
CITY OF GALLATIN COUNCIL MEETING

October 1, 2013

6:00 pm

Dr. J. Deotha Malone
Council Chambers

- Call to Order – Mayor Jo Ann Graves
- Invocation –
- Pledge of Allegiance – Councilman Overton
- Roll Call: Vice Mayor Alexander – Brackenbury – Camp – Hayes – Kemp – Mayberry – Overton
- Approval of Minutes: September 17, 2013 Council Meeting
- Public Recognition on Agenda Related Items
- Mayor’s Comments

AGENDA

1. **Dangerous Building Show Cause Hearing** – 317 North Ford Street; Jerry Harris, The Samaritan Group, owner (**Addam McCormick, Interim Building Official**)
2. **Public Hearing – Amended Ordinance No. O13Ø9-45** – amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Multiple Residential and Office (MRO) Zone District to Planned Neighborhood Commercial (PNC) Zone District – Tiger Management Group LLC, Owner(s) – 3.00 (+/-) acres – S.B.E. Tax Map 1261/B/008.00 – located on the south side of Nashville Pike, West of Lock 4 Rd at 921 Nashville Pike (**Councilman Hayes**)
3. **Public Hearing – Amended Ordinance No. O13Ø4-22** – amending Zoning Ordinance of the City of Gallatin, Tennessee by amending Article 2.00 Language and Definitions and Article 13.00 Performance and Design Standards (**Councilman Overton**)
4. **Public Hearing – Amended Ordinance No. O13Ø7-40** – amending Article 14.00, Provisions Governing Non-Conforming Uses and Non-Complying Buildings or Other Structures, of the Zoning Ordinance of the City of Gallatin, Tennessee (**Vice Mayor Alexander**)
5. **Second Reading – Ordinance No. O13Ø9-46** – To vacate right-of-way on West Jackson Street, lots 50 and 51, to Bobby Reed, Robert Helson, and Daniel Hurst (**Vice Mayor Alexander**)
6. **First Reading – Ordinance No. O13Ø9-48** – Appropriating additional funds in the amount of \$1,000,000 for natural gas line extensions under existing contract “Contract 2012 Annual Natural Gas Line Construction” (**Councilman Mayberry**)
7. **Resolution No. R13Ø8-37** – Appointing _____ Director of Human Resources and Establishing Initial Salary (**Vice Mayor Alexander**)

8. **First Reading – Ordinance No. O131Ø-50** – Ordinance of the City of Gallatin, Tennessee, adopting the annual budget for the fiscal year beginning July 1, 2013 through June 30, 2014 (**Mayor Graves**)
9. **First Reading – Ordinance No. O131Ø-51** – To provide revenue for the City of Gallatin Tennessee for municipal purposes for the 2013 Tax Year and the 2014 Fiscal Year (**Councilman Mayberry**)

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

City of Gallatin City Council Meeting

September 17, 2013

The Gallatin City Council met in regular session on Tuesday, September 17, 2013, in the Dr. J. Deotha Malone Council Chambers Gallatin City Hall. Mayor Jo Ann Graves called the meeting to order at 6:00 P.M. Vice Mayor John D. Alexander led the opening prayer and Councilman Ed Mayberry led the Pledge of Allegiance.

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

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

Others Present

Joe Thompson, City Attorney	Billy Crook, Fire Chief
Ronnie Stiles, Public Works Director	David Brown, Leisure Services Dir.
David Gregory, Public Utilities Director	Rachel Nichols, Finance/IT Dir.
Amy Summers, Interim Personnel Official	Buck Rogers, Engineer Dept.
Don Bandy, Police Chief	Addam McCormick, Interim Codes
<u>News Examiner</u> , Reporter	Connie Kittrell, City Recorder
<u>Gallatin Newspaper</u> , Reporter	Ann Whiteside, Mayor's Office
Katherine Schoch, Interim Codes/Planning	Rosemary Bates, Special Projects Dir.

Approval of Minutes

Mayor Graves presented the minutes of the September 3, 2013 Council Meeting for approval. Vice Mayor Alexander made motion to approve; Councilman Overton seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition on Agenda Related Items

Mayor opened public recognition on agenda related items.

- Charles Timothy Durham of 926 Johnson Street stated he would like to see Ms. Ann Whiteside confirmed as the Human Resource Official.

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

Mayor's Comments

Mayor commented on the following:

- "Third Thursday on Main" is this Thursday, September 19th with Michael Vance Trio performing at 6:30 PM
- "GranFondo Bike Race" will be this Saturday, September 21st sponsored by the Gallatin Lions Club beginning on the Downtown Square at 8:00 AM
- "Tractor Pull" sponsored by the Sertoma Club is also this weekend at Triple Creek Park beginning at 5:00 PM
- Main Street Festival, Cemetery Tour and Walk Across Sumner will be the first Saturday in October
- Main Street Festival kicks off on Thursday night, October 3rd with the Beaker Street Blues Band playing at 6:30 PM
- Mayor thanked the Gallatin Fire Department for their involvement with the "911 Ceremony", especially Fire Fighter Engineer Mario Mendoza. Mayor also thanked all fire fighters, police and emergency workers.

Agenda

1. Resolution #R1308-37

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

Mayor Graves opened the floor for nominations.

- Vice Mayor Alexander nominated Ann Whiteside

City Council Minutes
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- Councilman Camp nominated Debbie Johnson
- Councilman Mayberry nominated Amy Summers

Mayor closed nominations.

City Recorder Connie Kittrell called the roll call vote:

- | | |
|----------------------------|----------------|
| • Vice Mayor Alexander | Ann Whiteside |
| • Councilwoman Brackenbury | Ann Whiteside |
| • Councilman Camp | Debbie Johnson |
| • Councilman Hayes | Amy Summers |
| • Councilwoman Kemp | Amy Summers |
| • Councilman Mayberry | Amy Summers |
| • Councilman Overton | Ann Whiteside |
| • Mayor Graves | Amy Summers |

The vote totals were:	Amy Summers	4 votes
	Ann Whiteside	3 votes
	Debbie Johnson	1 vote

Mayor Graves stated it requires five votes.

Council determined to take a second vote.

City Recorder Connie Kittrell called the roll call vote for the second time:

- | | |
|----------------------------|----------------|
| • Vice Mayor Alexander | Ann Whiteside |
| • Councilwoman Brackenbury | Ann Whiteside |
| • Councilman Camp | Debbie Johnson |
| • Councilman Hayes | Amy Summers |
| • Councilwoman Kemp | Amy Summers |
| • Councilman Mayberry | Amy Summers |
| • Councilman Overton | Ann Whiteside |
| • Mayor Graves | Amy Summers |

The vote totals were:	Amy Summers	4 votes
	Ann Whiteside	3 votes
	Debbie Johnson	1 vote

There was discussion on options or suggestions.

Councilman Hayes made motion to have this item on the next Council agenda;
Councilman Camp seconded and there was no objection.

2. Resolution #R1309-44

Councilman Hayes presented this resolution appointing City Planner and establishing initial salary.

Mayor Graves opened the floor for nominations.

- Councilman Overton nominated Bill McCord at the salary level of \$60,730.48 (MB11) and up to \$3000 in moving expenses.
- Councilman Mayberry nominated Katherine Schoch at the salary level of \$73,260.58 and no moving expenses.

City Recorder Connie Kittrell called the roll call vote:

- | | |
|----------------------------|------------------|
| • Vice Mayor Alexander | Bill McCord |
| • Councilwoman Brackenbury | Bill McCord |
| • Councilman Camp | Bill McCord |
| • Councilman Hayes | Katherine Schoch |
| • Councilwoman Kemp | Bill McCord |
| • Councilman Mayberry | Katherine Schoch |
| • Councilman Overton | Bill McCord |
| • Mayor Graves | Katherine Schoch |

The vote totals were:	Bill McCord	5 votes
	Katherine Schoch	3 votes

Mayor Graves stated Mr. Bill McCord received the required five (5) votes at a salary of \$69,730.48 and up to \$3,000 moving allowance.

3. Resolution #R1309-43

Councilman Overton presented this resolution appointing Building Official and establishing initial salary.

Mayor Graves opened the floor for nominations.

- Councilman Overton nominated Chuck Stuart at a salary of \$73,260.58 (MB13) and up to \$3,000 moving expenses with an anticipated starting time early January, 2014.

- Councilman Mayberry nominated Addam McCormick at the salary of \$73,260.58 and no moving expenses.

City Recorder Connie Kittrell called the roll for the vote:

- | | |
|----------------------------|-----------------|
| • Vice Mayor Alexander | Chuck Stuart |
| • Councilwoman Brackenbury | Chuck Stuart |
| • Councilman Camp | Chuck Stuart |
| • Councilman Hayes | Chuck Stuart |
| • Councilwoman Kemp | Chuck Stuart |
| • Councilman Mayberry | Addam McCormick |
| • Councilman Overton | Chuck Stuart |
| • Mayor Graves | Addam McCormick |

The vote totals were:	Chuck Stuart	6 votes
	Addam McCormick	2 votes

Mayor Graves stated Mr. Chuck Stuart received the required five votes at a salary of \$73,260.58 (MB13) and up to \$3,000 moving allowance.

4. Ordinance #O1307-39 -Second Reading

Councilwoman Brackenbury presented this ordinance adopting the Annual Budget for the Fiscal Year beginning July 1, 2013 through June 30, 2014.

Councilwoman Brackenbury made motion; Vice Mayor Alexander seconded.

Councilman Hayes made an amendment to add 2% COLA for the employees, remove the addition to the Civic Center pool and splash pool, remove the ball field lights and add the Public Works building; Councilwoman Kemp seconded. Motion failed with 3 ayes and 4 nays.

The vote was as follows: Councilman Mayberry voted aye, Councilman Hayes voted aye and Councilwoman Kemp voted aye. Vice Mayor Alexander voted nay, Councilwoman Brackenbury voted nay, Councilman Camp voted nay and Councilman Overton voted nay.

Councilman Camp made an amendment to add 1 ½% COLA for the employees and remove the \$50,000 time/attendance software from Finance/IT budget; Councilman Overton seconded.

