation or Rehabilitation

The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be 50 feet for a one or two story building, increased by five (5) feet for each story above two (2).

3. All other regulations of the zone district shall apply.
4. There shall be provided along the entire site boundary fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties within the surrounding area.

6. All public utilities and sewage disposal shall be available to the site and shall be approved by the Department of Water and Sewage Service.
7. Upon approval of the Board of Appeals the site and/or architectural plans shall be reviewed and considered for approval by the Planning Commission.
8. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:

Community Facility Activities
Commercial Activities
Convenience Sales and Services
Automotive Parking
Food Service
Medical Service

F. Special Conditions for Utility and Vehicular

1. The location of such facility shall be within a certain service area in order to provide the most efficient service to such area.
2. All of the bulk regulations of the zone district shall apply.
3. The location of such facility shall not materially increase traffic on surrounding streets.
4. The location of such facility shall not have an adverse effect on surrounding properties.
5. There shall be provided along the entire site boundary fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

G. Special Conditions for Intermediate and Extensive Impact

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the surrounding area, thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.

4. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.

H. Special Conditions for Place of Worship

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
4. All bulk regulations of the district shall be met.
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

I. Special Conditions for Community Education

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
2. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
4. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

J. Special Conditions for Animal Care Activities in Agricultural Districts

1. The lot regulations of the district shall apply.
2. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
3. Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board of Appeals.
4. Any outdoor pens or holding areas shall be appropriately screened.

5. The off-street parking requirements in this Ordinance in Article 11.00 shall apply.

15.06.060 Specific Standards for Commercial Activities

A conditional use permit shall not be granted for the commercial activities specified in Sections 15.06.060 A through 15.06.060 G unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

A. Special Conditions for Automotive Parking in CC Districts

1. All parking shall be on the surface of the lot,
2. No structure shall be permitted other than a shelter for the attendant and accessory business signs as permitted under this Ordinance,
3. Such permit shall not be issued for a period exceeding five years.

B. Special Conditions for Scrap Operation Activity in IG Districts

1. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
2. The bulk regulations and performance standards of this Ordinance shall apply.
3. Insect and rodent control measures shall be provided as approved by the County Health Department.
4. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
5. The operation of such facility shall not have an adverse effect on the properties in the surrounding areas.
6. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

C. Special Conditions for Group Assembly Limited and Extensive Activities

1. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area,
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets,
3. The off-street parking requirements shall be based on a recommendation from

the Planning Commission.

D. Special Conditions for Convenience Food Sales and Food Service in MPO Zones -

These uses shall be considered as incidental services to serve occupants and patrons of the permitted use only. Such activities shall be conducted in spaces which are designed as integral parts of the principal use.

E. Special Conditions for Limited Warehousing

1. The location, size, and design of such facility shall be compatible with development in the surrounding area.
2. There shall be provided along the entire site boundary fencing, screening, and landscaping, as appropriate to protect adjoining properties.
3. The use of buildings in which the exterior facade is comprised of metal construction or metal siding shall be prohibited unless approved as an alternative material by the Planning Commission according to the provisions of Section 13.08.010.D. Buildings facades visible from a street or residential area shall be designed according to the provisions of Section 13.08 of this Ordinance, and shall be constructed primarily of brick, or stone, or combinations thereof, or combinations of materials deemed acceptable by the Board. Building facades not visible from a street or residential area may be constructed of aluminum siding, vinyl siding, or fiber cement siding. Building materials used in the construction of the units shall not contain bright, vivid colors. The use of primary, secondary or other bright, bold colors on building facades, roofs, doors, window frames, or awnings shall be prohibited. Colors used in the development shall be subdued, with natural earth tones and colors compatible with surrounding development predominating.
4. The off-street parking requirements shall be based upon a recommendation from the Planning Commission. All parking areas and driveways shall be paved.
5. All buildings shall be separated by a minimum of thirty (30) feet.
6. The setback for such activities shall be 100 feet from a major thoroughfare.