There was discussion on recurring and nonrecurring expenses.

Finance/IT Director Rachel Nichols stated for clarification the ball field lights are already out of the budget.

Mayor called for the vote on amendment #2. Motion carried with 4 ayes and 3 nays.

The vote was as follows: Councilman Camp voted aye, Councilwoman Brackenbury voted aye, Vice Mayor Alexander voted aye and Councilman Overton voted aye. Councilman Mayberry voted nay, Councilman Hayes voted nay, and Councilwoman Kemp voted nay.

Mayor explained the amendments to the budget and called for the vote. Motion carried with 4 ayes and 3 nays.

The vote was Councilman Overton voted aye, Councilwoman Brackenbury voted aye, Vice Mayor Alexander voted aye, and Councilman Camp voted aye. Councilman Mayberry voted nay, Councilwoman Kemp voted nay and Councilman Hayes voted nay.

5. Ordinance #O1307-41 - Second Reading

Councilman Overton presented this ordinance amending Gallatin Municipal Code, Chapter 6, by adding a new section 6-28, establishing Driver Education Course.

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

6. Ordinance #O1309-45 - First Reading

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

Councilman Hayes made motion to approve; Councilman Camp seconded.

Interim Codes/Planning Director Katherine Schoch indicated this ordinance will go back to the Planning Commission for their review of the fence.

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

7. Ordinance #O1309-46 – First Reading

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

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

8. Resolution #R1308-40

Councilman Hayes presented this resolution accepting public improvements excluding sidewalks by the City of Gallatin, Tennessee Martins Vineyard Section Two.

Councilman Hayes made motion to approve; Councilman Mayberry seconded.

Buck Rogers of the Engineering Department stated the developer posted a surety bond to install sidewalks within three (3) years.

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

9. Resolution #R1308-41

Councilman Hayes presented this resolution accepting public improvements excluding sidewalks by the City of Gallatin, Tennessee Martins Vineyard Section Three and Four.

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

Other Business

Mayor Graves called for other business.

Special Projects Director Rosemary Bates announced a meeting Monday morning at 8:00 AM in City Hall Dining Room regarding the \$1 billion TVA installation. Ms. Bates added that the meeting is specifically for businesses.

Public Recognition on Non-Agenda Related Items

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

Joe Debord of 1007 Hart Street stated this is Driver Appreciation Week; thanking all the drivers that deliver goods, dump trucks and trash trucks.

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Charles Timothy Durham of 926 Johnson Street stated he had been talking to people in Scotland on-line regarding putting a Tilted Kilt Restaurant here in Gallatin. Mr. Durham stated that some of them may attend Third Thursday on Main and he would like to talk with them.

Vice Mayor Alexander asked for prayers for his sister-in-law, Francis Alexander who is very sick.

Councilwoman Brackenbury wished her husband happy 25th anniversary.

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

Adjourn

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

Mayor Jo Ann Graves

City Recorder Connie Kittrell

DANGEROUS BUILDING
SHOW CAUSE NOTICE

TO: JERRY HARRIS
THE SAMARITAN GROUP
1101 DAVIDSON STREET
NASHVILLE, TN 37206

RE: 317 NORTH FORD STREET
GALLATIN, TENNESSEE
TAX MAP: 1130/B/016.00

PURSUANT to Gallatin Municipal Code, Chapter 5, Article IX, Section 5-241, et seq.,

Dangerous Buildings, you are hereby summoned to appear for a hearing before the Gallatin City Council, on **TUESDAY, OCTOBER 1, 2013 AT 6:00 P.M., C.D.T.**, Gallatin City Hall, Gallatin, Tennessee, Council Chambers, for the purpose of showing cause why the building located at the above address should not be declared a dangerous building pursuant to Gallatin Municipal Code §5-248 and ordered demolished with all costs and expenses assessed against the owner(s) and imposed against the real property as a municipal lien.. You have the right to present evidence and testimony and be represented by an attorney of your own choice.

Failure to appear will result in a finding of dangerous building and an order for vacation of the building.

Direct all inquiries to Addam McCormick at the Gallatin Codes Department at 615-451-5968.

Dated: September 18, 2013.



JOE H. THOMPSON
CITY ATTORNEY FOR THE
CITY OF GALLATIN TENNESSEE

CERTIFIED MAIL- September 18, 2013
REGULAR MAIL-September 18, 2013

MEMORANDUM

TO: Mayor Joann Graves and City Council Members
FROM: Addam McCormick, Chief Building Inspector
DATE: September 4, 2013
RE: 317 North Ford Street Dangerous Building

Staff requests the building at 317 North Ford Street to be declared a dangerous building for demolition. Codes staff received a complaint on May 9, 2013 regarding the condition of the building including water damage created by a hole in the roof. The initial dangerous building was sent on May 13, 2013. A follow up notice was sent on July 1, 2013. Per discussion with the Code Inspector for the property, the owner was contacted after the follow up notice was sent and the property was in the process of being sold for renovation. An inspection was completed on the property on August 29, 2013. The building was unoccupied and locked and the doors were secure. The hole in roof has been patched. At the inspection signs of water damage were visible with rotted foundation and wall framing, foundation issues, and water damaged interior floors. The following pictures were taken on August 29, 2013.



Addam McCormick
Interim Building Official

CITY OF GALLATIN, TENNESSEE
Gallatin Codes Administration

Katherine Schoch
Interim Director

May 22, 2013

Via: Regular Mail

The Samaritan Group
1101 Davidson St.
Nashville, TN 37206

RE: 317 N. Ford St. = Tax Map = 113O/B/016.00

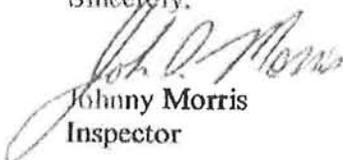
To Whom It May Concern:

Please be advised that the referenced property above has been inspected and is in violation of the Gallatin Municipal Code Chapter 5, Section 5-241, (5), (9); the latter of which defines dangerous buildings as: "Those which because of their condition are unsafe, unsanitary, or dangerous to health, morals, safety, or general welfare of the people of this city."

The structure on the referenced property has been declared a Dangerous Building. As provided for in the Gallatin Municipal Code Chapter 5, Section 5-244 (5) you have until Friday, June 21, 2013 in which to demolish the structure or make the necessary repairs to bring this structure back up to the current adopted code of the City of Gallatin to avoid further action from this office. If you choose to make the necessary repairs to this structure please make sure all proper permits have been obtained prior to making those repairs.

If you have any questions or concerns, feel free to contact me at 615-451-5968.

Sincerely,


Johnny Morris
Inspector

Cc: File



Addam McCormick
Interim Building Official

CITY OF GALLATIN, TENNESSEE
Gallatin Codes Administration

Katherine Schoch
Interim Director

FINAL NOTICE

July 2, 2013

Via: Regular Mail

The Samaritan Group
1101 Davidson St.
Nashville, TN 37206

RE: 317 N. Ford St. = Tax Map = 1130/B/016.00

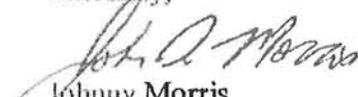
To Whom It May Concern:

Please be advised that the referenced property above has been inspected and is in violation of the Gallatin Municipal Code Chapter 5, Section 5-241, (5), (9); the latter of which defines dangerous buildings as: "Those which because of their condition are unsafe, unsanitary, or dangerous to health, morals, safety, or general welfare of the people of this city."

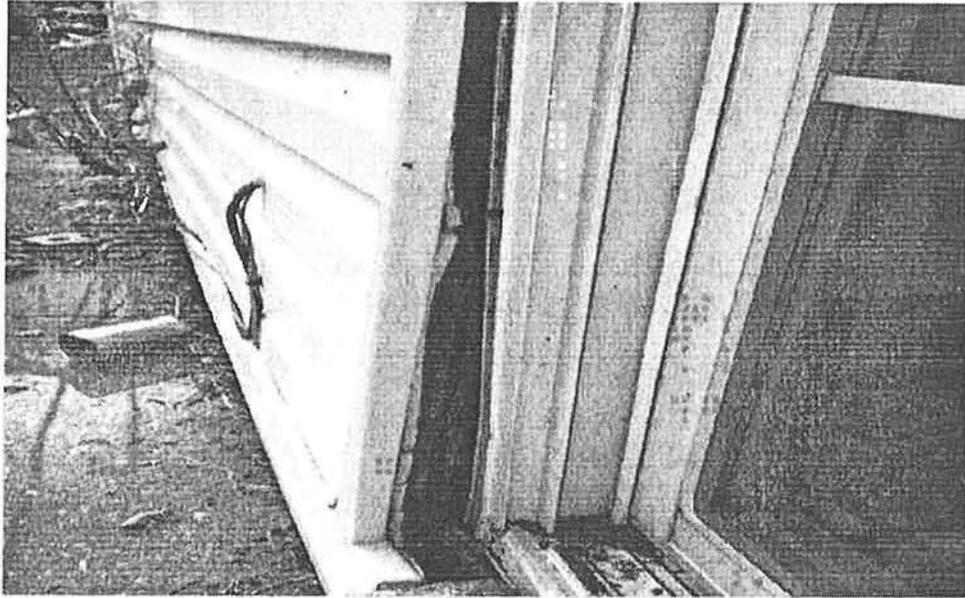
The structure on the referenced property has been declared a Dangerous Building. As provided for in the Gallatin Municipal Code Chapter 5, Section 5-244 (5) you have until Friday, August 2, 2013 in which to demolish the structure or make the necessary repairs to bring this structure back up to the current adopted code of the City of Gallatin to avoid further action from this office. If you choose to make the necessary repairs to this structure please make sure all proper permits have been obtained prior to making those repairs.

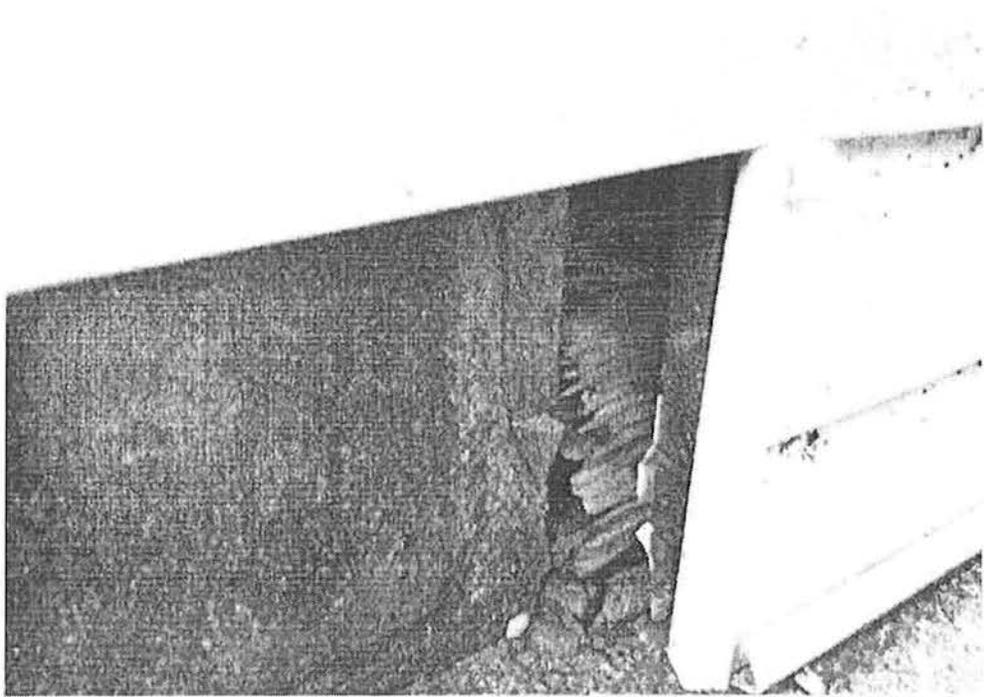
If you have any questions or concerns, feel free to contact me at 615-451-5968.

Sincerely,


Johnny Morris
Inspector

Cc: File





PUBLIC HEARING: OCTOBER 1, 2013
2ND READING: OCTOBER 15, 2013

AMENDED ORDINANCE NO. O13Ø9-45

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

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

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

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

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

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

PASSED FIRST READING: September 17, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

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

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

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

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

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

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

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

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

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

IT IS SO ORDERED.

PRESENT AND VOTING

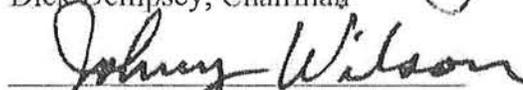
EXHIBIT A

AYE: 6

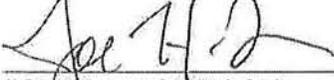
NAY: 0

DATED: 9/23/13


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE M. THOMPSON
CITY ATTORNEY

EXHIBIT A

EXHIBIT A

GMRPC Resolution No. 2013-68

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

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

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

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

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

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

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

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

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

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

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

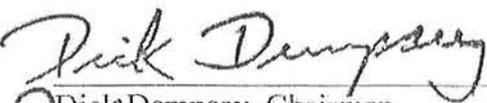
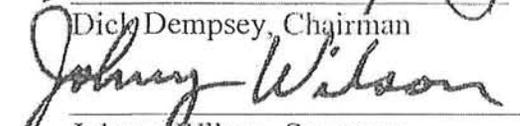
IT IS SO ORDERED.

PRESENT AND VOTING

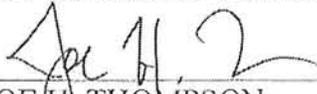
AYE: 7

NAY: 0

DATED: 8/26/13


Dick Dempsey, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

ITEM 10 8/26/13 GMRPC MEETING

Public Comment

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

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

ANALYSIS

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

Gallatin Zoning Ordinance Section 08.05.010 – General Standards for Making Determinations

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

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

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

Rezoning History

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

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

General Development and Transportation Plan

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

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

Proposed Uses

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

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

Parking

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

Access

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

EXHIBIT A

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

Landscaping and Bufferyards

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

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

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

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

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

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

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

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

Alternative 1 for Type 40 bufferyard

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

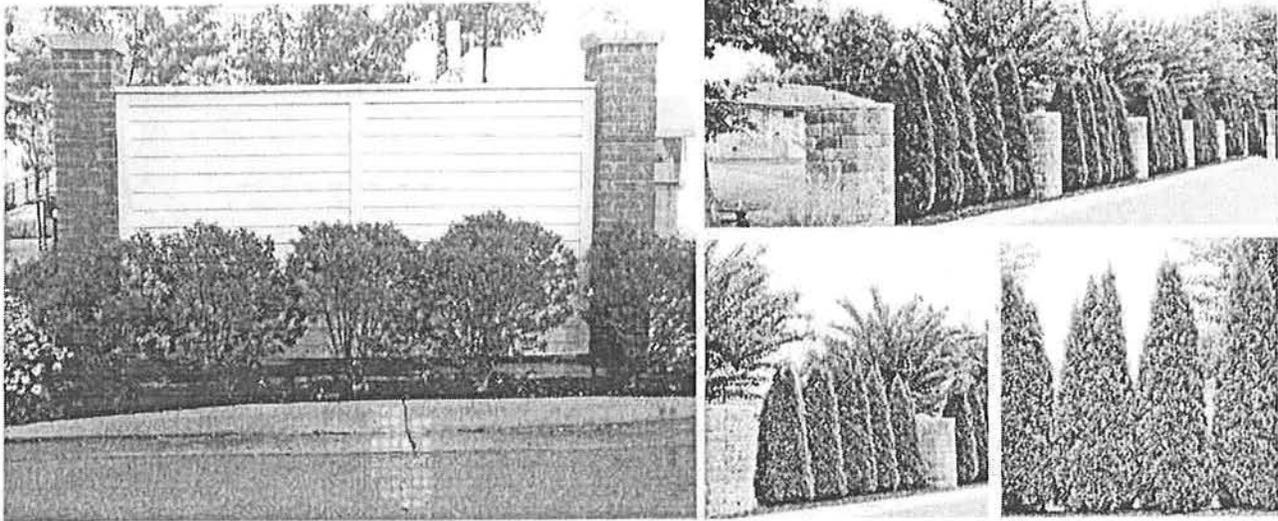
Alternative 2 for Type 40 bufferyard

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

Other Examples of Alternative Designs for Opaque Barrier

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

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Additional Landscaping Requirements

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

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

Signage

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

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

Architectural Elevations

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

EXHIBIT A

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

Photometric Plan

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

Engineering Division Comments

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

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

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

Departmental Comments

The applicant has satisfactorily completed all other departmental comments.

Findings

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

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

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

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

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RECOMMENDATION

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

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



Project Comments

Meeting Date: 08/26/2013

RE: PANERA BREAD RESTAURANT, Preliminary Master Development Plan

Reference #: PC0161-13

Department of Public Utilities

Review Date: 07/26/2013

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

Planning Department

CODES/PLANNING DEPARTMENT PROJECT MANAGER: JIM SVOBODA

REVIEW DATE: 8/7/2013

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

CITY OF GALLATIN



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

EXHIBIT A
CODES/PLANNING DEPARTMENT

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

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

Codes Department

Review Date: 07/31/2013
NO COMMENTS

Engineering Division

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

8/21/13 – BDS

ENGINEERING COMMENTS:

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

CITY OF GALLATIN



EXHIBIT A

CODES/PLANNING DEPARTMENT

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

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

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

GENERAL COMMENTS:

- 1.) SHOW EXISTING CONTOURS

TRANSPORTATION COMMENTS:

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

STORMWATER COMMENTS:

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

Fire Department

Review Date: 07/26/2013

1. SHOW ALL FIRE HYDRANTS OR PROPOSED FIRE HYDRANTS.

Police Department

Review Date: 07/26/2013

REVIEWED: NO COMMENTS

Gallatin Department of Electricity

Review Date: 07/30/2013

O.K.

Sumner County, E-911

Review Date: 07/26/2013

1. RETAIL BUILDING WILL BE ADDRESSED 923 NASHVILLE PIKE.

CITY OF GALLATIN

KATHERINE SCHOCH, AICP
INTERIM ZONING ADMIN. / ASSIST. DIRECTOR
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2. RESTAURANT BUILDING WILL BE ADDRESSED 921 NASHVILLE PIKE.

Industrial Pre-treatment Department

Review Date:

N/A



EXHIBIT A

ATTACHMENT 10-2

August 15, 2013

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

RECEIVED
AUG 15 2013

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

GALLATIN PLANNING & ZONING

Dear Katherine:

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

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

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

Responses to Comments:

Planning:

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

RESUBMITTAL

ATTACHMENT 10-2 EXHIBIT A

Engineering:

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

Stormwater:

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

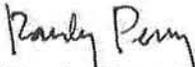
Fire Department:

1. Addressed on plans.

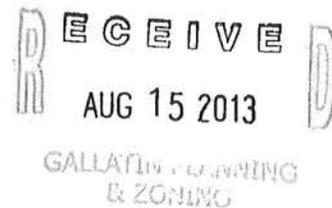
The applicant asks that this request be added to the Planning Commission meeting agenda scheduled for August 26, 2013.

Please advise if you require any additional information.

Sincerely,


Randy Perry, P.E.
Perry Engineering, LLC

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



RESUBMITTAL

PC 0161-13

ATTACHMENT 10-3



RGPHILLIPS
CONSULTING
TRAFFIC ENGINEERING & TRANSPORTATION PLANNING

EXHIBIT A

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

August 15, 2013

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

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

Randy,

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

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

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

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

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

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

Sincerely,

Richard G. Phillips, P.E.