F. Special Conditions for Convenience Sales and Services Commercial Activities

1. The location, size, and design of such facilities shall be situated such that the proposed development shall be compatible with the existing development of the surrounding area, thus reducing the impact upon the surrounding area. Convenience Sales and Service structures should be designed to be compatible with the character of residential structures in the surrounding area. Scale of

- materials and building forms are important elements of continuity.
2. In order to determine compatibility, the applicant shall provide information concerning building design and materials, including elevations of all sides of the proposed buildings and structures. The features shown in the elevations shall include information concerning building materials, heights, scale, door and window openings, façade offsets, roof pitch and colors.
 3. The design of such facilities shall comply with the requirements of Section 13.08, Architectural Character and Compatibility Standards and shall be based on a recommendation of the Planning Commission. In addition, the following architectural standards shall apply:
 - a. Building height and design shall be in keeping with the character and scale of the proposed development.
 - i. Building colors should be subdued, with natural earth tones and colors compatible with surrounding development predominating.
 - ii. Building rooflines and pitches should be comparable to typical residential roofline styles. To harmonize with residential structures, convenience sales and service structures should have roofs that are visible from the street, preferably with a pitch not less than 1-foot rise in 2-foot run. Roofs should be a dark earth tone in color.
 - b. Canopy height and design shall be in keeping with the character and scale of the proposed development. The canopies should have pitched rooftops compatible with the design of the proposed building(s).
 - c. Canopies over gas pumps shall use colors and materials that blend with proposed and surrounding building facades. The use of earth tones or dark colors is encouraged.
 - d. The use of primary, secondary or other bright, bold colors on building facades, canopies and awnings should be avoided.
 - e. Heating and cooling equipment, solid waste disposal equipment and facilities and mechanical equipment and facilities shall be adequately screened so as not to be visible from streets and adjacent properties. In addition, mechanical equipment placed on rooftops should be concealed from view from public streets and adjacent properties.
 4. The number of gasoline pumps, if any, permitted with this use shall be based upon a recommendation from the Planning Commission. In making this determination the Planning Commission shall consider the location, size, and design of such facilities so that the proposed development will be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
 5. The off-street parking requirements shall be based on a recommendation from the Planning Commission.

G. Special Conditions for Automotive Repair and Cleaning and Automotive Servicing Commercial Activities

1. The location, size, and design of such facility shall be compatible with development in the surrounding area. Buildings shall be designed in accordance with Section 13.08 of this Ordinance.
2. There shall be provided along the entire site boundary fencing, screening, and landscaping, as appropriate to protect adjoining properties.
3. All of the bulk regulations of the zone district shall apply.
4. All activities associated with the use shall be conducted within completely enclosed buildings except for required parking, loading, exterior storage, and other accessory uses which by their nature must necessarily exist outside a building.
5. Outdoor storage of motor vehicles and other materials shall be screened from public view, and may be permitted in the side and rear of the principal building. The location, extent, and screening of the outdoor storage area shall be approved as a part of the site plan by the Planning Commission. The outdoor storage shall be screened from public view using a combination of appropriate fencing, walls, hedges, or landscaping materials, not exceeding ten (10) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
6. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.

15.06.070 Deleted – Ordinance No. 00911-84, 3/2/11

15.06.080 Specific Standards for Residential Activities

A conditional use permit shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

- A. Special Conditions for Multi-family Dwelling and Mobile Home Park Activities - In addition to the standards contained in this Ordinance, for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, and suitability of the site for the use, and such other factors as the Board may deem necessary.
- B. Special Conditions for a Mobile Home - A mobile home may be permitted on an individual lot where in the opinion of the Board such use would not be detrimental to

other adjoining uses. In making this determination the Board shall consider the relative closeness of structures, the overall character of the neighborhood, and the type (e.g. single-wide, double-wide) and appearance of the mobile home. Any mobile home permitted shall be set upon concrete blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors. Foundation plants and landscaping shall be required. Mobile homes shall be skirted and have permanent steps with handrails at each door.

No mobile home shall be permitted on a lot with another mobile home or conventional house.

C. Special Conditions for Bed and Breakfast Homes

1. Bed and Breakfast Home uses may be permitted in the R-10 and R-15 Zoning Districts only if they are located within a Historic District or the home itself is listed on National Register of Historic Homes.
2. If the Bed and Breakfast Home is a historic structure or is located in a historic district, then the proposed Bed and Breakfast Home must first receive approval from the local Historic District Commission.
3. Parking: Required parking shall be determined by the Board of Zoning Appeals. In making this determination, Board shall take into consideration the number of rooms or units, the type of street that fronts the Bed and Breakfast Home, the character of surrounding area and any other factors the Board may wish to consider.
4. No Bed and Breakfast Home is permitted within 1000 feet of another Bed and Breakfast Home or any similar use.
5. The Tennessee Department of Environment and Conservation and/or the Board of Zoning Appeals shall have the right to inspect the property at any time and either may revoke the license or conditional use permit if the site is found below standards set forth. Revocation of State license or permit shall be automatic revocation of conditional use permit.
6. Fire alarms and smoke detectors shall be installed in each sleeping unit.
7. The owner of a Bed and Breakfast Home shall register with the City Recorder's Office the owner's name, home address, business address and phone number.
8. The owner or managing agent of a Bed and Breakfast Home shall be required to reside on the premises of the Bed and Breakfast Home.