RECEIVED
AUG 20 2013

GALLATIN PLANNING
& ZONING

PC 0161-13

ATTACHMENT 10-3

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

EXHIBIT A

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

PC 0161-13

ATTACHMENT 10-3

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

EXHIBIT A

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

PC 0161-13



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: August 27, 2013

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

FROM: Gallatin Codes/Planning Department

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

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

- RECOMMENDED
 RECOMMENDED WITH CONDITIONS
 NOT RECOMMENDED
 DEFERRED

Conditions of Approval:

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



City of Gallatin, Tennessee

Codes/Planning Department

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

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

ZONING PERMIT

SIGN PACKAGE/PERMIT

LAND DISTURBANCE PERMIT

SIGNAGE CHECK

UTILITY SURETY

MAINTENANCE SURETY

SIDEWALK SURETY

SUBDIVISION SURETY

LIST CONDITIONS OF APPROVAL ON RESUBMITTAL

COUNCIL SUBMITTAL

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

OTHER

EVU107



City of Gallatin, Tennessee

Codes/Planning Department

CITY COUNCIL APPROVAL

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

cc: Mr. Steve Rudd
PC File PC0161-13

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

SEPTEMBER 10, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 4

SUBJECT:

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

SUMMARY:

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

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: September 24, 2013

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

FROM: Gallatin Codes/Planning Department

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

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

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

Conditions of Approval:

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

Approval contains the following requirements:

BUILDING PERMIT/USE AND OCCUPANCY PERMIT

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

EXHIBIT A



City of Gallatin, Tennessee

Codes/Planning Department

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

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

cc: Mr. Steve Rudd
PC File PC0161-13

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

Sign, A-Frame - See Sign, Sandwich Board

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

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

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

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

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

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

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

Sign, Directory - See, Sign, Multi-Tenant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED FIRST READING: September 3, 2013.

PASSED SECOND READING _____, 2013.

ATTEST:

MAYOR JO ANN GRAVES

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

GMRPC Resolution No. 2013-18

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

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

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

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

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

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

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

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

EXHIBIT A

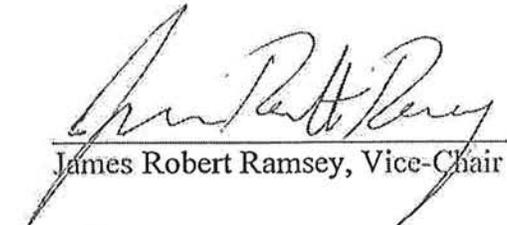
IT IS SO ORDERED.

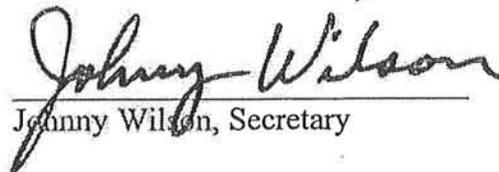
PRESENT AND VOTING

AYE: 6

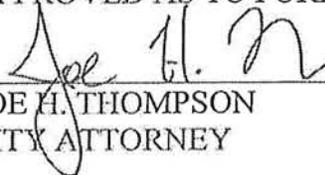
NAY: 0

DATED: 4/22/13


James Robert Ramsey, Vice-Chair


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

Sign Ordinance Discussion Comparison of Current and Proposed Regulation

13.07.050 Prohibited

	Current	Proposed
Human Directionals	No Regulations	Prohibited off-premises and in rights-of-way
Vehicle Signs	Prohibited unless behind front line of business	Prohibited in front of business unless used in everyday course of business, or business does not have parking behind building. Must be parked in single designated parking space, may be parked in residential zone for 72 consecutive hours. Vehicles parked on the property for the purpose of current construction shall be permitted for a max. of 30 consecutive days or, an approved final inspection is received for construction in which a permit is required.

13.07.060 Temporary

	Current	Proposed
Banners	Permitted 21 consecutive days 1 time a quarter (84 days/yr. total). No size restriction. Permit required	30 consecutive days 3 times a year. 3 times a year can be used consecutively or separately. (90 days/yr. total). Restricted to max 60 sq. ft.. Permit required
Banners (Open House)	Not in Ordinance	(New Sign) Definition: A temporary on-premise sign to announce the official grand opening of a business. Regulations: Shall be wall-mounted, permitted for 30 days, permitted upon the issuance of the Certificate of Occupancy, grand opening banners are not applicable 45 days after issuance of Certificate of Occupancy, only 1 grand opening banner permitted per business
Inflatable & Airborne	Prohibited	Small tethered inflatables permitted, max. 18" dia., 15 ft. from R-O-W, not above roofline, 4 times a year, and Friday - Sunday and holidays
Real Estate - Non-Residential and Mixed use	Max. size 32 sq. ft., max. height 10 ft., 1 per street front	Max. size 32 sq. ft., max. height 10 ft., 5 ft. from ROW, 1 per street front, permitted as long as property is for sale, lease or auction, on-premise only, no permit required
Real Estate - Residential and Mixed use	Max. size 6 sq. ft., max. height 6 ft., 1 per street front	Max. size 9 sq. ft., max. height 4 ft., 5 ft. from ROW, 1 per street front, permitted as long as property is for sale, lease or auction, on-premise only, no permit required

EXHIBIT B

Sign Ordinance Discussion

Comparison of Current and Proposed Regulation

Real Estate - Open House	Max. size 6 sq. ft., max. height 6 ft., 1 per street front, permitted 3 days prior to the open house, must be removed day after open house	Max. size 9 sq. ft., max. height 4 ft., 5 ft. from ROW, 1 per street front, permitted Friday-Sunday and holidays, may be on or off-premise only, no permit required
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13.07.060 Temporary

	Current	Proposed
Real Estate Auction Directional	Max. size 24 sq. ft., max. height 6 ft., permitted 17 days prior to event, must be removed within 3 days after the event, off-premise sign	Max. size 16 sq. ft., max. height 6 ft., 10 ft. from ROW, max number of signs 4, permitted no sooner than 14 days prior to event, must be removed within 3 days after event, off-premise sign, no permit required
Real Estate Directional	Max. size 6 sq. ft., max. height 6 ft., 1 per street front, permitted only for the advertising of an open house	Max. size 6 sq. ft., max. height 3 ft., 10 ft. from ROW, 1 per street front, permitted as long as property is for sale or lease, off-premise sign, no permit required
Sandwich Board	Permitted in CC zone district only, no permit required.	Permitted in all non-residential a mixed use zone districts. Must be on private property, meet ADA compliance and be directly located in front of business, no permit required
Window - Interior	Interior window coverage safety is determined by Zoning Admin. and Police Dept., no percentage requirement, no permit required	Not to exceed 20% window area per elevation, no permit required

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

	Current	Proposed
Ground Flagpoles	Height regulated under building code	Residential Developments - (intended for entrance to subdivisions) must be shown on and approved with, FMDP, site plan or final plat. Permitted 2 flagpoles, 2 flags per pole, max. 35 ft., permit required for flagpole

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

	Current	Proposed
Changeable Automated Sign	No Regulations	Single constant color, shall not change more than 8 times in 24 hour period, permit required
Directionals Signs	Under Exempt, no permit required, max size 6 sq. ft.	Under Permanent Signs, permit required, max size 6 sq. ft., max. 2.5 ft tall, min. 2 ft. from ROW

Sign Ordinance Discussion Comparison of Current and Proposed Regulation

Ground Flagpoles	Height regulated under building code	Max. 3 per lot, max. 2 flags per pole, max. 35 ft. tall, 1 flag may contain commercial logo or message, flagpoles in non-residential and mixed use zone districts shall be shown on site plan or FMDP, permit required for flagpole
Outrigger Wall-Mounted Flagpole	No Regulations	12 ft. in length, 1 flag may contain commercial logo or message, permit required for flagpoles

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

	Current	Proposed
Menu Boards - Freestanding	No Regulations	2 per drive-thru lane, each shall be spaced a min. of 10 ft. apart and from other signs, max. single menu board 50 sq. ft., max. aggregate shall be 60 sq. ft., max. height 8 ft., permit required
Menu Boards - Wall-Mounted	No Regulations	2 per drive-thru lane, total aggregate is 24 sq. ft., permit required
Suspended Signs	No Regulations	1 per entrance to business, max. 2 sq. ft., shall be suspended no less than 7.5 ft. above sidewalk, permit required
Window - Exterior	No percentage regulations pertaining to max. window coverage	Not to exceed 20% window area per facade, permit required

13.07.075.I Wall-Mounted Signs

	Current	Proposed
Single Business Frontage	1 sq. ft. per 1 linear foot of the front face of the building	No changes
Primary Business Frontage (Only applies to businesses that meet the definition of multiple business frontages)	1 sq. ft. per 1 linear foot of the front face of the building	No change to calculations. Primary Frontage calculation shall not be used towards a Secondary Business Frontage
Secondary Business Front (Only applies to businesses that meet the definition of multiple business frontages)	Required to use the calculation as stated in Single Business Frontage for all wall-mounted signs on building	25% of 1 sq. ft. per 1 linear foot of the secondary side of the business. Secondary Frontage calculation shall not be used towards the Primary Business Frontage.

13.07.095 Alternative Plan Approval

	Current	Proposed
Alternative Plan Approval	Only permitted in CC zone district	Permitted in all Non-Residential and Mixed Use Zone Districts

Sign Ordinance Discussion Freestanding Sign Current and Proposed Comparison

	Current	Proposed
Type	Freestanding (Pole or Monument)	Freestanding/Ground (Monument Style)
Height	20 feet	8 feet
Ground Clearance	No restrictions	Max of 3 feet from grade level to bottom of sign
Setback	10 - 15 feet from ROW	5 feet from ROW unless, it interferes with sight triangle and/or Gen. Dev. and Transp. Plan states greater ROW
Materials	Any	See attached
Number of Signs	1 per street front / max. of 2 per property	1 per street front / max. of 3 per property

Display Surface Area - Max. Face/ Max. Aggregate

GO, OR, MRO, MU, MUG, MUL, MPO	120 sq. ft. / 200 sq. ft.	100 sq. ft. / 200 sq. ft.
CG, CS, CSL, PGC, PNC,	250 sq. ft. / 350 sq. ft.	
PBP, IR, IG	200 sq. ft. / 300 sq. ft.	125 sq. ft. / 225 sq. ft.