15.06.090 Specific Standards for Floodway and Flood-Fringe Districts

A conditional use permit shall not be granted for any use requiring such a permit until the Board of Appeals has:

- A. Reviewed the contents of the plan required by Section 10.03;
- B. Made such determinations as required by Section 10.03 where necessary;
- C. Considered all relevant factors specified in Section 15.06.090 E below; and
- D. Attached such conditions, as listed in Section 15.06.090 F, as it deems necessary for the protection of the public health, safety and welfare.
- E. Factors Upon Which the Decision of the Board shall be Based - In its review of any conditional use proposed for location within any area subject to flood, the Board shall consider all relevant factors specified in Section 10.03 of this Ordinance, and;
 - 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - 5. The importance of the services provided by the proposed facility to the community.
 - 6. The requirements of the facility for a waterfront location.
 - 7. The availability of alternative locations not subject to flooding for the proposed use.
 - 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

12. Such other factors which are relevant to the purpose; of this Ordinance.

F. Conditions Attached to Conditional Uses - Upon consideration of any conditional use proposed for location within any area subject to flood, the Board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this Ordinance. Among such conditions, without limitations because of specific enumeration, may be included:

1. Modification of waste disposal and water supply facilities.
2. Limitations of periods of use and operation.
3. Imposition of operations controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
5. Flood proofing measures such as those set forth in Section 10.03.

15.06.100 Conditional Use Permit Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

15.06.101 Review and Recommendations by the Board of Appeals

The City Planner shall cause to be placed in a newspaper of general circulation in the city, notice of the date, time and place of the Board of Appeals meeting and a description of the property being considered. Such newspaper notice to be at least ten (10) days prior to the Board of Appeals meeting. The Board of Appeals shall conduct a public hearing at such meeting prior to making its decision.

15.07 Amendments

15.07.010 General

The Mayor and Aldermen may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

15.07.020 Initiation of Amendment

Amendments may be initiated by the Mayor and Aldermen, the Planning Commission or by an application of one or more owners of property affected by the proposed amendment.

15.07.030 Application for Amendment

An application for an amendment shall be accompanied by a fee which shall be set by the Mayor and Aldermen and shall be payable to the City of Gallatin, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application. In addition to these requirements, applications for amendments requiring the submission of a preliminary master development plan shall be subject to the following provisions:

- A. An application for an amendment that requires the submission of a preliminary master development plan shall be required to follow the provisions of Section 12.02 and 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master development plan establishing a defined zoning district shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 12.02.
- B. Amendments initiated by the Mayor and Alderman or the Planning Commission do not require the submission of a preliminary master development plan. The Mayor and Alderman's approval of the amendment shall establish the defined zoning district that will form the basis for the future approval of a preliminary master development plan. Upon approval of the defined zoning district, the Owner may proceed with preparation of preliminary master development plans and specifications for all or for any portion of the project. The preliminary master development plan shall be reviewed and approved according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission

of the development shall be subject to the procedures and requirements outlined in Section 12.02.

- C. In order to permit a more flexible zoning amendment option for complex large scale development projects that both contain over 100 gross acres and are under single ownership, the Board of Mayor and Alderman may exempt these applications for amendments from the requirement of the submission of a preliminary master development plan as specified in Section 15.07.030.A. The initial application for an amendment for projects that both contain over 100 gross acres and are under single ownership shall contain only the general information specified in Section 15.07.030. The Mayor and Alderman's approval of the amendment shall establish the defined zoning district that will form the basis for the future approval of a preliminary master development plan. Upon approval of the defined zoning district, the Owner may proceed with preparation of a preliminary master development plan and specifications for all land included in the amendment. The preliminary master development plan shall be reviewed and approved according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission shall be subject to the provisions of Section 12.02.