EXHIBIT B

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

ITEM 14
4/22/13 GMRPC MEETING

Public Comments

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

Attachment 14-1 Ordinance No. O1304-22

ANAYLSIS

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

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

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

Proposed Amendments

Staff recommends the following amendments:

Article 2.00, Language and Definitions

- Section 02.02, Definitions, needs to be amended as shown in Ordinance No. O1304-22

Article 13.00, Performance and Design Standards

- Section 13.07, Sign Regulations, needs to be deleted in its entirety and replaced with Exhibit B as shown in Ordinance No. O1304-22

RECOMMENDATION

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

EXHIBIT C

ATTACHMENT 14-1

ORDINANCE NO. O1304-22

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

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

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

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

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

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

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

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

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

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

Sign, A-Frame - See Sign, Sandwich Board

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

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

EXHIBIT C

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

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

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

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

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

Sign, Directory - See, Sign, Multi-Tenant

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

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

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

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

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

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

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

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

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

EXHIBIT C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT C

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

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

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

PASSED FIRST READING: _____, 2013.

PASSED SECOND READING _____, 2013.

ATTEST:

MAYOR JO ANN GRAVES

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT C

13.07 Sign Regulations

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ADMINISTRATION

13.07.005 Purpose and Intent

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

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

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

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

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

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

13.07.015 Code Compliance, Construction, and Maintenance

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

- A. Code Compliance - These sign regulations are intended to compliment the various codes and ordinances of the City of Gallatin. Wherever there is inconsistency between these sign regulations and other regulations of the City of Gallatin, the more restrictive shall apply. Reference is made, but not limited to the following regulations:

1. Building Code
2. Electrical Code
3. Zoning Ordinance
4. Historic District Regulations
5. Gallatin Municipal Code

- B. Permanency Required – All signs shall be constructed of permanent materials and shall be permanently attached to the ground or building unless exempt herein.

- C. Maintenance - All signs shall be maintained in good condition at all times. Signs which are abandoned; obsolete in information; defaced; missing some or all illumination; or whose finishes are chipping, peeling, or cracking shall be deemed in disrepair by the Zoning Administrator or designee. The City shall give thirty (30) days written notice for the owner to comply with maintenance requirements. Should the owner or property occupant fail to comply within the prescribed period, the City shall remove or cause to be removed the sign with the cost of removal charged to the owner.

13.07.020 Permits and Inspections

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

for a sign permit:

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

13.07.025 Violations

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

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

13.07.030 Enforcement and Remedies

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

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

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

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

13.07.035 Severability Clause

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

13.07.040 Transitional Provisions

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

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

DEFINITIONS

13.07.045 Definitions

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

A-Frame Sign – See, Sandwich Board Sign

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

Airborne Sign – See, Inflatable and Airborne Sign

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Channel Letters - Individual letters mounted directly to the wall.

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

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

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

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

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

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

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

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

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

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

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

Face/Sign Face – See, Display Surface Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Multi-Tenant Development - A permanent on-premises freestanding sign, in non-residential, mixed use and industrial zone districts, that is erected to display the identity of five (5) or more tenants within a development; 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; and with a total of at least sixty-five thousand (65,000) square feet in the building development. 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

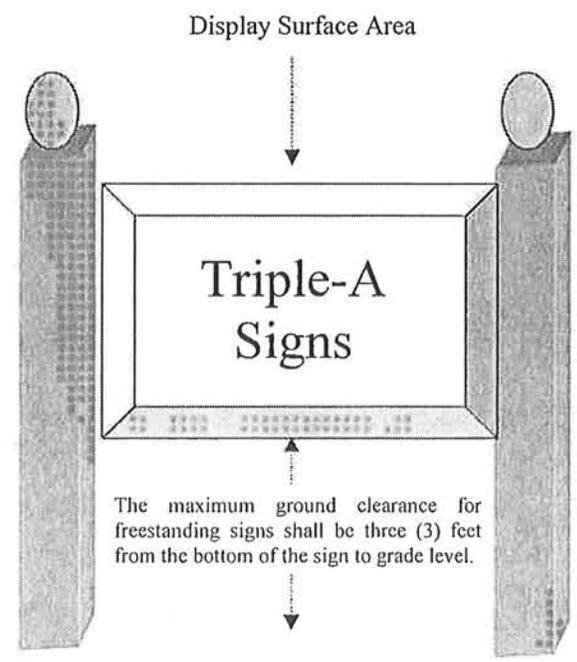
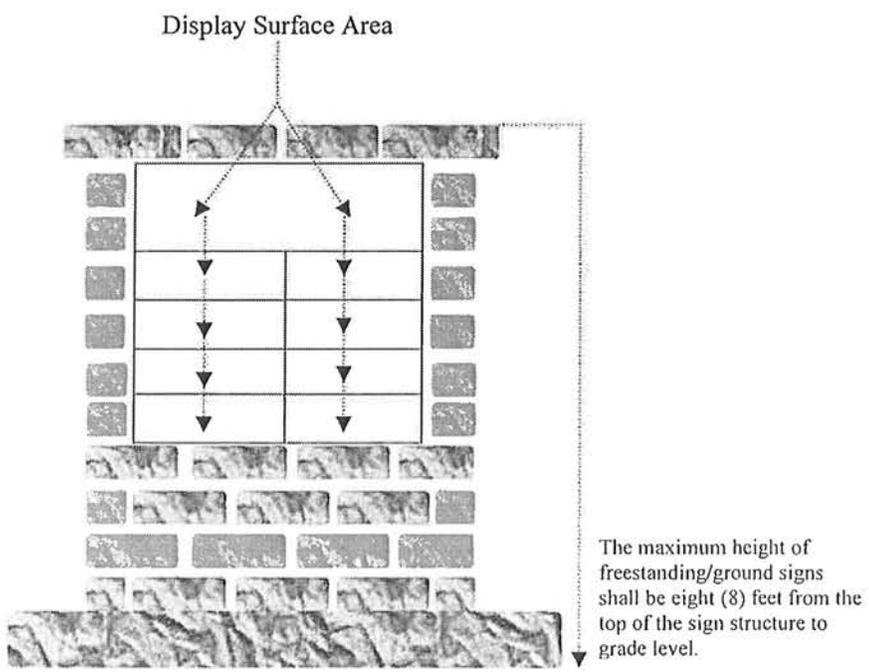
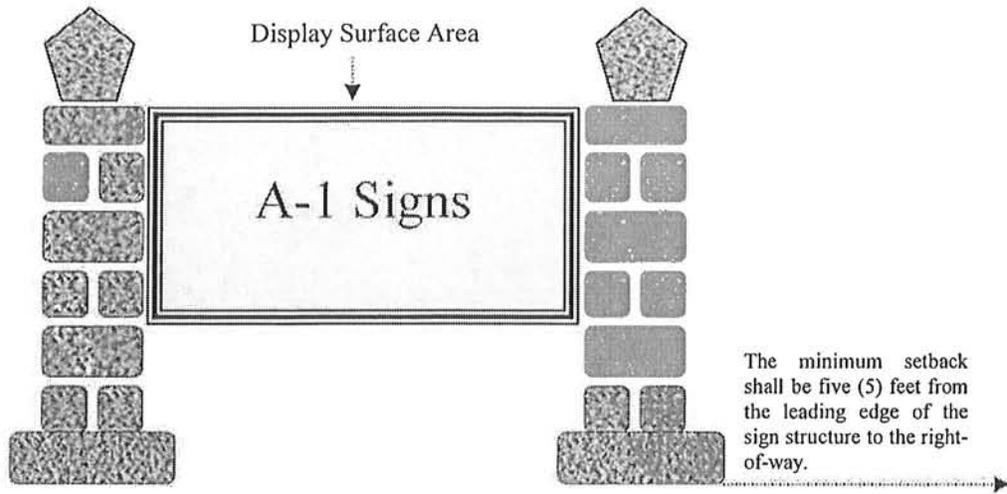
- a. If illuminated, signs shall be illuminated only by the following means:
 - i. A steady, stationary light of reasonable intensity in accordance with Performance Standards, shielded, and directed solely at the sign;
 - ii. Light sources to illuminate signs shall be shielded from all adjacent buildings 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

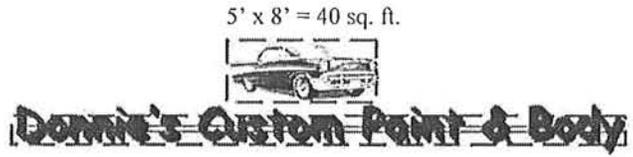


13.07.105 Wall-Mounted Signs Display Surface Area Calculations

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.

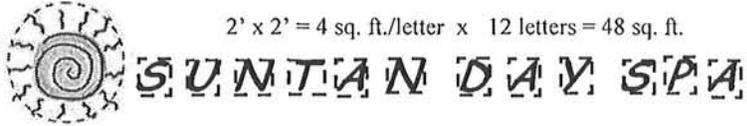
40 sq. ft. + 60 sq. ft. = 100 sq. ft.

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

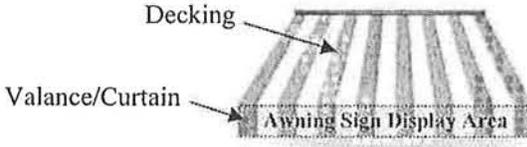
Sign panel(s) within a frame.

4' x 7' = 28 sq. ft.



Awning Sign

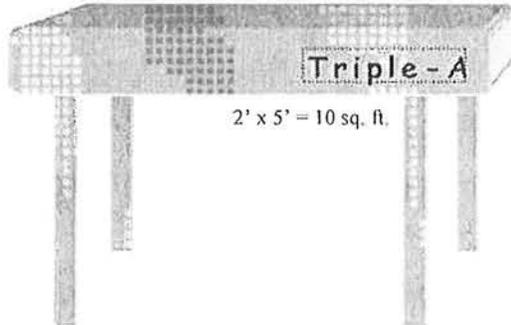
Awning signage is only permitted on the valance/curtain area of the awning.



Canopy Sign

Calculated as part of the wall-mounted signage

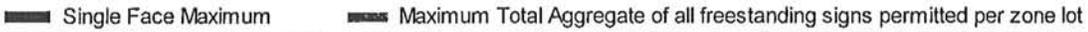
- Made of rigid or non-rigid material
- Attached or detached



2' x 5' = 10 sq. ft.