15.07.040 Review and Recommendations by the Planning Commission

The Planning Commission shall review and make recommendations to the Mayor and Aldermen on all proposed amendments to this Ordinance.

15.07.050 *Deleted – Ordinance No. 00903-31, 5/19/09*

15.07.060 Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance prior to second reading by the Mayor and Aldermen. Notice of such hearing shall be displayed as follows:

- A. The City shall give notice in a newspaper of general circulation within the City of Gallatin at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification and it may contain a graphic illustration of the area.
- B. **Public Notice Signs** – Public notice signs shall be posted in accordance with the following provisions on any property subject to consideration by the Planning Commission and Mayor and Aldermen for a zoning amendment to the official zoning map. Notwithstanding, the following provisions shall not apply to changes in zoning district titles, zoning amendments initiated by the City of Gallatin pursuant to the provisions contain within Section 15.07, and amendments pertaining to Special Districts authorized under Article 10.00, Special District

Regulations, with the exception of the Historic (H-1) District. Failure to post a public notice sign according to the provision of this section shall not be used as a basis for a legal challenge of a proposed zoning amendment.

1. **General Requirements.** Public notice signs shall be posted on any property subject to the provisions of this section and shall be installed by the City of Gallatin Codes/Planning Department. By the filing of an application requiring a public notice, the property owner grants authorization for installation of public notice signs on the subject property.
2. **Display Period.** Public notice signs shall be installed on affected properties no less than ten (10) days prior to consideration of an amendment to the official zoning map by the Planning Commission. Public notice signs shall remain posted on the property until the established public hearing date at City Council, and shall be removed by the Codes/Planning Department within three (3) business days following the closure and completion of the public hearing.
3. **Number and Placement of Public Notice Signs.** Public notice signs shall be posted according to the following standards:
 - a. **Number.** One sign shall be posted along each three hundred feet of public street frontage. In cases involving large area zoning amendments initiated by the Planning Commission or the City Council, greater spacing intervals may be utilized as appropriate.
 - b. **Location.** Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.
 - c. **Size and Content.** All public notice signs shall be of adequate size and design to be clearly visible and legible to the motoring public. At a minimum, a public notice sign shall specify that a zoning amendment has been requested on the property and shall include the Codes/Planning Department phone number to contact for additional information.

15.07.070 *Deleted – Ordinance No. 00903-31, 5/19/09*

15.07.080 Amendments Affecting Zoning Map

Upon the effective date of an Ordinance approving an amendment to the zoning map which is part of this Ordinance, the Zoning Administrator shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

15.07.090 Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for change in the zoning classification of any property is denied, the application for such amendment

shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- 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.

ARTICLE 15.00 AMENDMENTS

Section	Ordinance #	Date
15.03.080	O9812-078	01/19/98
15.06.101	O9901-003	02/16/99
15.07.040	O9901-004	02/16/99
15.06.060	O9912-061	01/04/00
15.06.060.F	O9912-061	01/04/00
15.03.020.D	O0010-071	11/07/00
15.03.020.D	O0108-046	08/21/01
15.07	O0408-046	09/07/04
15.06.060	O0409-052	10/19/04
15.06.060.E	O0409-052	10/19/04
15.06.060.G	O0409-052	10/19/04
15.03.021	O0805-29	06/17/08
15.07.040	O0804-27	07/15/08
15.07.060.B	O0804-27	07/15/08
15.03.080	O0903-32	05/19/09
15.07.050	O0903-31	05/19/09
15.07.070	O0903-31	05/19/09
15.07.080	O0903-31	05/19/09
15.07.090.C	O0903-31	05/19/09
15.03.080	O0911-83	01/19/10
15.07.060.B.1	O0911-83	01/19/10
15.07.060.B.2	O0911-83	01/19/10
15.07.060.B.3.c	O0911-83	01/19/10
15.06.070	O0911-84	03/02/10
15.03.080	O1003-24	05/04/10
15.06.050.A	O1005-38	07/20/10
15.07.030.C	O1007-52	01/18/11
15.01	O1103-19	06/14/11
15.03.050	O1103-19	06/14/11
15.03.090	O1103-19	06/14/11
15.01	O1104-42	06/21/11
15.03.100	O1104-42	06/21/11
15.05.010	O1104-42	06/21/11
15.06.020	O1104-42	06/21/11
15.06.060.E	O1110-91	01/03/12