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

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

Zone District						
	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	Single Face Maximum		Maximum Total Aggregate			
PBP, IR, IG	Single Face Maximum		Maximum Total Aggregate			

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

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

Zone District						
	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	Single Face Maximum		Maximum Total Aggregate			
PBP, IR, IG	Single Face Maximum		Maximum Total Aggregate			
*CC, CG, CS, CSL, PGC, PNC	Single Face Maximum		Maximum Total Aggregate			

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.

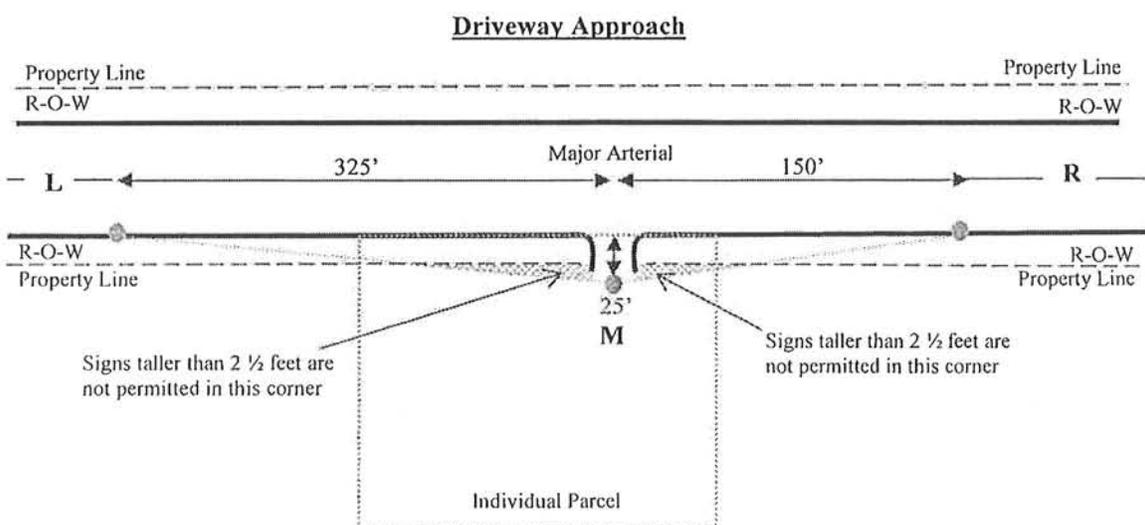
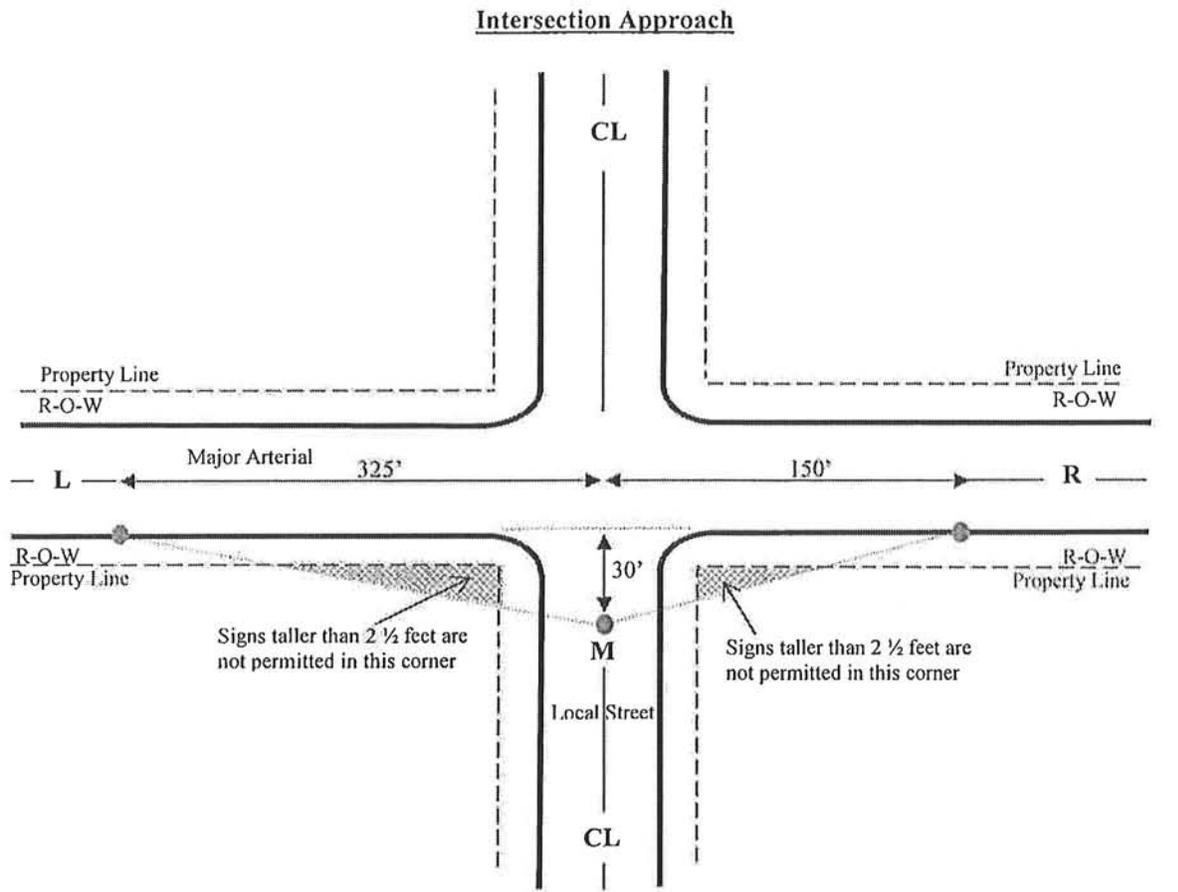
* Additional restrictions apply in the CC Zone District. Refer to Section 13.07.080

** 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



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



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: April 23, 2013

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

FROM: Gallatin Codes/Planning Department

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

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

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED
- CITY COUNCIL APPROVAL: This item will discussed at a future City Council Meeting

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

EXHIBIT C

Sign Ordinance Questions and Revisions

The following information was discussed during the Planning Commission meetings. Revisions have been made to the proposed sign ordinance based on the suggestions and/or questions below.

1. Subsection 13.07.050.G - Human Directional

Q. How do we handle these types of signs during election campaigns? What is considered off-premise?

A. Candidates and their representatives are not considered Human Directionals; however, they are still prohibited from standing in the rights-of-way.

2. Subsection 13.07.050.K.2 – Vehicle Signs, Non-Residential Districts

Q. What if a job/equipment truck or trailer is parked on a site for the purpose of construction or remodeling; these jobs may last a couple of weeks? Is there a provision to allow this type of parking for construction jobs that may last longer than 72 hours?

A. The regulation has been revised to include:

Vehicles parked on the property for the purpose of current construction shall be permitted for a maximum of thirty (30) consecutive days or, an approved final inspection is received for construction in which a permit is required.

3. Subsection 13.07.050.R (Prohibited Signs)

Q. Ordinance states "Signs containing red or green lights that might be confused with traffic control lights.... the question was can blue be added?"

A. Yes, blue has been added to this prohibited regulation.

4. Subsection 13.07.060.B - Interior Window Signs

Q. The ordinance states "20% of window area"....it was suggested to change this to, 20% of the window area per elevation.

A. The regulation was revised to state: 20% of window area per façade; window panels separated by muntins, mullions or piers shall be considered as one continuous window area.

EXHIBIT C

5. **Subsection 13.07.070.A - Permanent On-Premises Signs in Residential and Mixed Use Zone Districts**

Q. Ordinance states: 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, with a maximum size sign face of eighteen (18) square feet, at the development entry from a public street.

It was suggested to change this to, 1 per development entry, since 2 access points is the general recommendation

A. Developments with a larger number of dwelling units are permitted to have 1 sign per entrance, up to a maximum of 3 from a public street. The regulation for 3 through 15 dwelling units has been revised to: one (1) on-premise freestanding sign per development entry from a public street, up to a maximum of two (2) from a public street.

6. **Subsection 13.07.070.D – Residential Development Flagpoles**

Q. How would we handle flagpoles at clubhouses within a residential neighborhood?

A. They would be exempt from these regulations.

7. Q. How would historical markers be handled?

A. Per, A Planners Dictionary by the American Planning Association, these types of signs are considered, Commemorative Signs. The proposed ordinance has been revised to include the following:

Definition: Commemorative Sign – A sign, tablet, or plaque memorializing a person, event, structure or site.

Regulation: Exempt (Exempt signs are not permitted in the rights-of-way.)

EXHIBIT C

8. **Subsection 13.07.050.T – Prohibited Signs**

Q. How do we enforce the colored strings of neon lights around the windows of businesses?

A. Currently we do not have any provisions to enforce this type of lighting or advertisement.

Current: Strings of incandescent light bulbs with wattage in excess of fifteen (15) watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations.

Revised: 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.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 13, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 4

SUBJECT:

Ordinance No. O1304-22

SUMMARY:

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

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT C

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 27, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 2

SUBJECT:

Ordinance No. O1304-22

SUMMARY:

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

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

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT C

PUBLIC HEARING: OCTOBER 1, 2013
2ND READING: OCTOBER 15, 2013

ORDINANCE NO. 01307-40

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

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

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

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

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

PASSED FIRST READING: September 3, 2013.

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

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

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

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

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

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

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

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

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

EXHIBIT A

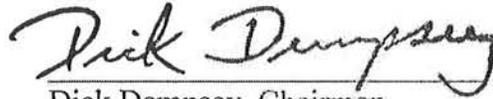
IT IS SO ORDERED.

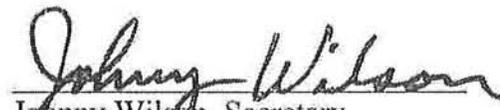
PRESENT AND VOTING

AYE: 7

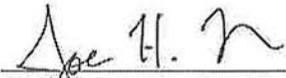
NAY: 0

DATED: 7/22/13


Dick Dempsey, Chairman


Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY

EXHIBIT A

EXHIBIT A

ITEM 2 7/22/13 GMRPC MEETING

Public Comment

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

Attachment 2-1 Ordinance O1307-40

ANAYLSIS

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

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

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

RECOMMENDATION

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

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

14.01 Statement of Purpose

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

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

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

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

14.01.010 Conflicts with State or Federal Law

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

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

14.02.010 Applicability

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

EXHIBIT A

EXHIBIT B

14.02.020 General Provisions

A. Continuation of Non-conforming Uses

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

B. Change of Non-conforming Uses

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

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

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

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

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

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

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

E. Expansion of Non-conforming Uses and Structures

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

F. Destroy Present Facilities and Reconstruct New Facilities

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

14.03 Non-Conforming Residential Uses

14.03.010 Applicability

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

14.03.020 General Provisions

A. Continuation of Non-conforming Uses

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

B. Change of Non-conforming Uses

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

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

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

C. Discontinuance of Residential Use

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

EXHIBIT A

EXHIBIT B

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

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

E. Expansion of Non-conforming Residential Structures

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

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

A. Continuation Permitted

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

B. Change in Residential Use

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

14.04 Non-Conforming Multifamily Residential Establishments

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

14.05 Non-Conforming On-Premises Signs14.05.010 Applicability

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

14.05.020 General Provisions

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

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

14.06 Non-Conforming Billboards

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

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

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



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: July 24, 2013

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

FROM: Gallatin Codes/Planning Department

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

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

- RECOMMENDED
- RECOMMENDED WITH CONDITIONS
- NOT RECOMMENDED
- DEFERRED

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

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

EXHIBIT A

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

AUGUST 13, 2013

DEPARTMENT: CODES/PLANNING

AGENDA # 5

SUBJECT:

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

SUMMARY:

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

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

EXHIBIT A

ORDINANCE TO VACATE RIGHT-OF-WAY ON WEST JACKSON STREET, LOTS 50 AND 51, TO BOBBY REED, ROBERT HELSON, AND DANIEL HURST

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

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

Section 1. That all the portion of right-of-way on West Jackson Street from North Council Avenue to CSX Railroad Right-of-Way as described on Lincoln Park Subdivision Resubdivision of Lots 50 and 51 is wholly vacated and shall no longer be a part of the street and alley systems of the City of Gallatin and is hereby transferred to Bobby Reed, Robert Helson, and Daniel Hurst.

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

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

Passed first reading: September 17, 2013.

Passed second reading: _____

JO ANN GRAVES, MAYOR

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

RESOLUTION APPROVING A MINOR SUBDIVISION PLAT FOR LINCOLN PARK
SUBDIVISION LOTS 50 AND 51 - IN ORDER TO ABANDON A PORTION OF WEST
JACKSON STREET RIGHT-OF-WAY AND REVISE LOT 50 AND 51 – PC0166-13

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Preliminary Plat submitted by the applicant, Blue Ridge Surveying, Inc., at its regular meeting on August 26th, 2013; and

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

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

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

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

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby approves the Minor Subdivision Plat with the following conditions of approval:

1. The applicant shall understand that if Planning Commission approves this plat and recommends the abandonment of the right-of-way to City Council the abandonment request will be placed on the next available City Council agenda for first reading of the ordinance.

Legal Description

BEING located in the 3rd Civil District of Sumner County, Tennessee, being a portion of West Jackson Street located to the east of North Council Avenue and west of the CSX Transportation railroad right-of-way and being bounded both on the north by Lot 50 and by the south by Lot 51 of Lincoln Park Subdivision as recorded as Deed Book 108, Page 507, in the Register's Office of Sumner County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the northeasterly intersection of North Council Avenue and West Jackson Street, said point being the southwesterly corner common to Lot 50 of Lincoln Park Subdivision;

Thence leaving said easterly right-of-way of North Council Avenue and continuing along with the southerly property line of Lot 50 of Lincoln Park Subdivision S 82°56'32" E a distance of 307.85' to a point in the westerly right-of-way of CSX Transportation railroad;

Thence leaving Lot 50 of Lincoln Park Subdivision and continuing along with the westerly right-of-way of CSX Transportation railroad, S 03°55'37" W a distance of 40.06' to a point, said point being the northwesterly corner common to Lot 51 of Lincoln Park Subdivision;

Thence leaving said westerly right-of-way of CSX Transportation railroad and continuing along with the northerly line of Lot 51 of Lincoln Park Subdivision, N 82°56'32" W a distance of 310.61' to a point, said point being the southeasterly intersection of North Council Avenue and West Jackson Street;

Thence with a new severance line across West Jackson Street, N 07°51'59" E a distance of 40.00' to a point, which is the point of beginning, having an area of 12,369 square feet, 0.28 acres more or less.

All bearings based on Tennessee State Plane (NAD 83)

This description was prepared by Blue Ridge Surveying, Inc., certified by Brian M. Reifschneider RLS #2487, and dated September 11, 2013.

2. The applicant shall understand that prior to the recording of the plat, the R.O.W. abandonment shall be completed by ordinance approved by City Council.
3. The applicant shall revise the note regarding the 40' row abandonment to read: *West Jackson Street 40' right-of-way abandoned by city council ordinance ##### on [date].*
4. The applicant shall understand the approval of this plat is conditioned upon Planning Commission's recommendation of abandonment of the right-of-way and City Council's approval of the ordinance to abandon the right-of-way.
5. The applicant shall turn in two (2) mylars and one (1) velum along with all necessary signature and \$17.00 recording fee.

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

IT IS SO ORDERED.

PRESENT AND VOTING

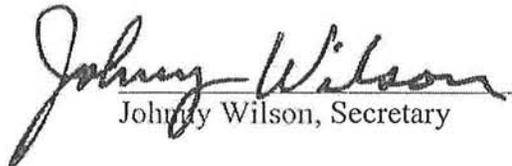
AYE: 7

NAY: 0

DATED: 8/26/13

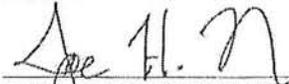


Dick Dempsey, Chairman



Johnny Wilson, Secretary

APPROVED AS TO FORM:



JOE H. THOMPSON
CITY ATTORNEY



City of Gallatin, Tennessee

Codes/Planning Department

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

DATE: August 27, 2013

TO: Mr. Brian Reifschneider
Blue Ridge Surveying
231 Witherspoon Ave.
Gallatin, TN 37066

FROM: Gallatin Codes/Planning Department

RE: August 26, 2013, Gallatin Municipal-Regional Planning Commission Meeting
Lincoln Park Subdivision Resub Lots File: PC0166-13

At the above referenced meeting, the request for approval of a minor subdivision plat:

- APPROVED
- APPROVED WITH CONDITIONS
- DENIED
- DEFERRED

Conditions of Approval:

1. The applicant shall understand that if Planning Commission approves this plat and recommends the abandonment of the right-of-way to City Council the abandonment request will be placed on the next available City Council agenda for first reading of the ordinance.
2. The applicant shall understand that prior to the recording of the plat, the R.O.W. abandonment shall be completed by ordinance approved by City Council.
3. The applicant shall revise the note regarding the 40' row abandonment to read: *West Jackson Street 40' right of way abandoned by city council ordinance ##### on [date].*
4. The applicant shall understand the approval of this plat is conditioned upon Planning Commission's recommendation of abandonment of the right-of-way and City Council's approval of the ordinance to abandon the right-of-way.
5. The applicant shall turn in two (2) mylars and one (1) velum along with all necessary signature and \$17.00 recording fee.

Approval contains the following requirements:



City of Gallatin, Tennessee

Codes/Planning Department

- NONE
- BUILDING PERMIT/USE AND OCCUPANCY PERMIT
- ZONING PERMIT
- SIGN PERMIT
- LAND DISTURBANCE PERMIT
- SIGNAGE CHECK
- UTILITY SURETY
- SITE SURETY
- SUBDIVISION SURETY
- LIST CONDITIONS OF APPROVAL ON RESUBMITTAL
- COUNCIL SUBMITTAL: This item will be discussed at the September 10, 2013 Council Committee meeting.
- SUBMIT 3 CORRECTED, FOLDED COPIES (1 FULL SIZE AND 2 HALF SIZE IF ORIGINAL PLANS ARE LARGER THAN 18 x 24)
- OTHER

cc: Mr. Bobby Reed
PC File PC0166-13



Blue Ridge Surveying, Inc
114B West Main Street P.O Box 8072
Gallatin, TN 37066
(615) 451-6739

August 14, 2013

Nick Tuttle, PE
City Engineer
Engineering Division
132 West Main Street
Gallatin, Tennessee 37066

**RE: Abandonment of West Jackson Street
From North Council Avenue to CSX Railroad Right-of-Way
Gallatin, Sumner County, Tennessee**

Dear Mr. Tuttle,

On behalf of my clients, Bobby Reed, Robert Helson and Daniel Hurst, I am requesting to start the process of the abandonment of West Jackson Street from North Council Avenue to the CSZ Railroad right-of-way. Please let me know if you need my assistance in the matter.

Sincerely,

Brian Kellschneider, RLS

Enclosures
Cc: File

RECEIVED
AUG 14 2013

GALLATIN PLANNING
& ZONING

RESUBMITTAL

PC 0166-13

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

September 10, 2013

DEPARTMENT: **Engineering**

AGENDA # 5

SUBJECT:

Right of Way Abandonment on West Jackson Street

SUMMARY:

Blue Ridge Surveying on behalf of Bobby Reed, Robert Helson, and Daniel Hurst has requested that the right of way, shown on the attached submitted plat, be abandoned.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

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

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

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

PASSED FIRST READING: _____, 2013

PASSED SECOND READING: _____, 2013

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

September 24, 2013

DEPARTMENT: GPU

AGENDA # |

SUBJECT:

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

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

RESOLUTION APPOINTING _____ DIRECTOR OF HUMAN RESOURCES
AND ESTABLISHING INITIAL SALARY

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. Pursuant to Gallatin Municipal Code Sec. 2-179, _____
is hereby appointed to the position of Director of Human Resources for the City of Gallatin, Tennessee
effective upon passage of this ordinance.

2. The initial annual salary appropriated for the Director of Human Resources shall be
the sum of \$ _____, and shall be effective immediately.

3. BE IT FURTHER RESOLVED that this Resolution shall take effect from and
after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE: ____

NAY: ____

DATED: October ___, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

August 13, 2013

DEPARTMENT: Council

AGENDA #

SUBJECT:

Second Interview of Three Candidates for Personnel Official/Human Resources Director

SUMMARY:

The Council will conduct second interviews with:

- Ann Whiteside
- Amy Summers
- Debbie Johnson

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:

On August 13, during the Council Committee Meeting, Council did a second interview panel-discussion style with Ms. Whiteside, Ms. Summers and Ms. Johnson. Councilman Overton asked that this item be placed on the August 20, 2013 Council Meeting Agenda for discussion and/or vote.

On August 20, two council members were absent when this issue arose on the agenda, so Council deferred the item to September 3, 2013.

At the September 3, 2013 Council Meeting, no nominee received the requisite five votes. Council asked to put this item off until the September 17, 2013 Council Meeting.

At the September 17, 2013 Council Meeting, no nominee received the requisite five votes. Council asked to put this item off until the October 1, 2013 Council Meeting.

ORDINANCE NO. O1310-50

**ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE,
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING
JULY 1, 2013 THROUGH JUNE 30, 2014.**

Whereas, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

Whereas, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

Whereas, the governing body has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the governing body will consider final passage of the budget.

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

SECTION 1: That the governing body estimates anticipated revenues of the municipality from all sources to be as follows:

General Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Local Taxes	\$19,036,022	\$18,720,120	\$19,441,120
Intergovernmental Revenue	5,420,706	7,880,164	4,055,300
Fines and Forfeitures	1,359,480	860,500	600,250
Miscellaneous Revenue	2,608,879	2,049,313	1,845,597
Total Revenue	\$28,425,087	\$29,510,097	\$25,942,267
Fund Balance	\$5,600,172	\$8,573,311	5,695,158
Total Available Funds	\$34,025,259	\$38,083,408	\$31,637,425

Special Revenue Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Miscellaneous Revenue	\$ 27,983	\$ 41,520	\$ 27,000
Total Revenue	\$ 27,983	\$ 41,520	\$ 27,000
Fund Balance	\$ -	\$ -	\$ -
Total Available Funds	\$ 27,983	\$ 41,520	\$ 27,000

Environmental Serv Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Miscellaneous Revenue	\$ 1,558,881	\$ 1,848,928	\$ 1,794,783
Total Revenue	\$ 1,558,881	\$ 1,848,928	\$ 1,794,783
Fund Balance	\$ -	\$ -	\$ -
Total Available Funds	\$ 1,558,881	\$ 1,848,928	\$ 1,794,783

Drug Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Court Fines and Costs	\$ 115,932	\$ 122,500	\$ 150,000
Total Revenue	\$ 115,932	\$ 122,500	\$ 150,000
Fund Balance	\$ 58,400	\$ 73,396	\$ 35,896
Total Available Funds	\$ 174,332	\$ 195,896	\$ 185,896

Water/Sewer Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Total Revenue	\$ 11,420,830	\$ 12,738,250	\$ 13,185,750
Fund Balance	\$ 8,823,746	\$ 8,315,840	\$ 6,798,968
Total Available Funds	\$ 20,244,576	\$ 21,054,090	\$ 19,984,718

Gas Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Total Revenue	\$ 14,313,279	\$ 16,280,000	\$ 19,276,000
Fund Balance	\$ 9,436,446	\$ 10,353,636	\$ 10,539,108
Total Available Funds	\$ 23,749,725	\$ 26,633,636	\$ 29,815,108

SECTION 2: That the governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows:

General Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Government Administration	\$ 6,276,748	\$ 10,342,335	\$ 7,327,932
Public Safety	\$ 10,883,501	\$ 11,399,293	\$ 11,595,082
Public Works	\$ 1,871,337	\$ 2,553,136	\$ 2,128,447
Parks and Recreation	\$ 4,251,183	\$ 4,511,287	\$ 4,194,417
Economic Development	\$ 254,357	\$ 544,918	\$ 315,592
Debt Service	\$ 1,259,545	\$ 1,276,908	\$ 1,274,408
Operating Transfers	\$ 1,655,277	\$ 2,760,373	\$ 319,564
Total Appropriations	\$ 26,451,948	\$ 33,388,250	\$ 27,155,442

Special Revenue Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Public Safety	\$ 25,212	\$ 28,559	\$ 27,000
Total Appropriations	\$ 25,212	\$ 28,559	\$ 27,000

Environmental Serv Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Environmental Services	\$ 1,764,612	\$ 1,848,928	\$ 1,794,783
Total Appropriations	\$ 1,764,612	\$ 1,848,928	\$ 1,794,783

Drug Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Police	\$ 130,231	\$ 160,000	\$ 150,000
Total Appropriations	\$ 130,231	\$ 160,000	\$ 150,000

Water/Sewer Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Utilities	\$ 11,928,736	\$ 19,264,521	\$ 14,702,622
Total Appropriations	\$ 11,928,736	\$ 19,264,521	\$ 14,702,622

Gas Fund	FY 2012 Actual	FY 2013 Estimated	FY 2014 Proposed
Utilities	\$ 13,396,089	\$ 18,008,615	\$ 19,090,528
Total Appropriations	\$ 13,396,089	\$ 18,008,615	\$ 19,090,528

SECTION 3. At the end of the next fiscal year the governing body estimates balances/deficits as follows:

General Fund	\$ 4,481,983
Special Revenue Fund	\$ -
Environmental Serv Fund	\$ -
Drug Fund	\$ 35,896
Water/Sewer Fund	\$ 5,282,096
Gas Fund	\$ 10,724,580

SECTION 4. That the governing body recognizes that the municipality has bonded and other indebtedness as follows:

Bonded or Other Indebtedness	Debt Redemption	Interest Requirements	Debt Authorized and Unissued	Condition of Sinking Fund
Bonds - General fund	\$ 495,000	\$ 309,864	\$ -	within
Notes - General fund	\$ 365,000	\$ 102,764	\$ -	General fund
Bonds - Water/Sewer fund	\$ 1,280,000	\$ 1,436,254	\$ -	

SECTION 5. During the coming fiscal year the governing body has planned capital projects and proposed funding as follows:

Proposed Capital Projects	Proposed Amount Financed by Appropriations	Proposed Amount Financed by Debt
Water/Sewer lines	\$ 1,000,000.00	\$ -
Gas lines	\$ 1,000,000.00	\$ -

SECTION 6. No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.

SECTION 7. Money may be transferred from one appropriation to another in the same fund only by appropriate ordinance by the governing body, subject to such limitations and procedures as it may describe as allowed by Section 6-56-209 of the *Tennessee Code Annotated*.

SECTION 8. A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, *Tennessee Code Annotated* will be attached.

SECTION 9. If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year excluding capital until the adoption of the new budget ordinance in accordance with the Section 6-56-210, *Tennessee Code Annotated* provided sufficient revenues are being collected to support the continuing appropriations. Approval of the Director of the Office of State and Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.

SECTION 10. All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 11. This ordinance shall take effect on July 1, 2013, the public welfare requiring it.

Passed First Reading: _____

Passed Second and Final Reading: _____

Mayor Jo Ann Graves

Approved as to Form: Joe Thompson, City Attorney

Attest: Connie Kittrell, City Recorder

General	
City Administration	1,089,389
Finance	565,621
City Recorder	468,016
Insurances	995,500
City Attorney	344,114
Information Technology	471,693
Personnel Administration	188,847
Engineering	1,783,537
Planning Commission	21,100
Planning & Codes	919,188
Government Buildings	480,927
Police Department	6,590,973
A.C.E.S. Program	120,000
Fire Department	4,765,198
Animal Control	118,911
Public Works Administration	340,206
Street Maintenance	1,360,071
Vehicle Maintenance	428,170
Community Enhancement	116,500
Community Services	148,000
Leisure Services	578,666
Civic Center	1,082,500
Golf Course	849,871
Parks	1,418,880
Economic Development	315,592
Bond Expenses	1,274,408
Operating Transfers	319,564
SOR	7,000
Police Special	20,000
Environmental Serv Admin	36,000
Waste Collections	1,758,783
Drug Fund Investigations	150,000
Water/Sewer	
Water Treatment and Pumping	1,342,833
Transmission & Distribution	2,425,673
Customer Accounting	529,907
Administration & General	1,189,564
Depreciation	3,428,184
Bond Expense	2,716,254
Paying Agent	800
Sewer Collection/Lines	1,067,591
Sewer System Rehabilitation	378,613
Sewer Treatment & Disposal	1,317,142
Sewer Admin & General	218,398

Sewer Pre-treatment Program	87,663
Gas	
Depreciation	800,000
Purchased Gas	15,000,000
Transmission & Distribution	2,142,953
Customer Accounting	420,227
Administration & General	727,348

City of Gallatin, Tennessee
 Summary of the City Budget
 For the Fiscal Year Ending June 30, 2014

	Actual 2011-12	Estimated 2012-13	Estimated 2013-14
GENERAL FUND			
REVENUES			
Local Taxes	19,036,022	18,720,120	19,441,120
State of Tennessee	4,628,832	5,922,710	4,055,300
Federal Government	791,874	1,957,454	-
Other Sources	3,968,359	2,909,813	2,445,847
Total Revenues	28,425,087	29,510,097	25,942,267
EXPENDITURES			
Salaries	16,485,705	17,170,824	17,916,951
Other Costs	14,036,215	16,217,427	8,685,927
Total Expenditures	30,521,920	33,388,251	26,602,878
Beginning Balances - July 1	8,568,203	6,471,370	2,593,216
Ending Balances - June 30	6,471,370	2,593,216	1,932,605
Employment	377	381	381
DEBT SERVICE FUND	within General Fund		
STREET FUND	within General Fund		

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

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

SECTION I. PROPERTY TAX:

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

B. The levy be and is hereby made:

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

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

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

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

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

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

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

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

Passed first reading: _____.

Passed second reading: _____.

Passed third reading: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY