CITY OF GALLATIN
COUNCIL COMMITTEE MEETING

May 10, 2016 | **6:00 pm** | **Dr. J. Deotha Malone Council Chambers**

- Call to Order – Vice Mayor Hayes
- Roll Call: Alexander – Brackenbury – Camp – Vice Mayor Hayes – Kemp – Mayberry – Overton – Mayor Brown
- Approval of Minutes: April 12, 2016 Council Committee Meeting
- Public Recognition
- Mayor's Comments

AGENDA

1. Ordinance Setting Tax Rate for 2016/2017 **(Rachel Nichols, Finance Director)**
2. Ordinance Appropriating Funds to Clear Up Accounts Before Year End **(Rachel Nichols, Finance Director)**
3. Resolution Accepting Public Improvements for Kennessaw Farms, Phase 5, Section 1 **(Nick Tuttle, City Engineer)**
4. Ordinance Approving an Amendment to the Foxland Crossing Preliminary Master Development Plan for the Vintage at Foxland Harbor **(Bill McCord, City Planner)**
5. Ordinance Amending the City of Gallatin, Tennessee Zoning Ordinance, Article 13.00 Performance and Design Standards, Section 13.07 Sign Regulations **(Bill McCord, City Planner)**
6. Ordinance Approving an Amended Preliminary Master Development Plan for Bakers Crossing **(Bill McCord, City Planner)**
7. Ordinance approving a Preliminary Master Development Plan for Twice Daily **(Bill McCord, City Planner)**
8. Resolution Adopting Policies for PCI DSS Compliance **(Lori Smiley, IT Director)**
9. Resolution Awarding Property, Liability, Gas Liability and Workers Compensation Insurance **(Susan High-McAuley, City Attorney & Jamiann Hannah, Risk Management Coordinator)**
10. Continued Discussion of 2016/2017 Budget **(Paige Brown, Mayor)**

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin
Council Committee Meeting

Tuesday, April 12, 2016
Dr. J. Deotha Malone Council Chambers

PRESENT:

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

ABSENT:

OTHERS PRESENT:

Rachel Nichols, Finance Director
Don Bandy, Police Chief
Zach Wilkinson, Public Works Dir.
David Kellogg, Public Utilities Dept.
David Brown, Leisure Services Dir.
James Fenton, EDA Director
Victor Williams, Fire Chief
Debbie Johnson, Human Resource Dir.
Chuck Stuart, Building Codes Dir.
Brad Simpson, Engineering Dept.
Bill McCord, City Planner
Connie Kittrell, City Recorder
Gallatin News Reporter
News Examiner Reporter
Lori Smiley, IT Director
Susan High-McAuley, City Att.

Councilman Steve Camp called the meeting to order at 6:00 P.M.

Approval of Minutes

Councilman Camp presented the March 8, 2016 and March 22, 2016 Council Committee Meeting minutes for approval. Councilman Alexander made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition

Councilman Camp opened public recognition and with no one wishing to speak public recognition was closed.

Mayor's Comments

- Mayor invited everyone to next Tuesday night's presentation on Branding Gallatin
- St. John Vianney Catholic Church 5K Run begins Saturday, April 16th at 8:00 A.M.
- Sweet Tea and Shopping Market Place at the Gallatin Fairgrounds this Saturday from 9:00 A.M. until 5:00 P.M.
- Farmer's Market opens this Saturday from 7:00 A.M. until 2:00 P.M. and Wednesday's from 3:00 P.M. until 6:00 P.M.
- Mayor introduced Jeff Hentschel, newly hired Director of Communications and Administrations

Agenda

1. **Ordinance Adopting 2015 International Pool and Spa Code**

Building Codes Director Chuck Stuart explained the adoption of the 2015 Pool/Spa book.

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

2. **Resolution Establishing and Approving a Refund Policy for Building Permit Fees**

Building Codes Director Chuck Stuart explained the newly created refund policy for permit fees.

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

3. **Voluntary Buyout Program**

Human Resource Director Debbie Johnson gave the history of the proposed voluntary buyout program.

Finance Director Rachel Nichols provided handouts to Council on cost/savings potentials from the buyout program.

There was much discussion.

Vice Mayor Hayes made motion to approve; Councilwoman Brackenbury seconded.

Discussion continued.

Councilwoman Kemp called for the question.

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

4. **Amend 401(K) Plan**

Human Resource Director Debbie Johnson stated the Pension Committee made two changes to the 401(k) retirement plan:

- Public safety employees may withdraw at age 50 without a penalty
- Roll over to a Roth account

Councilman Mayberry stated this is a mandatory update to the plan.

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

5. **Discussion of the Planning Department**

Councilwoman Brackenbury stated she met with City Planner Bill McCord and discussed the serious staffing situation in the planning department. She requested adding another clerical position to the current staff.

City Planner Bill McCord stated he had offered a position to the vacant Planner II position.

Councilwoman Kemp made motion to approve.

Mayor Brown said it's unfair to consider Mr. McCord's request for another employee and not consider all the other requests from other department heads.

Mr. McCord added that due to the work load his staff is working more hours on more projects and his staff is stressed.

Mayor Brown said the new fiscal year begins in three months and she would prefer waiting until then to make decisions on new positions.

Councilman Overton asked Mr. McCord if he gets the new position; will things be where they need to be in his department. Mr. McCord answered yes.

Mayor Brown stated she anticipates presenting the budget within 30 days.

Discussion continued.

Councilwoman Kemp withdrew her motion.

Councilman Camp requested tabling this item until budget hearings.

6. **Resolution Accepting Public Improvements for Greensboro Village, Phase 6, Section 1**

Engineering Department Project Manager II Brad Simpson stated this is a resolution accepting public improvements for Greensboro Village, Phase 6 and Section 1.

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

7. **Ordinance Approving a Preliminary Master Development Plan for the Sumner County Career Center**

City Planner Bill McCord explained that the owner and applicants are requesting approval of the Preliminary Master Development Plan. Mr. McCord stated the Planning Commission approved the revised plan with conditions.

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

8. **Ordinance Amending the Zoning on a 37.62 (+/-) Acre Parcel from (A) Agricultural Residential District to the (IR) Industrial Restrictive District**

City Planner Bill McCord explained the surrounding zoning and that the Planning Commission recommended approval.

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

Other Business

Councilman Camp called for other business.

- EDA Director James Fenton explained the letter to the Mayor requesting the appointment of Mike Foster to his board.

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

- EDA Director James Fenton provided information of a buyer for the old Stewart Lumber Company/Durham Lumber Yard at 348 North Durham Avenue. Mr. Fenton stated the contract stipulates that the zoning will be in place prior to purchase.

  City Planner Bill McCord explained that the zoning ordinance does not allow for construction sales and services in the CG zoning district. Mr. McCord proposed a fast-track amendment to combine the public hearing and second reading in a single meeting to change the zoning code to allow for construction sales and services as a permitted use in the CG zoning district for the list of conditions.

- Mayor Brown recommended the board appointment of Mary Ann Mudd to the Historical Commission.

  Mayor Brown informed Council that Greater Gallatin is applying for a grant to install an informational/wayfinding kiosk in the Downtown District and this requires a $10,000 match from the City.

  Councilman Mayberry made motion to approve both requests; Vice Mayor Hayes seconded. Motion carried with 7 ayes and 0 nays.

- Councilman Overton asked for an update on the Charter Changes. City Attorney Susan High-McAuley stated she would check on those changes and report back.

Department Head Reports

Councilman Camp opened Department Head Reports.

- City Planner Bill McCord informed Council of two meeting notices:
  - Tennessee Department of Health will meet on May 6th at the Tennessee Health Department on making our Communities Healthier.
  - Transit Government Leaders Conference is on May 19th here at Gallatin City Hall about transit service in Middle Tennessee.

- Public Works Director Zach Wilkinson gave an update on several projects:
  - CSX has moved the railroad track crossing repairs until the second week of May.
  - The bridge repair on South Westland will be done next week and the road will be closed during that time but there will be a detour in place.
  - Good progress is being made on Blakemore Street with plans to curb/gutter tomorrow.

- Human Resource Director Debbie Johnson reminded everyone of the Employee Benefit Fair this Thursday, April 14th at the Civic Center from 10:00 AM – 2:00 PM

- Mayor Brown reminded everyone that the Gallatin Fire Department is accepting donations for their Toiletry Drive that ends this Friday, April 15th.

Adjourn

Councilman Camp adjourned the meeting at 6:58 P.M.

Mayor Paige Brown

Connie Kittrell, City Recorder

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

5/10/2016

DEPARTMENT: **Finance** **AGENDA #1**

SUBJECT:
Ordinance setting tax rate for 2016/2017

SUMMARY:
Tax rate ordinance for 2016/2017 which sets the property tax rate at $0.99 per $100 of assessed value and authorizes the collection of other taxes for the fiscal year.

RECOMMENDATION:
approval

ATTACHMENT:

____ **Resolution**	____ **Correspondence**	____ **Bid Tabulation**
x **Ordinance**	____ **Contract**	____ **Other**

Approved ____
Rejected ____
Deferred ____

Notes:

ORDINANCE NO. O16Ø5-31

ORDINANCE TO PROVIDE REVENUE FOR THE CITY OF GALLATIN TENNESSEE FOR MUNICIPAL PURPOSES FOR THE 2016 TAX YEAR AND THE 2017 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 2016, 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 $2,557,382 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 2016 and all arts, traces, 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 PAIGE BROWN

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

5/10/2016

DEPARTMENT: **Finance** **AGENDA #2**

SUBJECT:
Ordinance appropriating funds to clear up accounts before year end

SUMMARY:
Ordinance appropriating funds to various accounts in the general fund, special revenue fund and environmental services fund to clear up anticipated overages

RECOMMENDATION:
approve

ATTACHMENT:

- ☐ **Resolution**
- ☒ **Ordinance**
- ☐ **Correspondence**
- ☐ **Contract**
- ☐ **Bid Tabulation**
- ☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O16Ø5-36

ORDINANCE APPROPRIATING $170,291 FOR
2016 YEAR END BUDGET ADJUSTMENTS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that a sum of $2,800 is hereby appropriated from the Shop With A Cop/Firefighter revenue account, 122-36730, to 12242150-730, SWAC Donations;

AND BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that a sum of $16,340 is hereby appropriated from account 125-34112, Residential Collections, to 12543230-519, Billing Error Costs;

AND BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that a sum of $60,000 is hereby appropriated from account 110-34330, Vehicle Maintenance Charges, to 11043170-261, Maintenance and Repairs Vehicles;

AND BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that a sum of $91,151 is hereby appropriated from account 110-34800, Red Light Ticket Revenue, with $91,000 being appropriated to 11042124-259, Professional Services, and with $151 being appropriated to 11049000-555, Debt Paying Agent Fees; and

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

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

_____

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **Engineering** **AGENDA #3**

SUBJECT:
Resolution Accepting Public Improvements for Kennesaw Farms, Phase 5, Section 1

SUMMARY:
The Planning Commission approved the resolution on April 25, 2016, to accept these public improvements.

RECOMMENDATION:

ATTACHMENT:

- ☒ **Resolution**
- ☐ **Ordinance**
- ☐ **Correspondence**
- ☐ **Contract**
- ☐ **Bid Tabulation**
- ☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R16Ø5-23

RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS BY THE CITY OF GALLATIN, TENNESSEE
KENNESAW FARMS, PHASE 5, SECTION 1

WHEREAS, THE CITY OF GALLATIN PLANNING COMMISSION has recommended acceptance by the City of Gallatin of the public improvements in the development hereinafter named Kennesaw Farms, Phase Five, Section One; and

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

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

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, pursuant to Chapter 3, Section 3-105, et seq. of the Subdivision Regulations of Gallatin, Tennessee, that the public drainage infrastructure, rights-of way, public easements, and public utility improvements, as described in Kennesaw Farms, Phase Five, Section One, Plat Book 27, Page(s) 206, recorded August 17, 2012 in the Register's Office for Sumner County, are hereby accepted by the City of Gallatin, Tennessee.

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

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

GMRPC Resolution No. 2016-51

A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR THORNE BOULEVARD LOCATED IN KENNESAW FARMS PHASE 5, SECTION 1 TO THE GALLATIN CITY COUNCIL – (PC 5-1659-16)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION approved the final plat for Kennesaw Farms Phase 5, Section 1 and recorded in Plat Book 27, page 206, R.O.S.C., Tennessee on August 17, 2012; and

WHEREAS, the subject public improvements have been completed and the City has determined that the public improvements were constructed to the design standards and specifications of the City; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the request to accept public improvements in Kennesaw Farms Phase 5, Section 1 submitted by the applicant, National Healthcare Corporation, at its regular meeting on April 25, 2016; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION 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 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 § 13-3-406 and 13-4-307:

1. The request for acceptance of public improvements described above is in agreement with the requirements of the Gallatin Subdivision Regulations.

2. By accepting the public improvements, the legal purposes for which zoning and subdivision regulations exists are not contravened.

3. Accepting the public improvements will not have an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.

4. By accepting the public improvements, no one property owner or small group of property owners will benefit materially from the acceptance to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the request to accept public improvements in Kennesaw Farms Phase 5, Section 1 to the Gallatin City Council with the following conditions:

1. Show on the as-built survey the remaining sidewalk, box culvert, and railing along Nashville Pike on the east side of Thorne Boulevard as shown on the final plat.
2. The owner and applicant shall submit a maintenance surety in the amount of $37,500 to the Planning Department.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 6

NAY: 0

DATED: 04/25/2016

Dick Dempsey

Dick Dempsey, Chairman

Johnny Wilson

Johnny Wilson, Secretary

APPROVED AS TO FORM:

Susan High-McAuley

SUSAN HIGH-MCAULEY
CITY ATTORNEY

City of Gallatin, Tennessee *Planning Department*

Gallatin Municipal-Regional Planning Commission
ZONING PERMIT & ACTION FORM

DATE: April 27, 2016

Box to contain Staff Approval stamp once all Conditions of Approval have been satisfied.

TO: Mr. Mervyn Whittenburg, Project Mgr.
National Healthcare Corporation
100 Vine Street
Murfreesboro, TN 37130

FROM: Planning Department

RE: April 25, 2016, Gallatin Municipal-Regional Planning Commission Meeting
Kennesaw Farms, Phase 5, Section 1, NHC; Public Improvements Acceptance: PC File #5-1659-16

At the above referenced meeting, the **Public Improvements Acceptance** was:

☐ APPROVED

☒ APPROVED WITH CONDITIONS

☐ DENIED

☐ DEFERRED

Conditions of Approval (*checked when satisfied*):

1. ☐ Show on the as-built survey the remaining sidewalk, box culvert, and railing along Nashville Pike on the east side of Thorne Boulevard as shown on the final plat.
2. ☐ The owner and applicant shall submit a maintenance surety in the amount of $37,500 to the Planning Department.
3. ☐ Submit three (3) corrected, folded copies of the as-built survey.

cc: Cal Gentry, KF Land Partners
File #5-1659-16

132 West Main Street Gallatin, TN 37066-3244 (615) 451-5796 Fax (615) 452-0348

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #4**

SUBJECT:
Ordinance #O16Ø5-32 of the City of Gallatin, Sumner County, Tennessee, approving an Amendment to the Foxland Crossing Preliminary Master Development Plan for the Vintage at Foxland Harbor development on a 14.19 (+/-) acre parcel.

SUMMARY:
The owner and applicant is requesting approval of an Ordinance to amend the Foxland Crossing Preliminary Master Development Plan, Phase 15 to construct the Vintage at Foxland Harbor, a 206 multi-family dwelling unit complex on a 14.19 (+/-) acre parcel zoned Mixed Use (MU), located south of Nashville Pike and west of Douglas Bend Road and to authorize the revision to be indicated on the official zoning atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date., (S.B.E. Tax Map #136//Parcel 027.01). Dwelling, Multi-Family is a permitted uses in the Mixed Use (MU) zone district.

On April 25, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2016-56. (PC File# 3-1695-16)

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O16Ø5-32

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE FOXLAND CROSSING PRELIMINARY MASTER DEVELOPMENT PLAN FOR VINTAGE AT FOXLAND HARBOR, AUTHORIZING THE REVISION TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property submitted a complete application for the Vintage at Foxland Harbor an amendment to the Foxland Crossing Preliminary Master Development Plan on a 14.19 (+/-) acre parcel, located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located south of Nashville Pike and west of Douglas Bend Road and is zoned Mixed Use (MU); and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the Vintage at Foxland Harbor, an amendment to the Foxland Crossing Preliminary Master Development Plan, in GMRPC Resolution No. 2016-56; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tenn. Code Ann. Section 13-7-203; and

WHEREAS, The City Council has approved, by majority vote of the members present, the amendment to the Foxland Crossing Preliminary Master Development Plan.

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

Section 1. The City Council of the City of Gallatin does hereby approve the Amended Preliminary Master Development Plan as described in Exhibit 'A';

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area indicating the amended Preliminary Master Development Plan.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

The Amended Preliminary Master Development Plan for Vintage at Foxland Harbor, consists of a seven (7) sheet plan with S.E.C. Project #16010, prepared by Site Engineering Consultants of Murfreesboro, TN, dated March 28, 2016 with a final revision date of April 14, 2016, a one (1) sheet photometric plan with Job No. 216014, prepared by ED/A of Tulsa OK, dated March 28, 2016, and an eight (8) sheet architecture plan, with Job No. 216014, prepared by Parker Associates Tulsa, of Tulsa, Oklahoma, dated March 28, 2016, with the following conditions:

1. Reconfigure the commercial outparcel access points to provide one (1) driveway per outparcel with a minimum driveway spacing of 185 feet, per the Gallatin on the Move 2020 General Development Transportation Plan.
2. Show and label the tie-in of the 20 foot wide backage road with the conceptual commercial parcels.
3. The developer shall show the approximately 250 foot extension of Foxland Boulevard between Foxland Crossing Phase 12A and the Vintage @ Foxland Harbor collector road.
4. The developer shall submit an availability request to White House Utility District.
5. Submit one (1) full-sized and two (2) half-sized, corrected folded copies of the Preliminary Master Development Plan.

PLANNING DEPARTMENT STAFF REPORT

Amended Preliminary Master Development Plan for
Vintage at Foxland Harbor
(PC File# 3-1695-16)
Located South of Nashville Pike and West of Douglas Bend Road
Date: May 2, 2016

REQUEST: OWNER AND APPLICANT REQUESTS APPROVAL OF AN AMENDMENT TO THE FOXLAND CROSSING PRELIMINARY MASTER DEVELOPMENT PLAN TO CONSTRUCT 206 MULTI-FAMILY DWELLING UNITS AND CREATE ONE (1) NEW PUBLIC RIGHT-OF-WAY, ON 14.19 (+/-) ACRES, LOCATED SOUTH OF NASHVILLE PIKE (U.S. HIGHWAY 31E) AND WEST OF DOUGLAS BEND ROAD.

OWNER:	**WILSON BANK & TRUST**
APPLICANT:	**SEC, INC. (MATT TAYLOR)**
STAFF RECOMMENDATION:	**RECOMMEND APPROVAL OF ORDINANCE O16Ø5-32**
STAFF CONTACT:	**KEVIN CHASTINE**
PLANNING COMMISSION DATE:	**APRIL 25, 2016**
CITY COUNCIL COMMITTEE DATE:	**MAY 10, 2016**

PROPERTY OVERVIEW: The owner and applicant requests approval of an amendment to the Foxland Crossing Preliminary Master Development Plan to construct 206 multi-family dwelling units and create one (1) new public right-of-way, on 14.19 (+/-) acres, located south of Nashville Pike (U.S. Highway 31E) and west of Douglas Bend Road. The Dwelling, Multi-Family use is a permitted use within the Mixed Use (MU) zone district. (Attachment 1)

CASE BACKGROUND:

Previous Approvals

The original Preliminary Master Development Plan for Foxland at Fairvue was approved by the Planning Commission in November 2005 and passed by City Council in February 2006. As part of that original approval, no development plan or uses were proposed for Phases 11-16. However, a condition of approval was that a separate Preliminary Master Development Plan would be submitted for each phase.

On May 19, 2008, the Planning Commission recommended approval of a Preliminary Master Development Plan (PC File #3-12-08) for Phases 12 and 13 of the original Foxland at Fairvue PMDP. The PMDP included a 298 unit multi-family development (Phase 13) and 72 townhouses (Phase 12). On July 15, 2008, City Council approved the Preliminary Master Development Plan (Ordinance #OØ8Ø6-42).

On September 22, 2008, the Planning Commission approved a Final Master Development Plan (PCFile# 8-39-08) for a 298 unit multi-family development (Waterstone)(Now Known as Foxland Crossing Apartments)

On September 26, 2011, the Planning Commission approved an amended Preliminary Master Development Plan for Foxland Phases 11 through 16 (PC9872-11). The changes to the multi-family site (Phase 13) layout were approved as a minor amendment.

On June 25, 2012, the Planning Commission approved a Final Master Development Plan for Foxland Crossing Apartments, a 300 unit multi-family development. (Attachment 2)

On June 22, 2015, the Planning Commission recommended approval of an Amended Preliminary Master Development Plan for Foxland Crossing Phase 12, 14 through 16 (PC File# 3-705-15). On September 1, 2015, the City Council approved the Amended Preliminary Master Development Plan on second reading. (Ord.No. O1507-47) (Attachment 3)

On December 14, 2015, the Planning Commission approved a Final Master Development Plan for Phase 12A of Foxland Crossing (PC File# 8-1317-15).

On March 28, 2016, the Planning Commission approved a Preliminary Plat for Foxland Crossing Phase 12-A (PC File# 1-1582-16B).

Natural Features
The natural topography of the existing vacant lot slopes from the highest point of elevation (483') located at the southeast and southwest corner of the project site towards the lowest point of elevation (448') located near the northern property boundary, adjacent to Nashville Pike. Based on FEMA FIRM Map 471650407G and 471650409G, no portion of the site is located within a special flood hazard area.

Adjacent or Area Uses
To the north, are two (2) commercial outparcels that are Phase 16 of Foxland Crossing, zoned Mixed Use (MU); to the south is the remaining vacant portion of Tax Map 136 Parcel 27.01, zoned Mixed Use (MU) which is Foxland Crossing Phase 14 and Phase 12B; to the east is Foxland Crossing Apartments, zoned Mixed Use (MU); and to the west is Young's Nursery and Greenhouses, zoned Multiple Residential and Office (MRO).

DISCUSSION:
Proposed Development
The owner and applicant is requesting approval of an amendment to the Foxland Crossing Preliminary Master Development Plan to construct 206 multi-family dwelling units and create one (1) new public right-of-way, on 14.19 (+/-) acres. The amendment will replace Phase 15 of the Foxland Crossing development, which is currently approved for 90 townhomes. The project is located south of Nashville Pike (U.S. Highway 31E) and west of Douglas Bend Road. The Dwelling, Multi-Family use is a permitted use within the Mixed Use (MU) zone district.

PMDP Amendment - Major
Planning Commission voted to consider the proposed amendment to the PMDP as a major amendment, due to the change in unit type, increase in density, and redesign of the street network.

Gallatin on the Move 2020 General Development Plan
The Gallatin on the Move 2020 General Development Plan designates this parcel as part of the Regional Activity Center Character Area. The Mixed Use (MU) zoning district is listed as an applicable zoning district for this Character Area. The Character Area also lists large scale apartments and townhomes as a primary land use. Therefore, the proposed 206 unit multi-family development is in compliance with the Regional Activity Center Character Area designation.

Access Management
The Amended PMDP includes one (1) new public right-of-way. This complies with the Major Thoroughfare Plan project number 26 (Page 4-19) of Gallatin on the Move 2020 General Development Plan). The right-of-way is 60 feet in width with 33 feet of pavement from Nashville Pike to the roundabout. East and south of the roundabout the right-of-way remains 60 feet, but the pavement width is reduced to 27 feet. The street will provide a six (6) foot wide sidewalk on one side and an eight (8) foot sidewalk/greenway on the other side.

The currently approved PMDP for Foxland Crossing shows this right-of-way to extend southward from Nashville Pike until intersecting with the proposed extension of Foxland Boulevard. The Amended PMDP shows this right-of-way to be relocated to extend approximately 360 linear feet southward from Nashville Pike until the roundabout, turn to the east and then turn to the south again until reaching a future connection to the Foxland Boulevard extension. The public right-of-way will be located within a portion of the T.V.A. easement between the proposed Vintage at Foxland Harbor multi-family development and the existing Foxland Crossing multi-family development.

There are three (3) driveways to the public right-of-way serving the residential development and four (4) additional driveways proposed to serve the commercial parcels along Nashville Pike. The first driveway is located on the south side of the roundabout and provides access into the multi-family development between two (2) proposed buildings (Building #1 and #2). The second driveway is located on the northeast corner of the site, where the right-of-way turns south. The second driveway provides and access at the northwest corner of the existing Foxland Crossing multi-family development. The secondary access for Foxland Crossing apartments has been required as part of previous approvals. The final driveway provides access to the parking areas behind Building #1 and Building #3. To comply with access management requirements only one (1) driveway will be permitted to each of the commercial parcels.

The Planning Commission recommends that driveway spacing on the rear collector roadway comply with access management standards and that the developer provide connection to a planned service drive and include a 250 foot long segment of Foxland Boulevard as part of the PMDP.

Architectural Designs
The Vintage at Foxland Harbor consists of 206 units contained within seven (7) buildings and total 287,508 square feet. There are two (2) different types of buildings, with the primary difference being that Buildings No.1 and No. 2 are flat roofed and Buildings No 3 through No. 7 are topped with complex hipped roof systems.

Buildings No. 1 and No. 2

Buildings No. 1 and No. 2 are located on the south side of the roundabout and are designed to create an urban feel and appearance for the development. (See Plan Sheets AB4 – AB 10) These buildings are three (3) stories in height with a maximum height of 37 feet and three (3) inches. The buildings have flat roofs and internal corridors with elevators at the ends of the hallways. The architectural design is consistent on all four (4) elevations with 71 to 83 percent brick on Building No. 1 and 70 to 85 percent masonry on Building No. 2. The masonry sheathes the bottom two (2) floors on each of the buildings with a portion of the third floor sheathed in either brick or stucco finished cement fiber board. The elevations contain architectural details such as herringbone brick details between first and second floor windows, brick arches on first floor windows, and pre-cast stone window sills and arches.

Buildings No. 3 through No. 7

Buildings No. 3 through No. 7 are located south of Buildings No. 1 and No. 2. These buildings will be primarily visible from the proposed public right-of-way along the east boundary of the development and along the future extension of Foxland Boulevard to the south. These buildings are three (3) stories in height with a maximum ridgeline height of 45 feet and five (5) inches. (See Plan Sheets AB13-AB20) The buildings continue the architectural continuity with Building No. 1 and No. 2, but have complex hipped roof systems instead of flat roofs. Also, these buildings have breezeways instead of internal hallways and corridors. The architectural design is consistent on all four (4) elevations with 71 to 77 percent masonry on Building No. 3, 71 to 79 percent masonry on Building No. 5, 71 to 80 percent masonry on Building No. 6, and 71 to 85 percent masonry on Building No. 4 and No. 7. These buildings are sheathed with brick similar to Buildings No. 1 and No. 2, but also use stone on the areas adjacent to the breezeways and provide garages on the first floor. Buildings No. 3, 4, 5, and 7 have six (6) garages on the rear elevations of the buildings. Building No. 6 contains 12 garages on the rear elevation because it is nearly double the width of the other buildings.

Planning Commission approved the architectural elevations as submitted, with the understanding the final architectural elevations will be approved as part of the Final Master Development Plan.

Signage

The applicant provided a conceptual sign with the Preliminary Master Development Plan. (See Sheet AB5) The monument sign is proposed to be located within the open space area of the proposed roundabout at the entrance to the development from Nashville Pike. This portion of the roundabout will not be City maintained right-of-way. The sign is a two (2) foot high curvilinear wall that is 40 feet in width. The curve of the sign mirrors the radius of the roundabout. The sign increases to four (4) feet in height for a length of ten (10) feet at the center of the wall. The four (4) foot high area of the wall is the location of the metal lettering that will be lit by ground mounted lighting. A sign package including conceptual elevations also shall be included with the Final Master Development Plan.

Open Space/Bufferyards/Landscaping

The development site is zoned Mixed Use and bordered to the north, south, and east by Mixed Use zoned property, which requires a Type 10 Bufferyard. To the west, the

development is bordered by property zoned Multiple Residential and Office (MRO), which requires a Type 15 Bufferyard.

The PMDP shows the required Type 10 Bufferyard along the southern boundary and a portion of the require Type 10 Bufferyard along the eastern property boundary. (See Sheet L1.0) The developer is requesting an alternative bufferyard for a portion of the eastern boundary and the entire northern and western property boundary. A TVA easement and TVA power lines cross the development site on the northeast and eastern portion of the property, which limits the developer's ability to plant the required landscape material for half of the Type 10 bufferyard. A 20 foot Public Utility and Drainage Easement runs parallel to the northern property boundary, which restricts the planting of landscape material in this area. The developer has located the required landscape material adjacent to the proposed roundabout and along the proposed new public right-of-way.

Along the western property boundary the developer is proposing to install a more extensive bufferyard than the required Type 15, due to the adjacent greenhouses. After meeting with the adjacent property owner, the developer is proposing a four (4) foot high berm along the entire western property boundary that will be topped with six (6) foot tall Leyland Cypress trees planted on eight (8) foot centers.

The landscape plans also provides all necessary parking lot screening along the public right-of-way and all required internal parking lot trees. The landscape plan also includes a detail of the typical building foundation plantings and HVAC screening.

Planning Commission approved the alternative bufferyards and landscape plan as submitted, with the understanding a final landscape plan will be approved with the Final Master Development Plan.

Parking
The Dwelling, Multi-Family use requires two (2) parking spaces per dwelling unit. The 206 dwelling units require a total of 412 parking spaces, with at least nine (9) handicapped parking spaces. The plan provides 419 total parking spaces – 374 surface spaces, 36 garage spaces, and nine (9) handicapped parking spaces.

Photometric Plan
The Photometric Plan complies with Table 13-04 of the Gallatin Zoning Ordinance. Along the western property boundary, adjacent to the existing greenhouses and plant nursery, the Photometric Plan shows 0.0 foot candle measurements along the entire shared property boundary.

Planning Department Comments
The Planning Department reviewed and commented on the Amended Preliminary Master Development Plan. The applicant satisfactorily addressed the Planning Department comments. Other conditions are listed in the GMRPC Resolution, included as Attachment 5.

Engineering Division Comments
The Engineering Division reviewed and commented on the Amended Preliminary Master Development Plan. The applicant satisfactorily addressed the Engineering Division comments. Other conditions are listed in the GMRPC Resolution, included as Attachment 5.

Planning Commission Decision
The Planning Commission reviewed the Preliminary Master Development Plan at the April 25, 2016 meeting. After review and discussion the Planning Commission voted unanimously to approve the PMDP and described in GMRPC Resolution 2016-56 (Attachment 5) with the following findings:

FINDINGS:

1. The Vintage at Foxland Harbor Amended Preliminary Master Development Plan is consistent with the Gallatin on the Move 2020 Plan and the Regional Activity Center Character Area designation of the property.

2. The Amended Preliminary Master Development is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in the MU zoning district, and with the architectural standards in G.Z.O., Section 13.08.

3. The Amended Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.

4. The legal purposes for which zoning regulations exists have not been contravened.

5. The Amended Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.

6. No one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

RECOMMENDATION:
The Planning Commission and Staff recommend approval of Ordinance O16∅5-32.

ATTACHMENTS

Attachment 1	**Location Map of Vintage at Foxland Harbor**
Attachment 2	**Foxland Crossing Apartments FMDP (PC0011-12)**
Attachment 3	**Foxland Crossing PMDP (PC File# 3-705-15)**
Attachment 4	**Vintage at Foxland Harbor – PMDP and Architecture**
Attachment 5	**GMRPC Resolution 2016-56**

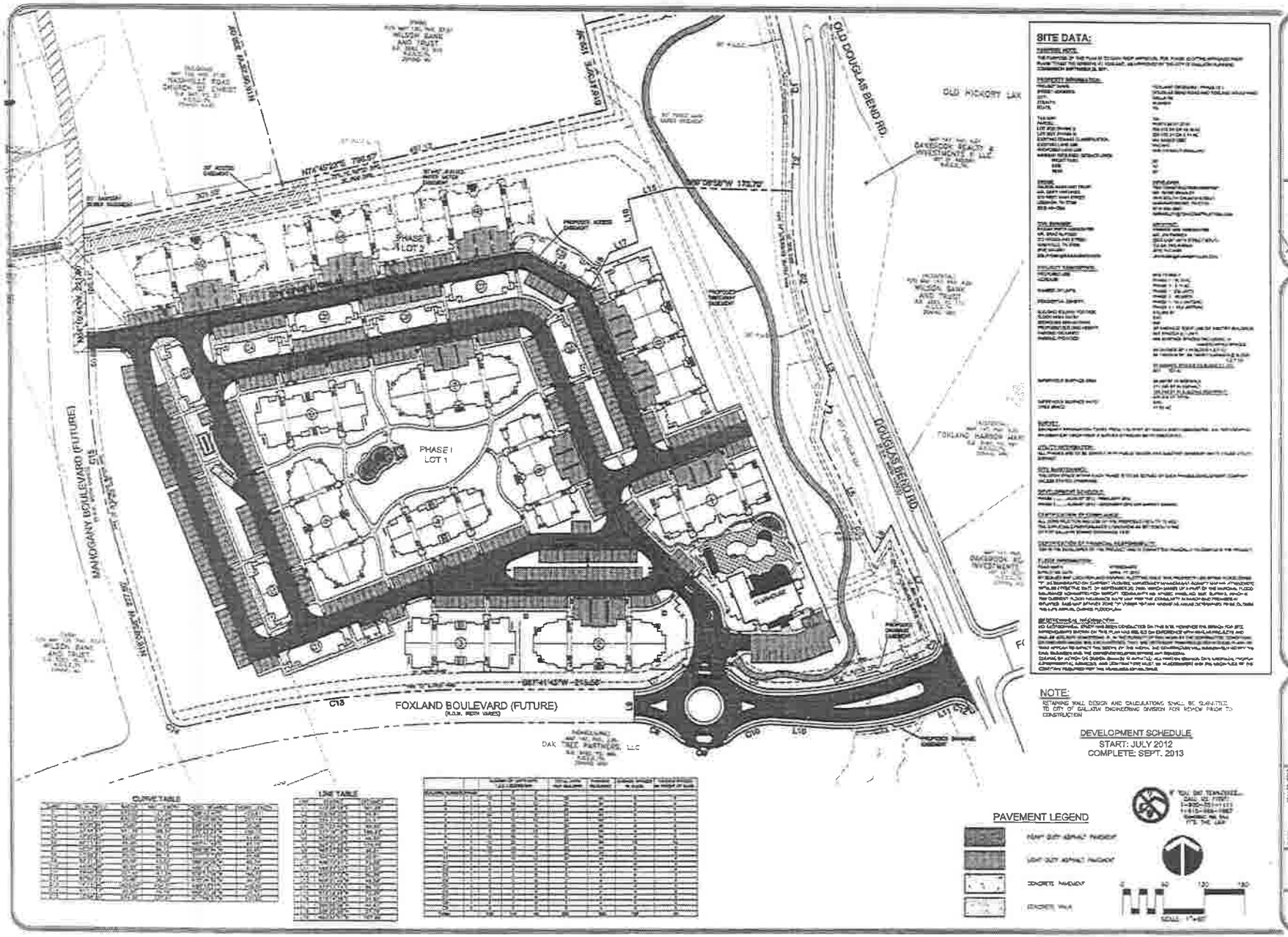
Location Map

Vintage at Foxland Harbor
Amended PMDP
PC File# 3-1695-16

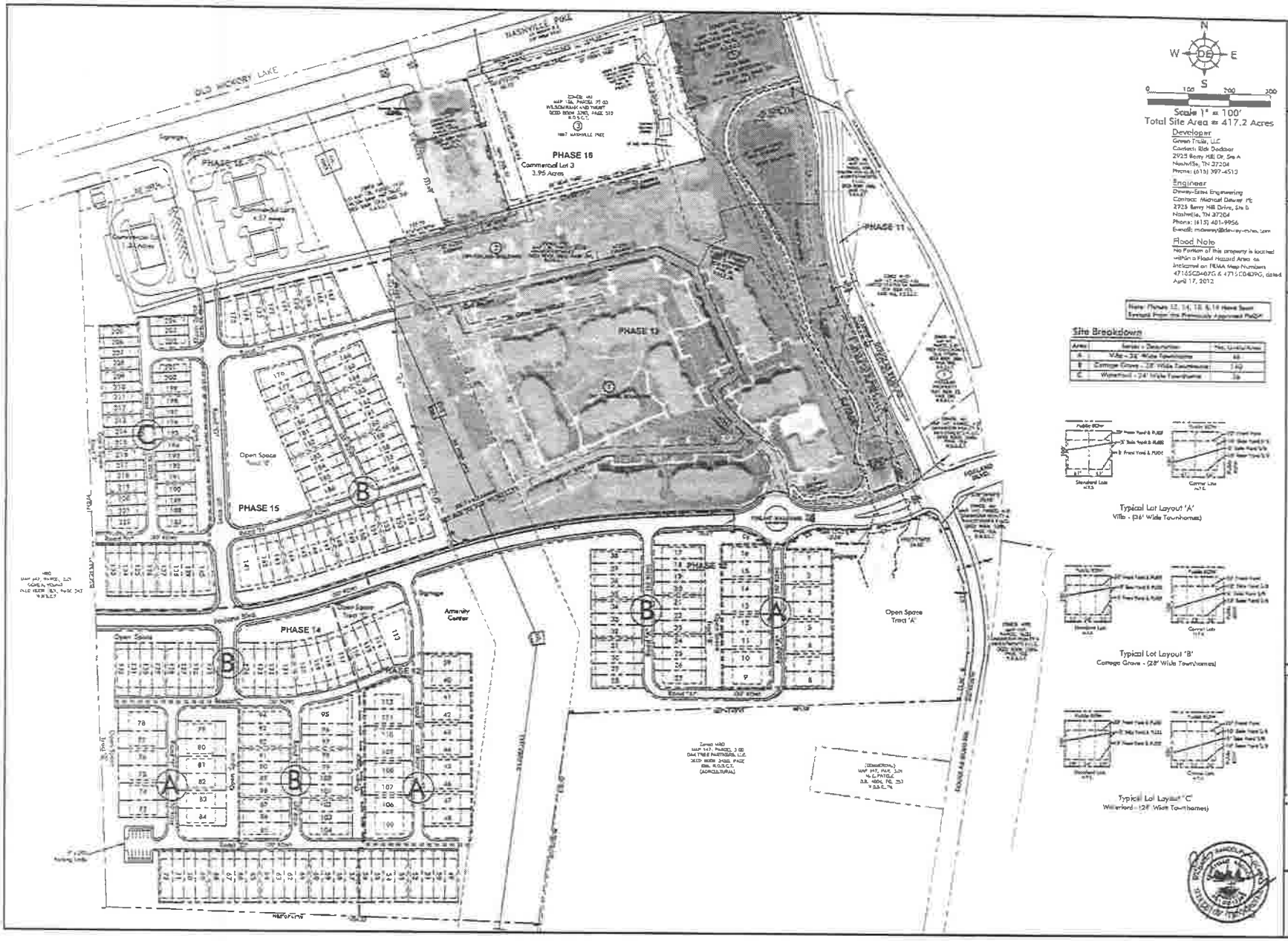
Prepared By: Kevin Chastine, AICP
Prepared On: April 25, 2016

ATTACHMENT 1

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 5

GMRPC Resolution No. 2016-56

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO GALLATIN CITY COUNCIL OF AN AMENDMENT TO THE FOXLAND CROSSING PRELIMINARY MASTER DEVELOPMENT PLAN, TO CONSTRUCT 206 MULTI-FAMILY UNITS AND CREATE ONE (1) NEW PUBLIC RIGHT-OF-WAY, ON 14.19 (+/-) ACRES, LOCATED SOUTH OF NASHVILLE PIKE (U.S. HIGHWAY 31) AND WEST OF DOUGLAS BEND ROAD. (3-1695-16)

WHEREAS, the applicant submitted an application for the Vintage at Foxland Harbor Amended Preliminary Master Development Plan consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance, and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Amended Preliminary Master Development Plan submitted by the applicant, Site Engineering Consultants, Inc., at its regular meeting on April 25, 2016; and

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

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 Tennessee Code Annotated §13-3-413, §13-4-310, §13-7-201, and §13-7-202:

1. The Vintage at Foxland Harbor Amended Preliminary Master Development Plan is consistent with the Gallatin on the Move 2020 Plan and the Regional Activity Center Character Area designation of the property.

2. The Amended Preliminary Master Development is consistent with the purpose and intent of the Mixed Use (MU) zone district and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in the MU zoning district, and with the masonry requirements pursuant to Architectural Character and Compatibility Standards (G.Z.O., Section 13.08.010).

3. The Amended Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.

4. The legal purposes for which zoning regulations exists have not been contravened.

ATTACHMENT 5

5. The Amended Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.

6. 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 to City Council of the Amended Preliminary Master Development Plan for Vintage at Foxland Harbor, consisting of a seven (7) sheet plan with S.E.C. Project #16010, prepared by Site Engineering Consultants of Murfreesboro, TN, dated March 28, 2016 with a final revision date of April 14, 2016, a one (1) sheet photometric plan with Job No. 216014, prepared by ED/A of Tulsa OK, dated March 28, 2016, and an eight (8) sheet architecture plan, with Job No. 216014, prepared by Parker Associates Tulsa, of Tulsa, Oklahoma, dated March 28, 2016, with the following conditions:

1. Reconfigure the commercial outparcel access points to provide one (1) driveway per outparcel with a minimum driveway spacing of 185 feet, per the Gallatin on the Move 2020 General Development Transportation Plan.
2. Show and label the tie-in of the 20 foot wide backage road with the conceptual commercial parcels.
3. The developer shall show the approximately 250 foot extension of Foxland Boulevard between Foxland Crossing Phase 12A and the Vintage @ Foxland Harbor collector road.
4. The developer shall submit an availability request to White House Utility District.
5. Submit one (1) full-sized and two (2) half-sized, corrected folded copies of the Preliminary Master Development Plan.

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: 4/25/16

ATTACHMENT 5

Dick Dempsey, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

MAY 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #** 5

SUBJECT:
Ordinance #O1605-33 amending the City of Gallatin, Tennessee Zoning Ordinance, Article 13.00 Performance and Design Standards, Section 13.07 Sign Regulations.(PC File #3-1291-15)

SUMMARY:
The City of Gallatin Planning Commission recomends approval of an amendment to the Gallatin Zoning Ordinance, Article 13.00, Performance and Design Standards, Section 13.07 Sign Regulations, to provide for digital (electronic changeable message) signs, including replacement of certain billboards with digital signs with restrictions, and other minor changes to the sign codes.

The Planning Commission reviewed the proposed changes on April 25, 2016 and recommended approval of the proposed changes in GMRPC Resolution 2016-44.

RECOMMENDATION:

ATTACHMENT:

- ☐ **Resolution**
- ☒ **Ordinance**
- ☐ **Correspondence**
- ☐ **Contract**
- ☐ **Bid Tabulation**
- ☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O1605-33

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE AMENDING THE ZONING ORDINANCE, ARTICLE 13, SECTION 13.07, SIGN REGULATIONS, TO ALLOW ON-PREMISES DIGITAL SIGNS AND THE CONVERSION OF A LIMITED NUMBER OF NON-CONFORMING BILLBOARDS TO DIGITAL BILLBOARDS AND PROVIDING MISCELLANEOUS CLARIFICATIONS AND REFINEMENTS TO THE TEXT OF THE SIGN REGULATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, innovations and emerging technologies have allowed for the advertising industry to more effectively display products and services for clients utilizing such technology and offer greater opportunities for local businesses to advertise their products and services, and

WHEREAS, more businesses desire to apply advanced technologies which permit signs to change copy electronically to better convey products and services offered by such businesses, and

WHEREAS, the proposed text amendment is necessary to accommodate newer technologies promulgated by the sign industry, and

WHEREAS, newer sign technologies may create adverse impacts to adjacent uses or area uses unless regulated in a reasonable manner, and

WHEREAS, the proposed text amendment will allow for businesses and individuals to more effectively advertise messages to benefit citizens and to promote economic development, and

WHEREAS, the proposed text amendments will provide for additional advertising opportunities without adversely affecting the aesthetics of the community, adversely affecting property values or creating significant distractions to vehicle operators or area property owners, including to minimize visual clutter, and

WHEREAS, the legal purposes for which zoning regulations exist are not contravened, and

WHEREAS, the proposed text amendment will not create adverse effects upon adjoining property owners or any such adverse effect is justified by the public good or welfare, and

WHEREAS, no one property owner or small group of property owners will benefit materially from the zoning code text changes to the detriment of the general public, and

WHEREAS, the text amendment is in agreement and consistent with the recommendations of the *Gallatin on the Move 2020* General Development and Transportation Plan, and

WHEREAS, Tennessee Code Annotated, Title 13, Chapter 7, Section 204 authorizes the City to amend its zoning code as necessary upon first being reviewed by the Planning Commission, and

WHEREAS, the Gallatin-Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance reviewed and recommended approval of these amendments in GMRPC Resolution 2016-44, and

WHEREAS, The City Council of the City of Gallatin is authorized under Tennessee Code Annotated Title 13, Chapter 7, Section 201 to adopt zoning regulations for the betterment of the city, and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of these amendments pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance and Tennessee Code Annotated, Section 13-7-203;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that Article 13, Performance and Design Standards, Section 13.07, Sign Regulations of the Zoning Ordinance of Gallatin, Tennessee is hereby amended as described in Exhibit 'A':

Section 1. The City Council of the City of Gallatin does hereby approve the Zoning Code text amendment as described in Exhibit 'A'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Ordinance to show the changes in the text as described in Exhibit 'A'.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____

MAYOR PAIGE BROWN

ATTEST:

_____

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

13.07 Signs Regulations

ADMINISTRATION

13.07.005 Purpose and Intent

B. Allow for the communication of information necessary for the conduct of commerce and to inform the public of community events and activities.

* * * * * * * * * * *

J. Preclude signs from creating ~~conflicting~~ conflicts with the ~~principal permitted use of the site~~ signs, or structures on ~~or~~ adjoining sites.

* * * * * * * * * * *

N. Protect the future of public rights-of-way. ~~Limit~~ Regulate 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 the existing conforming ~~and legal non-conforming~~ signs.

O. Encourage the removal of non-conforming signs or the replacement of non-conforming signs with 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-verbal communication in public viewed area 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~~ A sign shall not be considered a principal use except where legally permitted as a non-conforming sign for outdoor advertising as defined in Tenn. Code Annotated, Title 54, Chapter 21. No on-premises freestanding/monument sign shall be permitted on a parcel or lot if a non-conforming freestanding/monument sign is located on the same parcel/lot.

* * * * * * * * * * *

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~~ City 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 non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legally permitted ~~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 non-commercial 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

* * * * * * * * * * *

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

* * * * * * * * * * *

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 except for off-premises signs as permitted herein. The following items are required when applying for a sign permit.

* * * * * * * * * * *

5. All outside agency permits must be provided with any application for a City sign permit.

6. No signs shall be permitted on any property without a permit except where exempted.

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~~.

* * * * * * * * * * * * *

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, by certified mail or by regular mail when an affidavit signed by the City representative is provided, 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,~~ of any sign placed within any right-of-way, or attached to trees, rocks, fence posts, telephone poles, utility poles, or other natural features at owner's expense, and without notice to the owners thereof.

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.

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.

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, other than the address, 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, or off-site, sign that is affixed to or erected upon a freestanding framework that directs attention to a non-commercial message, profession, business, commodity, service, product or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Brightness - The degree that lighting emits a luminance that complies with or exceeds the standards established by the Tennessee Department of Transportation as described in Tenn. Code Annotated, Section 54-21-122.

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, other than an address, or logo that is placed on a canopy and is considered wall-mounted signage.

Changeable Copy (message) Sign (Automated Changeable Copy) - A sign or portion thereof that displays letters or numbers, characters, symbols, graphics, images, non-moving animation, or illustrations, (1) which may be itself ~~are not themselves~~ an illumination device, and (2) which may be changed or rearranged 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~~ includes digital signs, electronic display screen and electronic message center signs. For purposes of this code this shall be referred to simply as a "digital sign(s)".)

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.

Commercial zones – Commercial zones include the following zoning districts: CC, CG, CS, CSL, PGC, PNC, PBP and the Industrial zones of IR and IG and the A zone when a business is authorized for the property.

Community Event Sign - A temporary sign advertising or announcing a special Community-wide 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.

Digital Sign – Also see Electronic Display Screen (Digital) Sign, Changeable Copy Sign (Automated), and Electronic Message Center Sign. For purposes of this code this shall be referred to simply as "digital sign(s)".

Directional Sign - A sign that provides on-site directional assistance for the convenience of the public, such as, identifying 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 (Digital) Sign - A sign, or portion of a sign, that displays an electronic or digital image ~~or video~~, which may or may not include text ~~and animation~~. This definition includes signs displayed on television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays. (a.k.a. electronic reader-board signs) (Also see

digital signs, changeable copy sign (automated) and electronic message center signs) For purposes of this code this shall be referred to simply as a "digital sign(s)".

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. (Also see digital signs, changeable copy sign (automated) and Electronic Display Screen (digital) Sign). For purposes of this code this shall be referred to simply as a "digital sign(s)".

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 an adjoining property line without approval of such owners, or 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, institutions, businesses or any other entity. 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.

Free-standing/Ground Sign or Monument 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, or 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 Sign - 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 the sign or in the sign, but not directed toward the sign. This includes electronic display screen signs and electronic message center signs.

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 parking, 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 other than incidental regulatory signs.

Luminous Background - A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or made to be opaque~~d~~.

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

Mixed-use Zones – Mixed-use zones include the following zoning districts: GO, OR, MRO, MPO, MUG, MUL, MU and SP.

Monument Sign - see Freestanding/Ground Sign

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

Multi-Tenant Wall-Mounted Sign - An identification sign for a commercial, mixed-use or industrial 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.

Non-commercial message sign – Any sign expressing an opinion or belief not intended to support a commercial activity.

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, including non-commercial activities and ideas, not located or sold on the premises on which the sign is located. (Also known as a Billboard.)

Off-Site Sign – (also see Billboard) Any sign that advertises or gives direction to any non-commercial message, business, product, service, attraction, or any other purpose or interest, other than on the property where the industrial, commercial, institutional or other business establishment or premises is located. (Also see Tenn. Code Annotated Section 13-7-208 (h)).

On-Premises Sign - Any sign identifying or advertising a non-commercial activities and ideas, 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 excluding regulatory signs.

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/Regulatory Signs - 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.

Residential Zones – Residential zones include the following zoning districts: A (with no business associated with the property), R40, R20, R15, R8, R6 and PRD or the MRO, MU, OR, MUG, and SP district when residential uses are authorized for the property.

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, medians, 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, other than an address number); 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, banners, sandwich boards, 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. (Also see Public Purpose/Regulatory signs)

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, electrical currents, gas lines 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

A. Animated Signs not otherwise permitted herein and including images displayed on digital signs.

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C. Billboards. Existing billboards may be replaced with a digital sign as identified herein.

D. ~~Electronic Display Screen~~ Digital Signs are prohibited within Historic districts and on historic properties, ~~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~~ and on buildings. No such signs shall be visible from the street through windows or openings in the building, including any digital signs displaying a video or continuous message and animated signs.

~~E. Electronic Message Center 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.~~ Reserved.

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L. Nonconforming sign(s), except as permitted by Tenn. Code Annotated, Section 13-7-208 (h) as amended from time to time, or permitted upon granting an Alternative Plan Approval per subsection 13.07.095.

P. Signs erected on public or private property (such as private utility poles, trees, rocks, utility poles, guy wires, sign poles on which a sign is already permitted, or on other public regulatory or informational signs within rights-of-way) ~~located on public property~~, other than signs erected by public authority for public purposes or as otherwise permitted by the Mayor and Alderman.

T. Exterior or interior decorative lighting including but not limited to, strings, strips or individual bulbs outlining architectural features including windows and doors, containing~~,~~ LED, neon or incandescent lighting, which are displayed to attract attention of the public. This does not include traditional holiday decorations.

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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, except replacement signs as described herein.
4. Temporary Signs
5. Wind Signs

V. Temporary signs with digital display.

W. Bench signs on public property.

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13.07.055 Exempt Signs

A. Guidance and Restriction for the Use of Sign

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4. Signs shall not be located in the rights-of-way, except when authorized by the governmental agency maintaining such right-of-way.

B. Permissible Exempt Signs

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

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13.07.060 Temporary Signs

A. Guidance and Restrictions for the Use of Signs

1. Temporary signs are permitted to indicate temporary special events activities or messages without regard to content. Special events 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 shall not harmful to minors as defined by this Subsection include profane messages.

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 signs or public utility pole.

7. Signs shall not be located in the rights-of-way unless authorized by the agency maintaining the roadway.

8. Temporary signs shall not include a digital display.

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13.07.061 Non-Conforming Off-Premises/Off-Site (Billboard) Signs

A. Replacement of Non-Conforming Off-Premises (Off-Site/Billboard) Signs

A permitted non-conforming off-premises or off-site/billboard sign may be replaced as permitted by a sign complying with Tenn. Code Annotated, Title 13, Section 13-7-208 (h). However, if an off-premises sign, including an off-site/billboard, is replaced with a digital sign then no expansion of the sign shall be permitted. Any off-premises signs other than an off-site/billboard permitted by the Tennessee Department of Transportation is an illegal sign. Any billboard replaced under this provision shall be considered a non-conforming use and structure.

B. Cap and Replacement Restrictions

1. *Maximum number of permitted non-conforming off-site/billboard signs.* The maximum number of permitted non-conforming off-site/billboard sign shall be limited to those signs existing on May 17, 2016.

2. *Off-site sign inventory.* The Planning Department shall maintain an inventory of off-site/billboard signs within the city. The Planning Department shall conduct an annual audit of permits issued for off-site/billboard signs to determine the current number of such signs in the city.

3. *Off-site signs within areas annexed into the City.* If property is annexed into the city and contains an existing legally permitted off-site/billboard sign at the time of annexation, the sign(s) shall be, upon annexation, added to the city's inventory of off-site/billboard signs.

4. *Replacement signs.* A permit for the construction of a replacement off-site/billboard sign with a digital billboard may only be issued after the removal of the existing off-

site sign(s) and support structures. Said sign permit application shall be submitted within 180 days of the removal of the billboard (off-site sigs) being replaced.

C. Design of Replacement off-premises (off-site/billboard) signs

1. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be placed in the same location as the previously permitted sign. For purposes of permitting the replacement sign the same location shall mean within five (5) feet of the location of the previous sign and the replacement sign shall comply with all required setbacks for signs and required by Section 13.07.065.
2. Any off-premises (off-site/billboard) sign replaced shall be the same height or lesser height of the sign being replaced.
3. Any off-premises (off-site/billboard) sign replaced with an digital sign shall be no less than 2000 feet from any other existing or permitted billboard signs utilizing an electronic display screen (digital) sign.
4. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be erected on a single pole or ground mounted column constructed completely with, or sheathed in, decorative material including brick, stone, stucco treated frame or ornamental iron base and shall contain a border around the face of the sign matching the color of the support column.
5. No single-faced off-premise (off-site/billboard) sign shall be replaced with a double-faced or more faced billboard or digital sign.
6. Any off-premise (off-site/billboard) sign removed as a result of a right-of-way taking or loss of lease shall not be replaced.
7. Any off-premises (off-site/billboard) sign replaced shall require the installation of low-level landscaping consisting a continuous hedge row of shrubs and trees of a species on the leased or owned parcel surrounding the base of the sign extending a minimum of five (5) feet from the base of the sign. No chain link or wire fencing shall be placed around the base of the sign.
8. Any replacement off-premises (off-site/billboard) sign shall be located at least two-hundred and fifty (250) feet from any residentially zoned property measured from the closest point of any structural element of the sign to the residentially zoned property boundary.
9. No replacement sign shall be permitted to be placed on-top or under an existing billboard or beside an existing billboard. To be eligible for the replacement with a digital sign, any side-by-side or stacked billboards must be removed and replaced, within the timeframe described herein, only with a single digital billboard sign of a size no larger than the larger of the two billboards.
10. All existing billboards replaced with a digital or automatic changeable message copy may include a digital sign face for 100% of the coverage of the sign or display surface area.
11. All text size on any replacement billboard shall of such sufficient size to be clearly legible from a distance of 500 feet.

12. Any billboard replaced with a digital copy shall be limited message to remain static for a minimum of eight (8) seconds with a maximum change time of two (20 seconds.
13. The digital sign shall contain a default design that will freeze the sign face in a legible image or position if a malfunction occurs or the sign will turn off.
14. All billboard replacements as authorized herein shall, in addition to this code, comply with the requirements of Title 54, Chapter 21, Section 122, Tenn. Code Annotated. Any conflicts between the Code and the Statute the more restrictive standard shall apply.

13.07.065 General Provisions for Permanent On-Premises Signs

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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.

6. No permanent free-standing/monument sign shall be permitted on any property unless a permanent structure of at least 500 square feet exists on the property except for replacement of non-conforming billboards.

B. Setback and Height Requirements

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

1. The height of free-standing/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 free-standing/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. 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. Said sign setback shall be established based on the projected extent of the right-of-way as determined by the City.

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.

C. Calculation of Sign Area

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8. Any digital signs shall be limited to no more than fifty percent (50%) of the total permitted sign area except replacement billboards with digital display as permitted in Subsection 13.07.061.

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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-premises 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~~ may be illuminated by direct and steady means only but shall not include any digital sign.

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-premises 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:

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G. Non-residential uses in residential zoning districts shall be eligible to place a digital sign per the standards of Section 13.07.085.

A digital signs in a residential district shall be displayed as illuminated text against a black or non-illuminated background. Black or dark text against an illuminated or bright background is not permitted. Messages shall be text only or a non-residential use logo of only one color.

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

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B. ~~Changeable Copy~~ Digital Sign ~~(Automated)~~ – The background of each digital ~~changeable copy portion of the~~ sign must be of a single, constant color. ~~, except for~~ The copy/~~or other~~ message display shall not be changed more than eight (8) times in a twenty-four (24) hour ~~one (1) minute~~ period with a one (1) second change interval except for non-commercial message signs displaying only time and temperature.

Any digital signs shall be limited to no more than fifty percent (50%) of the total sign area of a sign. Digital signs shall not be permitted as a wall-mounted sign or window sign except when used as a wall-mounted or monument style (free-standing) menu sign for drive-thru services.

C. Directional Signs – permitted within non-residential and mixed use zone districts. Signs shall not exceed six 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. No directional sign shall consist of a digital signs.

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G. Menu Boards

1. Free-standing – Two (2) free-standing menu board signs shall be permitted per drive-thru lane. Each free-standing drive-thru menu board shall be spaced a minimum of ten (10) feet apart, and from other free-standing signs on the property. A single free-standing menu board sign shall not exceed fifty (5) square feet in area including all attached signs. The total aggregate of all free-standing 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. A Menu Board may consist of a digital sign provided that copy may only change 3 times per day.

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.

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13.07.080 Permanent Signs in the CC Zone District

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C. Permitted Signs

8. Monument Signs

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d. Internally lit freestanding signs ~~are not permitted~~ and digital signs are permitted within the CC zone district provided that the changeable message area shall not exceed fifty percent (50%) of the total sign area.

D. Sign Materials

1. Permitted Materials

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

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E Performance Standards for Glare and Maximum Illumination

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2. In addition to the provisions of Subsection 13.07.090, illuminated signage shall not:

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d. Internally illuminated signs are not permitted, except as digital signs or with ~~but~~ backlighting ~~is permitted~~.

13.07.085 Community Facility On-Premises Signs in Residential Zone Districts

Community Facilities, including those granted a Conditional Use Permit, shall be eligible for a digital sign as permitted in Subsection 13.07.070. G.

All digital signs shall be displayed as illuminated text against a black or non-illuminated background. Black or dark text against an illuminated or bright background is not permitted. Messages shall be text only on a non-residential use or logo of only one color.

A. Signs for Community Facilities:

1. Wall signs: Each service/institution/public facility shall be permitted one (1) on-premises wall sign less than or equal to one (1) square foot per one (1) linear foot of business frontage not to exceed thirty-two (32) square feet. ~~The sign shall not exceed sixty (60) square feet in area, equally divided between not more than two (2) sign faces.~~

2. Free-standing/monument sign: Each service/institution/public facility shall be permitted one (1) on-premises free-standing/monument sign less than or equal to one (1) square foot per one (1) linear foot of street frontage not to exceed sixty (60) square feet. The maximum height of a free-standing 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 except where street frontage exceeds 1000 feet where two signs shall be permitted. On property in excess of 1000 linear feet of roadway frontage, where two (2) signs are proposed, such signs shall be a minimum of three-hundred (300) feet apart.

B. Flagpoles, Ground – Maximum of three (3) per lot, a maximum of thirty five (35) feet in height and with 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 Departments for review and approval before a sign permit is issued.~~

* * * * * * * * * * * * *

13.07.090 Performance Standards Regulating Glare and Illuminated Sign Brightness

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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 and digital signs shall not exceed 0.2 (0.3 per TCA) foot candles and comply with Title 54, Section 54-21-122, Tenn. Code Annotated.

D. Illuminated Sign Brightness – The brightness and surface illumination of all illuminated signs shall not exceed the provision below in the zone district indicated.

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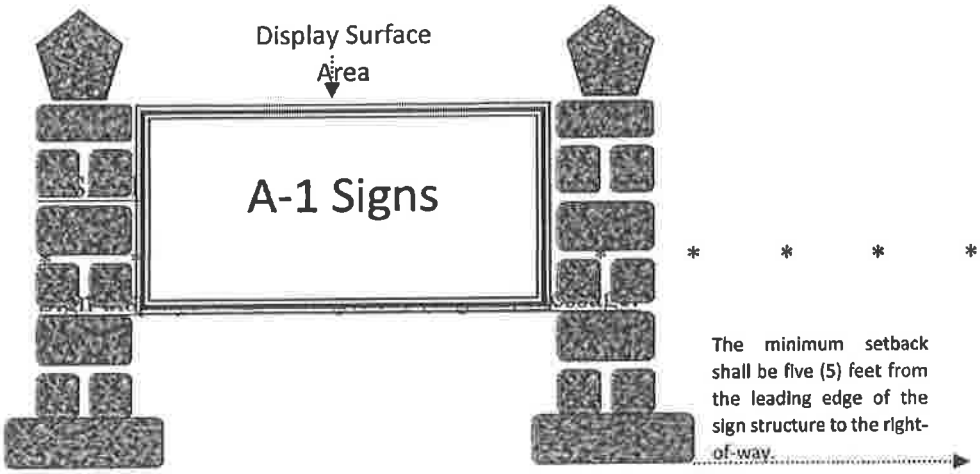
Section 13.07.100 Freestanding Sign Height, Setback Requirements and Display Surface Area

Signs display without changeable (digital) message.



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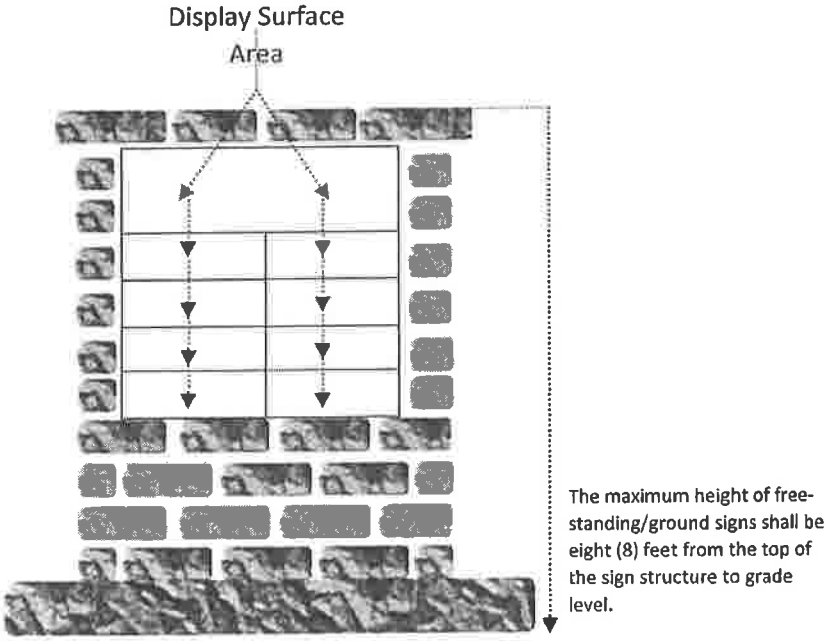
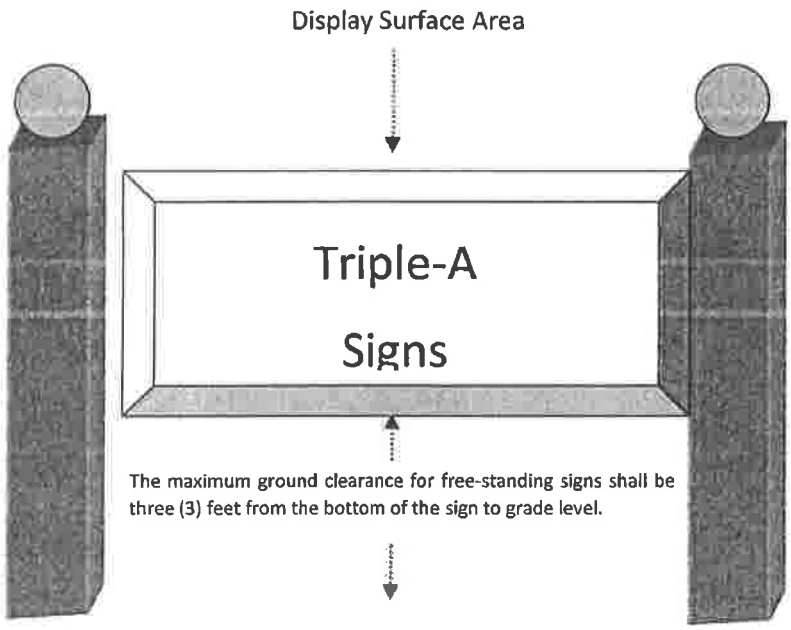
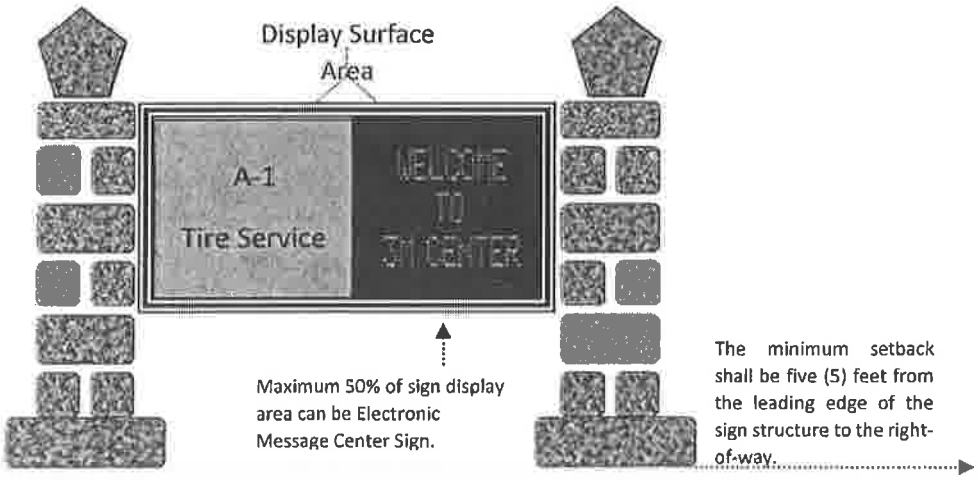
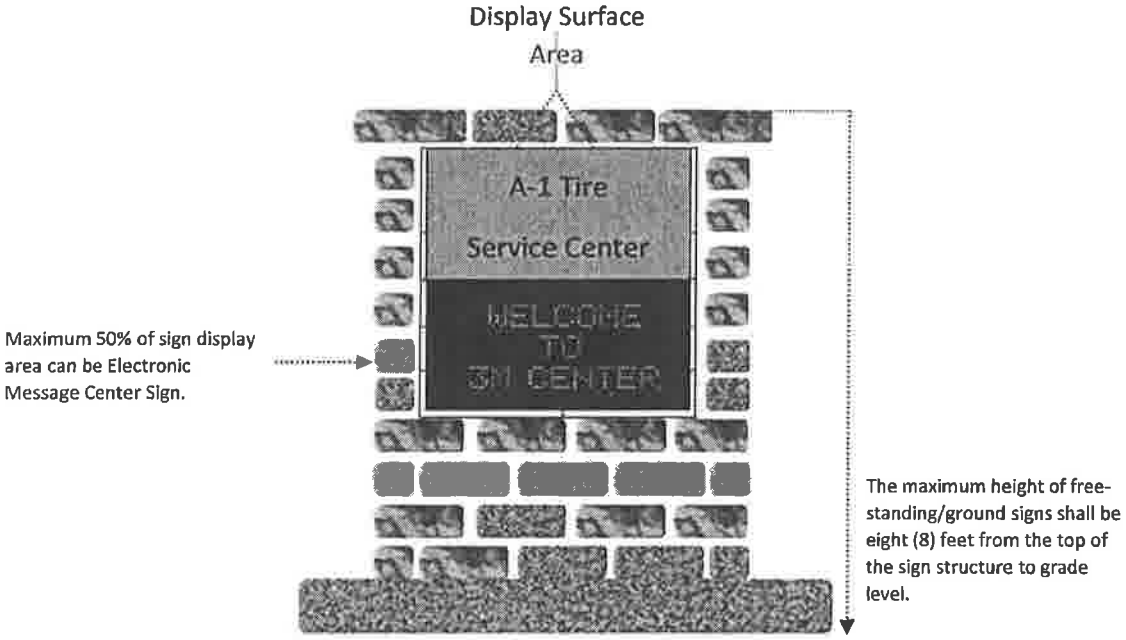



Display Surface Area
Triple-A
Signs
The maximum ground clearance for free-standing signs shall be three (3) feet from the bottom of the sign to grade level.


Display Surface Area
A-1
Tire Service
Maximum 50% of sign display area can be Electronic Message Center Sign.
The minimum setback shall be five (5) feet from the leading edge of the sign structure to the right-of-way.



Any digital signs shall be limited to no more than fifty percent (50%) of the total display surface/sign area as indicated below.

* * * * * * * * * * * * *

13.07.110 Digital or Electronic Message Sign Design Standards

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1. A digital or electronic message center sign may only be constructed on a parcel or lot having a minimum of 100 feet of roadway frontage.

2. Any digital sign shall be limited to no more than fifty percent (50%) of the total sign area.

3. The conversion of any existing permitted sign to a digital sign or the installation of digital sign equipment on or within an existing permitted signs shall require the approval of a new sign permit pursuant to the procedures described in Article 13, Section 13.07 herein.

4. A digital sign shall be part of a free-standing or ground mounted (monument) style sign no greater than eight (8) feet above grade. A digital sign may not be installed on an existing permitted sign which is taller than eight (8) feet above grade.

5. A digital sign shall not be installed within 250 feet of a conforming single-family residence measured along each side of the right-of-way.

6. A digital sign with a sign face on two sides with no more than 4.5 feet of separation between faces shall be considered a single sign, and the total sign area shall be the area on a single face.

7. The copy content of a digital free-standing/monument sign may change at intervals of no more than eight (8) times in a twenty-four (24) hour period with a one (1) second change interval. The content image must remain stable. Continuous scrolling or flashing of the image is prohibited.

8. The copy content of a digital sign shall not contain effects that are designed to resemble a traffic signal or emergency vehicle strobe lighting.

9. A malfunctioning digital sign shall be programmed default to a display that will freeze the sign face in a legible image position if it malfunctions. Otherwise, digital signs must be equipped with software programming controls that automatically turn the sign off it the display is malfunctioning in any way.

10. Exposed neon or fiber-optic tubing on digital signs is prohibited.

11. Digital signs shall be equipped with a sensor or other devise that automatically determines the ambient illumination and can be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

12. The illuminance of a digital sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimal points. Illuminance shall be measured with the digital sign turned off, and gain with the digital sign displaying a white image for full color-capable signs, or a solid message for a single color signs.

All measurements shall be taken perpendicular to the face of the digital sign as distance determined by the total square footage of the signs as set forth in the Table" below:

Digital /Brightness Compliance Measurement Distances

Area of Sign (Square footage)	Measurement from Sign (Distance in Feet)
10	32
15	39
20	45
25	50
30	55
35	59

I: Planning\Activities & Projects\Zoning Code Amendments\Zoning Ordinance Amendments\Signs Regulations\Council Committee\Digital Signs & Billboards Ordinance O1605-xx – Exhibit 'A' 4-26-16

STAFF REPORT TO COUNCIL

Sign Code Text Amendment - G.Z.O. Article 13, Section 13.07, Sign Regulations (# 3-1291-15)
Date: MAY 10, 2016

REQUEST: CITY OF GALLATIN PLANNING DEPARTMENT REQUESTS CONSIDERATION OF AN AMENDMENT TO THE GALLATIN ZONING ORDINANCE, ARTICLE 13.00 PERFORMANCE AND DESIGN STANDARDS, SECTION 13.07 SIGN REGULATIONS.

APPLICANT:	**CITY OF GALLATIN**
RECOMMENDATION:	**APPROVAL OF ORDINANCE O1605-33**
STAFF CONTACT:	**WILLIAM D. MCCORD**
PLANNING COMMISSION DATE:	**APRIL 25, 2016**
COUNCIL COMMITTEE DATE:	**MAY 10, 2016**

SUBJECT OVERVIEW: The City of Gallatin Planning Commission requests consideration of an amendment to the Gallatin Zoning Ordinance, Article 13.00, Performance and Design Standards, Section 13.07 Sign Regulations, providing for clarification and refinements to the existing ordinance and to permit digital signs as a replacement for non-conforming (off-site) billboard signs and permitting free-standing on-premises digital signs.

CASE BACKGROUND:

Analysis

The Gallatin Regional-Municipal Planning Commission requests consideration of an amendment to Article 13, Section 13.07, Sign Regulations, of the Gallatin Zoning Ordinance. The purpose of the proposed amendment is to provide for clarification and refinement to the existing sign ordinance and to permit digital signs as a replacement for non-conforming (off-site) billboard signs and permitting free-standing on-premises digital signs.

DISCUSSION:

History

In 2007, the City considered allowing electronic display screen signs and electronic message center signs but decided against permitting these types of signs. Since February 19, 2008, the City has prohibited digital signs.

On February 18, 2013, the Planning Commission again considered allowing electronic signs. The Planning staff recommended that the code continue to prohibit electronic signs and the Planning Commission confirmed (Attachment 1). Council considered the sign ordinance amendment on October 15, 2013 and voted to approve the ordinance which prohibited electronic signs. (Ordinance O1304-22 (File #PC-0031-12), Attachment 2). The Ordinance established a list of prohibited signs and identified a list of Exempt Signs and permitted Temporary Signs. The ordinance prohibited construction of any new billboards. Previously billboards were permitted in the IR and IG (Industrial) zoning districts.

On August 10, 2015, representatives of Lamar Signs presented information on digital billboards at the Planning Commission Work Session. A similar presentation was made before the City Council at a Council Committee meeting on August 25, 2015. After this presentation, the Council requested staff to prepare an amendment to the sign regulations that would permit digital signs (a.k.a. automated Electronic Display Screen Signs and automated Electronic Message Center Signs, automated Changeable Copy Message signs, or Commercial Electronic Variable Message Signs) and allow for the replacement of billboards with digital signs.

On November 9, 2015 the Planning Commission discussed the proposed amendments to the sign code including the possibility of permitting digital signs and allowing the replacement of off-site signs/billboards with a digital display. The Planning Commission requested to have a joint work session with the Council to discuss this issue. On February 9, 2016 the City Council and the Planning Commission held a joint work session meeting to discuss the proposed amendments to the sign code. The focus of the meeting was on electronic signs and billboards. (See Attachment 3).

The Planning Commission met on April 25, 2016 and after review and discussion voted to approve GMRPC Resolution 2016-44 which included the draft Ordinance with some minor changes (Attachment 7). Ordinance O1605-33 reflects the changes made by the Planning Commission.

Proposed Amendment and issues of Ordinance structure

Billboards and digital signs are not permitted in the City. Digital signs display electronic images or video, including text and animation, which could include television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays. It also includes signs with changing lights that creates a sign message in text form or a sequence of messages which is electronically programmed. This includes electronic time and temperature and other variable message signs. Any existing signs with these characteristics are considered "non-conforming" signs.

There are two types of signs: on-premises signs, which advertises goods or services offered on the property where the sign is located, and off-premises signs, which includes outdoor advertising or what are traditionally called billboards (or off-site signs as used in Tennessee's zoning statutes[1]).

[1] Title 13, Chapter 7, Section 13-7-208(h), Tennessee Code Annotated

Based on the recent US Supreme Court decision of *Reed v. Town of Gilbert*, it appears that the distinction between an on-premises sign and an off-premises sign is now blurred with the exception that a sign, regardless of content, is either physically located on a property, or not on a property where the advertised business or product being sold occurs. However, most parties believe that the distinction between on-premises signs and off-premises signs remains intact. The City's sign code continues to distinguish between on-premises signs and off-premises signs. A future amendment to the code will be considered at a later date to address the recent Supreme Court decision.

The majority of the proposed sign code amendment considers whether to allow existing, City-designated, non-conforming billboards to convert to digital billboard signs and to allow on-premises digital signs. If the City wishes to permit digital signs and/or digital billboards then the city will need to change its code to allow billboards or allow conversion of existing non-conforming billboards. This could include only allowing them under certain circumstances, such as a replacement billboard for existing, City-defined, non-conforming billboards.

Some of the major regulatory issues to consider when considering digital signs include:

- The maximum number of digital signs to permit in the city
- The appropriate duration or frequency of the changeable message
- Whether, and under what conditions, to permit motion, animation and video messages
- The appropriate level of brightness of the signs
- The appropriate placement and spacing of signs, and whether to treat on-site signs and off site signs differently
- The design of the sign including the height, supporting structure, framing, landscaping, etc.
- Design/treatment of the back sides of a sign,
- The appropriate size for the signs,
- The appropriate text size for the signs,
- The proximity to residential uses or residential zoning districts,
- Regulating a sign display upon a malfunction,
- Limits on signs for wayfinding vs. advertising,
- Limit certain color displays to avoid confusion with traffic control devices, and
- Compliance with state requirements

To be able to replace billboards or other signs with digital signs, the city must make them a permitted use or allow non-conforming billboards to be modified to a digital sign. The city can restrict existing billboards and allow them to be replaced with digital display signs while continuing to prohibit erecting new signs where one does not currently exist. Allowing digital signs could also be a tool to encourage owners to replace a non-conforming sign with a conforming sign, which applies a digital feature.

At the state level, billboards are regulated by an agreement between the US Department of Transportation, Federal Highway Administration (FHWA) and the Tennessee DOT and must be

consistent with the Tennessee Federal State Agreement (FSA) prepared to implement the Highway Beautification Act (HBA).

Part of the HBA language included in the FSA and the statute states that all such billboards in industrial and commercial areas are "under authority of law and whose size, lighting and spacing are consistent with *customary use* as determined between the state and the Secretary of Transportation of the United States."[2] The agreement also includes the following restrictions:

> *Signs which contain, include or are illuminated by any flashing, intermittent, or moving light or light are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.*

In a pending case dealing specifically with digital signs (also known as Commercial Electronic Variable Message Signs), Scenic America is suing the US DOT, Federal Highway Administration (FHWA) and Outdoor Advertising Association of America, Inc. over the FHWA's decision in 2007 to issue a rule through interpretation which effectively changes the way the Highway Beautification Act (HBA) and the agreements between the federal government and many of the states is applied. A copy of an amici curiae brief in support of the plaintiff was provided in the November 23, 2015 agenda package and in the February 9, 2016 work session package. Essentially, Scenic America claims that allowing changeable message signs is a form of intermittent lighting which is not considered a "customary use" as described in the HBA and the agreements between the states. The Planning Commission and City Council should consider this issue in making its decision. It may be premature for the City to move forward with allowing digital billboards until the Scenic America case is decided.

Tennessee Code Annotated, Title 54, Chapter 21, contains the Billboard Regulation and Control Act of 1972 (Attachment 4). Billboards are defined by Tenn. Code Annotated as "outdoor advertising"[3] and are now considered a non-conforming use in Gallatin. Replacing one of these billboards with a larger sign or with a digital sign, or an "automatic changeable message sign" with "digital display," as defined by Section 54-21-102, Tenn. Code Annotated, would be permitted by TDOT since TDOT does not consider permitted billboards as non-conforming. TDOT is not obligated to subscribe to the City's regulations when determining conforming or non-conforming status. Only the City Zoning Code, which indicates that these signs are non-conforming, prohibits existing billboards from being converted to a larger sign and/or converted to a digital display sign.

Tenn. Code Annotated, Section 54-21-122, also addresses and establishes standards for digital billboard signs and permits. (This subsection was initially adopted in 2007, presumably after the decision by the FHWA to permit digital signs and most recently amended in 2014 to include specific performance criteria for such signs.) (Attachment 4)

Section 54-21-122, Tenn. Code Annotated, addresses changeable message signs and permits. Allowing existing City-designated non-conforming billboards to be replaced with changeable

[2] Title 54, Chapter 21, Section 54-21-103, Tenn. Code Annotated
[3] Ibid.

message (digital) signs as described in subsection (e) would be permitted by TDOT except for signs that TDOT considered non-conforming under the statute. This subsection reads as follows:

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising devise or in any nonconforming location.

Once the code is changed to allow for a standard billboard to be replaced with a digital sign, or electronic message display, it may no longer be considered a non-conforming use. It would be eligible to be replaced with a digital sign because the state statute allows for the replacement of existing, TDOT-permitted conforming billboards. Only legally permitted, conforming billboards may be replaced with digital signs.

Most billboard signs are located along state roadways. TDOT requires billboards to be within 660 feet of the roadway right-of-way of a state roadway.[4] Signs not along state roadways, such a South Water Avenue, North Water Avenue, and Blythe Street could be excluded from a provision to allow these signs to be converted to digital billboards. Under the City's current code, a non-conforming billboard along a state roadway cannot be replaced with a digital display sign. Under the current City Code changing any TDOT conforming billboard sign along a state roadway cannot occur unless they are replaced with a standard conforming sign without a digital display.

The statute (Tenn. Code Annotated Sec. 54-21-122 (a) (3)) includes a number of performance and design standards including:

- only permitting digital billboards at least 2000 feet apart, except for small (<100 sq. ft.) limited message signs,
- controls on brightness,
- establishing frequency of message changes at eight seconds for the minimum message change display time, and
- prohibiting video, continuous scrolling messages and animation.

The City should take precaution on how they approach this. The State Statutes (Tenn. Code Annotated, Section 13-7-208 (h) (Attachment 5) allows for certain-sized permitted billboards (Off-site signs) to be replaced and increased in size. If an electronic billboard is to be considered for a replacement billboard, then the Commission should consider back-dating the ordinance to prohibit oversized electronic billboards from replacing an existing-sized billboard. In other words, if the City considers allowing electronic billboards, an applicant may first request an increase in the size of an existing billboard as permitted by Section 13-7-208 (h) and then immediately remove the sign and place an electronic billboard in its place of a size much larger than the original billboard. The draft ordinance establishes an effective date when existing non-conforming billboards could not be increased in size and only the existing size of the billboard could be converted to a digital platform. The date needs to be determined by the Commission

[4] State roadways in Gallatin include US31 (SR6), SR 109, SR 386, SR 25 and SR 174.

and Council when a replacement billboard can be permitted. (See pages 13 and 14 of the draft ordinance.)

If the City wishes to permit electronic signs and billboards then there are several options that should be considered including:

1. Allowing digital on-premises (on-site) signs with restrictions - now currently prohibited,
2. Allowing off-site/billboards signs with digital displays as a permitted use,
3. Allowing off-premises (off-site) signs as a non-conforming use but permit them to be replaced with an electronic (digital) message sign with restrictions
4. Allowing on-premises signs to have digital display but continue to prohibit billboards, including digital billboards
5. Allowing digital signs, provided that they comply with the size requirements of code and prohibit any changes to non-conforming signs that do not comply with size requirements
6. Allowing changing a traditional billboard(s) to a digital billboard of an equal or lesser area and size to be considered a decrease in the non-conformity and, therefore, permissible.
7. If digital billboards are allowed, establish a time period when the non-conforming billboard must be removed through agreement with the owner/operators and successors or require the removal of other billboards in the community operated by the applicant or by using the incentive option.
8. Allowing only on-site digital signs but continue to prohibit billboards, then, later evaluate the impact of these signs and consider allowing digital billboards.

Digital signs that comply with the size and height limitation of the code provide an additional opportunity for advertising products or services offered by businesses. These types of displays, with regulations, could be allowed on signs now permitted in the City.

The potential for on-premises digital signs to cause a distraction to drivers and to adjacent property owners and residents may occur, but it may cause less of an impact than a digital billboard. Digital billboards likely will have a much greater impact on adjacent uses/properties, including any nearby residential properties, because of the height and increased brightness or illumination practices of these types of signs over existing billboard lighting.

Digital (electronic changeable message) signs, whether on-site or off-site signs, have been suspect in causing driver distraction and could pose a public safety risk. Since billboards are further from the street and usually not in the plane of sight for drivers, the distracting features of these signs may be greater than conventional on-site signs where the signs is placed in the plane of view of the driver. On-premises signs usually are closer to the roadway level. The City's on-site signs requirements limit sign height to eight feet which is within the plane of view of the driver when traveling along a roadway. However, this does not mean that a street level sign in the plane of view of the driver is less distracting than a billboard or a higher elevated sign. Rapidly changing signs or signs that change messages on a set time period, where drivers are tempted to scan for a change of message/copy, also create distractions, often for longer periods of time than conventional signs. In addition, the brightness of electronic signs can also draw attention away from the roadway and to the sign message.

The features and operations of electronic/digital signs may cause an increase in accidents or create road safety issues. Numerous studies have been conducted to analyze the impact that signs have on distracting drivers including the Wachtel Study in Maryland, the Kykken Study in Minnesota and the McMonagle Study in Michigan. In addition, a study conducted by Gloria Shepard of Virginia Tech, indicating that digital billboards caused no impacts on roadway safety, was discredited by a US District Judge in *Nichols Media Group, LLC v. Town of Babylon.* The US Supreme Court even determined "that billboards are intended to, and undoubtedly do, divert a driver's attention from the roadway." It is highly likely that much brighter digital billboards that frequently changes messages would be even more distracting.

The longer it takes one to read a message the more that the driver is distracted from the roadway. A series of messages can be even more distracting. This is known as the "Ziegarnik effect" (The psychological need to follow a task to its conclusion). To reduce this effect, message dwell time should be increased and a specific time period should be establish between message changes. The commission should consider requiring that messages have a minimum text size and limit the amount of text so that it is legible. Small text or text congestion may cause the driver to spend more time to decipher the message. Moving images are even more distracting.

Billboards are a non-conforming or a non-complying use in the city. Digital billboards also have a much greater value and cost than existing /traditional billboards. The general intent of the code is to eventually eliminate non-conforming uses/structures. It would be much more difficult and expensive to remove a digital billboard, than an existing/traditional billboard because of the increased value. With a much higher value, the ability to eliminate these signs by traditional means (buy-out or amortization) with public funds will be much more difficult and expensive for the community. The intent of the draft ordinance is to allow digital on-premises (on-site signs) but to continue to classify billboards, regardless of whether it is a traditional billboard or a digital billboard, as a non-conforming use. While on-premises electronic signs would be a permitted use, billboards would remain a non-conforming use.

At least one area community (Fayetteville, Tenn.) allows existing non-conforming billboards to be converted to a digital (electronic changeable message) billboards. They do not allow new billboards and only allow for the conversion of existing non-conforming billboards to digital billboards. If the City desires to keep billboards a non-conforming use, then consideration should be given to allow for the replacement of existing non-conforming billboards with digital billboards.

There are a number of provisions in the *Gallatin on the Move 2020* plan concerning signs that should be considered when determining whether or not to change the sign code. Sign codes should comply with the Community Design Component: Signage and the Community Designs Recommendations of the plan (Attachment 6) (pgs. 5-10, 5-17 and 5-25).

A Community Design objective of the plan is to:

> *"maintain aggressive sign regulations to limit uncontrolled, unattractive signage along commercial corridors and at city gateways." (Pages 6-7 and 6-18)*

The plan encourages development regulations that

- "limit the size/scale of signage to prevent visual clutter along a streetscape" (pg. 5-25),
- provides and maintains "an attractive built environment",
- "limit signs and billboards" in rural, residential and certain commercial corridors (pg.3-28, 3-37, 3-39),
- "establish… signage themes for commercial developments that are cohesive and attractive to pedestrians" (pg. 5-26),
- to ensure that "sign height, size, placement and type of materials should be compatible with the character of the area," particularly along Gateway and commercial corridors (Attachment 6), and
- "focus on appearance with appropriate signage, landscaping and other beautification measures"

(These policies (objectives) were written prior to all billboards being prohibited citywide.)

Many of the existing billboards are located along roadway corridors that are either gateways to the city (SR 109 and US 31E) or gateways to downtown.

As part of the community preference exercise conducted when developing the plan, the public indicated that "excessive signage along typical auto-oriented corridors" was the least preferred type of development pattern.

In addition, the City's Zoning Code, Article I, Sections 1.03.080, 1.03.090, and 1.03.140 describes the Intent and Purpose of the Zoning Regulations as they related to aesthetics which includes signs. These read as follows:

> *"To prohibit uses, building or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;"*
>
> *"To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder:"*

and

> *"to provide for the gradual elimination of those use of land, buildings and structures, and of those buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in the district."*

If the City were to approve digital signs and/or billboards, in one fashion or another, then any such sign or billboard erected could continue to exist until they are voluntarily removed or the City buys them out. Once approved, the City could not require that the sign be removed by

changing the ordinance back to prohibit these types of signs once they are permitted and installed.

Article 15, Section 15.07, subsection 15.07.010 allows for the amendment of the code "whenever the public necessity, convenience, and general welfare require such amendment." Subsection 15.07.020 authorizes the Mayor and Alderman, the Planning Commission or by an application of one or more property owners to initiate an amendment and subsection 15.07.040 and Tenn. Code Annotated Section 13-7-204 requires the Planning Commission to review and make a recommendation on all proposed amendments to the Zoning Code.

Since the City Council requested changes to the sign ordinance to consider digital or electronic/changeable message signs, the draft ordinance is written to permit these types of signs for both traditional on-premises signs and as a replacement for existing-size billboards (off-premises/off-site) signs.

The proposed ordinance includes:

- Making minor modifications to the Purpose and Intent of the sign code to encourage the removal of non-conforming signs
- Clarifying the Rationale, Applicability, Effect, and System for Regulation and Overall Use
- Modifying the Code, Compliance, Construction and Maintenance and Permits and Inspections provisions
- Amending or adding definitions in Article 13, Section 13.07, including the definitions for Brightness, Commercial zones, Mixed-use zones, off-site sign, and residential zones, and others,
- Identifying and/or changing the description of certain prohibited signs, exempt signs and temporary signs,
- Providing a new Subsection 13.07.061 to address the replacement of certain non-conforming off-site (billboard) signs with digital message displays with specific design standards and operating criteria
- Altering the general provisions for permanent on-premises signs in all zoning districts,
- Clarifying the performance standards for regulating glare and illumination of signs,
- Modifying the graphic exhibits establishing digital or electronic message design standards for free-standing signs including allowing the changeable copy portion of an on-premises sign, including digital signs, to be limited to 50% of the total sign area, except for replacement billboards, and including an incentive provision to encourage the removal of existing billboards when replaced with a digital billboard.
- Providing a new Subsection 13.07.110 establishing digital sign standards

This proposed change consists of a subjective issue that warrants careful consideration since it is a substantial change to the City's Zoning Ordinance that could affect the visual/aesthetic appearance of the City.

FINDINGS:

1. The text amendment is in agreement and consistent with the recommendations of the *Gallatin on the Move 2020* General Development and Transportation Plan.

2. The proposed text amendment has been reviewed by the Planning Commission as required by Tenn. Code Annotated §13-3-104, §13-3-301, §13-7-201 and §13-7-204 and Article 15, Section 15.07.040, Gallatin Zoning Ordinance.
3. Innovations and emerging technologies have allowed for the advertising industry to more effectively display product and services for clients and such technology and platforms offer greater opportunities for local businesses to advertise their products and services.
4. The proposed text amendment is necessary to accommodate newer technologies promulgated by the sign industry.
5. More businesses desire to apply advanced technologies which permits signs to change copy electronically to better convey products and services offered by such businesses.
6. Newer sign technologies may create adverse impacts to adjacent or area uses unless regulated in a reasonable manner.
7. The proposed text amendment will allow for businesses and individuals to more effectively advertise messages to benefit citizens and to promote economic development.
8. The proposed text amendments will provide for additional advertising opportunities without adversely affecting the aesthetics of the community, adversely affecting property values or creating significant distractions to vehicle operators or area property owners including minimizing visual clutter.
9. The legal purposes for which zoning regulations exist are not contravened.
10. There will not be an adverse effect upon adjoining property owners or any such adverse effect is justified by the public good or welfare.
11. No one property owner or small group of property owners will benefit materially from the code changes to the detriment of the general public.

RECOMMENDATION:

The Planning Commission recommends approval of Ordinance O1605-33.

ATTACHMENTS

Attachment 1	**Feb 18, 2013 Special Called Planning Commission meeting minutes**
Attachment 2	**Ordinance O1304-22 & Council minutes of October 15, 2013**
Attachment 3	**City Council/Planning Commission Work Session minutes of February 9, 2016**
Attachment 4	**Tenn. Code Annotated, Title 52, Chapter 21, Sections 101-122**
Attachment 5	**Tenn. Code Annotated, Title 13, Chapter 7, Section 208 (h)**
Attachment 6	**Gallatin on the Move 2020 Plan, Sign objective/policies**
Attachment 7	**GMRPC Resolution 2016-44**

I: ACTIVITIES & PROJECTS\Zoning Code Amendments\Zoning Ordinance Amendments\Sign Regulations Ordinance O1605-xx-\Item Staff Report to Council G.Z.O. Article 13, Section 13.07 Text Amendment (#3-1291-15) WM -5-10-16

ATTACHMENT 1

MINUTES OF THE GALLATIN
MUNICIPAL-REGIONAL PLANNING COMMISSION
SPECIAL-CALLED MEETING

February 18, 2013

MEMBERS PRESENT

Dick Dempsey, Chair
Johnny Wilson, Secretary
Mayor Jo Ann Graves
Dr. Rick Orgain
John Puryear

STAFF PRESENT

Katherine Schoch, Interim Director Codes/Planning
Jim Svoboda, Community Development Coord.
Denise Knight, Planner I
Marianne Mudrak, Board Secretary

MEMBERS ABSENT

James Robert Ramsey, Vice Chair
Councilman John D. Alexander

OTHERS

Josh Cross, *The News Examiner*
Paige Brown Strong, *Gallatin Chamber of Com.*

The Gallatin Municipal-Regional Planning Commission met in a special-called meeting on Monday, February 18, 2013, at 5:00 p.m., in the Dr. J. Deotha Malone Council Chambers of Gallatin City Hall. Mr. Dick Dempsey, Chair, called the meeting to order. A copy of the meeting agenda is attached to these minutes as Exhibit A.

Item 1: Discussion – PC0031-12 – Zoning Text Amendment – Gallatin Zoning Ordinance – Signage, Section 13.07 – City of Gallatin.

Chair Dempsey said this item cannot be on the next regular Planning Commission meeting because there is not enough time to advertise. Chair Dempsey asked if Staff has considered electronic signs. Chair Dempsey asked if this discussion should be delayed until there is a decision on electronic signs.

Mr. Jim Svoboda, Community Development Coordinator, said that electronic signs are now prohibited in the zoning ordinance. Mr. Svoboda suggested that the rest of the sign ordinance be discussed and it would be up to the Planning Commission to decide if they wanted to discuss the electronic signs now or after it has gone to City Council.

Chair Dempsey suggested that the ordinance should not be moved to City Council until a discussion is held on electronic signs.

Mr. Puryear said the discussion of electronic signs is a lot of information. Mr. Puryear said he likes the changes and wants to see them put into effect. Mr. Puryear suggested that any electronic sign changes could be made as an amendment at a later time.

Dr. Orgain asked why electronic signs were not discussed by the committee. Ms. Katherine Schoch, Interim Director Codes/Planning, said the committee did discuss electronic signs and it was decided to keep them prohibited.

Dr. Orgain asked Staff to get an expert on electronic signs to come in and speak to Planning Commission.

Mayor Graves said the City Attorney has attended seminars on electronic signs. Mayor Graves said it is difficult to write regulations narrow enough that would keep "loop holes" from happening and that would prevent electronic signs that are not what the Planning Commission want for Gallatin.

Mayor Graves suggested that the City Attorney address this issue to be sure the Planning Commission is comfortable with any changes.

Mr. Svoboda said this meeting is to be able to allow the Planning Commission to review the changes. Mr. Svoboda said Ms. Denise Knight, Planner I, has addressed the answers to questions previously posed by the Planning Commission. Mr. Svoboda said the Staff's recommendation is to leave electronic signs prohibited.

Mayor Graves said there was a lot of time spent discussing "inflatables". Ms. Knight said the "inflatables" are restricted to less than 18 inches in diameter and only on the weekends. Ms. Knight said tethered inflatable signs that extend above the roofline will not be permitted.

Mayor Graves said a lot of businesses use "inflatables" and it will be an issue. Ms. Knight said inflatables are currently prohibited and some flexibility has been made to allow them with restrictions. Mayor Graves said the several exceptions have made and allowances that are currently not permitted have been added to the new ordinance with restrictions. Ms. Knight said there is a misunderstanding with the public, believing that the City is taking away privileges when really more flexibility has been given.

Chair Dempsey asked Ms. Knight to go through the ordinance and briefly review the prohibited signs. Ms. Knight reviewed the prohibited signs in the proposed ordinance and the exceptions and restrictions of each in comparison with the current sign ordinance.

Mayor Graves asked about political signs. Ms. Knight said she would seek the advice of the City Attorney on these signs.

Chair Dempsey asked Staff to address lights that are around the windows of businesses, but were not a part of the submitted plan.

Chair Dempsey asked Ms. Knight to briefly review the signs listed on the handout. Ms. Knight reviewed the remaining signs on the table and discussed the new signs and regulations in the proposed ordinance in comparison with the current sign ordinance. A copy of all tables is attached along with Exhibit A.

Ms. Knight discussed monument signs. Mr. Svoboda added, freestanding signs are proposed to go to a monument style sign and the maximum height would be eight feet instead of the current 20 feet. Mr. Svoboda

said the proposed ordinance increases the allowance of signs from two street fronts to three street fronts. Ms. Knight said the lower sign height, and the smaller setbacks make the signs more visible.

Ms. Knight said she reviewed the ordinances in other cities, and Gallatin is very generous. Mayor Graves pointed out that the materials allowed for sign use is very lenient. Ms. Knight said extra height and square footage was given to multi-tenant signs. Dr. Orgain said he would be in favor of two shorter signs so that you can see the names of the businesses. Ms. Knight said the idea was to make the signs more legible. Chair Dempsey gave the example of the H.G. Hills shopping center, which is very long and could have more than one sign.

Ms. Knight said the signs would have to be 350 feet apart. Ms. Knight said the height allowance increases with the square footage of the development. Ms. Knight said she researched several cities and this is compatible with other cities.

Ms. Knight said she would like to clarify, that any signs existing would not have to be changed to meet the new sign ordinance. Ms. Knight said those signs are already existing will not have to be changed and are "grandfathered".

Chair Dempsey said the Planning Commission is comfortable with the ordinance, including multi-tenant signs. Chair Dempsey said the applicant can come in with an alternative plan.

Dr. Orgain asked if there is flexibility in approval of alternate plans. Mr. Svoboda said the Planning Commission as the authority to approve an alternate plan within the ordinance regulations. Mayor Graves clarified that Staff would not recommend an alternate plan. Mr. Svoboda said Staff may give an opinion, but Planning Commission must approve an alternate plan.

Chair Dempsey said he believes the ordinance should be recommended to City Council as presented, and if Council decides they would like to send this back to Planning Commission to reconsider electronic signs, that is their option.

Ms. Knight said she has had several other cities call and ask for this proposed sign ordinance. Ms. Knight said she feels that other cities would like to model their ordinance after Gallatin's Sign Ordinance.

Mr. Wilson congratulated Staff on the tremendous job they have done on this new sign ordinance. Mayor Graves reiterated that Staff, and in particular Ms. Knight, did a great job.

Ms. Knight said the ordinance must be reviewed by the City Attorney, and then it can be presented at a regular Planning Commission meeting for approval. Ms. Knight said this would probably appear on the March agenda.

Item 2: Adjourn

There being no further business, Chair Dempsey adjourned the meeting at 6:30 p.m.

Item 14

GMRPC 2013-18 – PC0031-12 – Zoning Text Amendment GZO Section 02.02 Definitions and Section 13.07 Sign Regulations – City of Gallatin - Public Comment – The City of Gallatin requests approval to amend the Gallatin Zoning Ordinance, Section 02.02; Definitions; and Section 13.07, Sign Regulations.

Ms. Denise Knight, Planner I, said the final draft is being presented for approval to send on to City Council.

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

Mr. Wilson motioned to recommend approval of the proposed text amendments to the Gallatin City Council. Dr. Orgain seconded the motion and the motion passed by unanimous vote.

Item 15

GMRPC 2013-13 – PC0089-13 – Hart Dental Office – Bruce Rainey & Associates – Applicant requests approval to amend the Preliminary Master Development Plan and approval of a Final Master Development Plan in order to add the Medical Service Use to the property located at 1189 Nashville Pike containing .069 (+/-) acres.

The item was deferred.

Item 16

GMRPC 2013 – PC0129-13 – Twin Eagles, Section 9A – Blue Ridge Surveying – Applicant requests approval of a final plat for Twin Eagles, Phase 9A, a major subdivision by moving a lot line and creating Section 9A which contains only 23 lots on 18.90 (+/-). Property is located on Osprey Drive and Brices Court.

This item was deferred.

Item 17

GMRPC 20131-36 – PC013-13 – I-HOP Restaurant – DP3 Architects – Applicant requests approval to amend the Preliminary Master Development Plan and revise the Final Mater Development Plan for the Kmart P.U.D. in order to add Food Service use and to revise the front architecture to Suite D located at 825-I Nashville Pike. Property contains 6.127 (+/-) acres.

Mr. Kalisz presented the staff report and said the applicant requests approval to amend the Preliminary Master Development Plan and revise the Final Master Development Plan for the Kmart P.U.D. in order to add the Food Service use and to revise the front architecture for Suite D.

Mr. Kalisz said the applicant has indicated a minor change to the front and side façade which would enhance the aesthetics of the project. Mr. Kalisz said the shape of the front façade will remain; however, the front and side facades would be enhanced by adding earth tone colors, stone and window treatments. Mr. Kalisz said the stone is tan and the other colors are muted.

ATTACHMENT 2

AMENDED ORDINANCE NO. O13Ø4-22

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.

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

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

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

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

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

Sign, Directory - See, Sign, Multi-Tenant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED FIRST READING: September 3, 2013.

PASSED SECOND READING: October 15, 2013.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

Public Recognition on Agenda Related Items

Mayor Graves opened public recognition on agenda related items. With no one wishing to speak, Mayor closed public recognition.

Mayor's Comments

Mayor commented on the following:

- Saturday, October 26th from 10:00 AM – 2:00 PM is "Drug Take Back" a drop off for unused or expired prescription medications at both Walgreens locations in Gallatin

- Saturday, October 26th from 9:00 AM – 2:00 PM is "Hazardous Household Waste" drop off at Volunteer State Community College and for more information contact the Sumner County Resource Authority

- Mayor Graves recognized the following departments and individuals for their GNRC Awards:

  - Katherine Schoch, Denise Knight, Ronnie Stiles and Nick Tuttle for the Planning, Engineering and Public Works Award

  - Billy Crook for the Public Safety Award

  - David Brown for the Tourism Award

Agenda

1. Ordinance #O1310-51 – Third Reading

Vice Mayor Alexander presented this ordinance to provide revenue for the City of Gallatin, Tennessee for Municipal purposes for the 2013 Tax Year and the 2014 Fiscal Year.

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

2. Ordinance #O1304-22 – Second Reading

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

Councilman Overton made motion to approve; Councilwoman Brackenbury seconded.

Councilman Overton made motion to amend the section in the Multi-Tenant Development Sign section to provide multi-tenant developments with 5 or more tenants but less than 65,000 square feet; Councilman Hayes seconded. Motion carried with 7 ayes and 0 nays.

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

3. **Ordinance #O1307-40 – Second Reading**

Councilwoman Brackenbury presented this 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.

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

4. **Ordinance #O1309-45 – Second Reading**

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

Mayor Graves stated this item has been requested to be deferred.

5. **Ordinance #O1309-48 – Second Reading**

Councilman Mayberry presented this ordinance appropriating additional funds in the amount of $1,000,000 for Natural Gas Line Extensions under existing contract "Contract 2012 Annual Natural Gas Line Construction".

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

6. **Ordinance #O1306-35 – First Reading**

Councilman Overton presented this ordinance appropriating funds received from Mid-Century Insurance Company for damage to a traffic signal cabinet on Long Hollow Pike.

ATTACHMENT 3

City of Gallatin
Special-Called Joint Meeting of the Gallatin City Council Committee
&
Municipal/Regional Planning Commission

Tuesday, February 9, 2016
Dr. J. Deotha Malone Council Chambers

PRESENT:

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

PRESENT:

Dick Dempsey
James Robert Ramsey
Rick Orgain
John Puryear
Johnny Wilson

OTHERS PRESENT:

Bill McCord, City Planner
Connie Kittrell, City Recorder
Susan High-McAuley, City Attorney
James Fenton, EDA Director

Denise Brown, Planner I
Gallatin News Reporter
News Examiner Reporter
Rosemary Bates, Special Projects Dir.

Mayor Brown called the meeting to order at 5:00 P.M.

Public Recognition

Mayor Brown opened public recognition.

Bill Rush with Lamar Signs requested consideration and support to convert their two billboards. Mr. Rush stated he was here tonight to answer any questions.

Greg Garretson, owner of Chik-fil-a at 101 North Belvedere Drive stated he wanted a level playing field; allow digital to all.

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

Agenda

1. **At the request of the City of Gallatin's Planning Commission, a joint meeting with City Council has been scheduled to discuss a proposal to amend Zoning Ordinance, Article 13.00 Performance and Design Standards, Section 13.07 Sign Regulations to permit digital signs and billboards. The amendment concerns whether to allow digital signs or automatic changeable message signs with restrictions and replacement of certain billboards.**

   City Planner Bill McCord referred to his staff report and highlighted information concerning different screens that are available today. Mr. McCord provided handouts on proposed changes for discussion. He also provided a PowerPoint presentation that offered much information on the digital signs/billboards.

   Mr. McCord also provided videos on different types of signs in other middle Tennessee cities.

   There was much discussion on allowing electronic signs/billboards with restrictions.

   Mr. McCord stated he prepared an ordinance earlier and presented it to the Planning Commission.

   Planning Commission member James Robert Ramsey stated this is a very complicated issue. Mr. Ramsey said this has to be fair to everyone. He said the Planning Commission needs information from Council on what they want or do not want and then they will bring something back to Council.

   Planning Commission member John Puryear referenced a Supreme Court case and the definition of a billboard or sign.

   City Attorney Susan High-McAuley agreed that there is a relatively new Supreme Court case that relates to content neutrality of signs. There is a question on enforcement and revamping the entire sign ordinance.

   Mr. McCord stated that based on some of the comments tonight he has a good idea of what Council wants to disqualify and tolerate from the ordinance. He

said that unless he gets specific guidance he will move forward with the present ordinance.

Council and Planning Commission continued to discuss.

Ms. High-McAuley stated there is a state statute on non-conforming signs.

Council allowed Derek Vandercook to speak without objection. (Mr. Vandercook owns a local sign store.)

Mr. Vandercook of 210 North Locust stated there needs to be clarity for on-site signage and off-site signage.

Discussion continued on not allowing new billboards and other issues concerning signs/billboards.

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

Adjourn

With no other business to discuss Mayor Brown adjourned the meeting at 5:53 P.M.

Mayor Paige Brown

Connie Kittrell, City Recorder

Dick Dempsey, Chairman

Johnny Wilson, Secretary

ATTACHMENT 4

LAWS

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Statutes > Tennessee > Title-54 > Chapter-21 > 54-21-102

54-21-102. Chapter definitions.

As used in the chapter:

(1) Adjacent area means that area within six hundred sixty feet (660') of the nearest edge of the right-of-way of interstate and primary highways and visible from the main traveled way of the interstate or primary highways;

(2) Changeable message sign means an off-premise advertising device that displays a series of messages at intervals by means of digital display or mechanical rotating panels;

(3) Commissioner means the commissioner of transportation;

(4) Customary maintenance means maintenance of a nonconforming outdoor advertising device, which may include, but shall not exceed, the replacement of the sign face and stringers in like materials, and the replacement in like materials of up to fifty percent (50%) of the device's poles, posts or other support structures; provided, that the replacement of any poles, posts or other support structures is limited to one (1) time within a twenty-four-month period;

(5) Destroyed means, with respect to a nonconforming outdoor advertising device, that more than fifty percent (50%) of the device's poles, posts or other support structures are damaged to the extent that they will no longer support the sign face;

(6) Digital display means a type of changeable message sign that displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels;

(7) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but does not apply to changes of copy treatment on existing outdoor advertising;

(8) Information center means an area or site established and maintained at a safety rest area for the purpose of informing the public of places of interest within this state and providing other information the commissioner may consider desirable;

ITEM

(9) Interstate system means that portion of the national system of interstate and defense highways, located within this state, as officially designated, or as may hereafter be designated, by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(10) Main traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. Main traveled way does not include such facilities as frontage roads, turning roadways, or parking areas;

(11) Nonconforming means an outdoor advertising device that does not conform to the zoning, size, lighting or spacing criteria established by and in accordance with either the current agreement entered into between the commissioner and the secretary of transportation of the United States, or in accordance with the original agreement entered into on or about November 11, 1971, as authorized in § 54-21-116. Any outdoor advertising device that continues to conform to either the current agreement or the original agreement as provided in § 54-21-116 shall not be considered nonconforming;

(12) Outdoor advertising means any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster, billboard or other thing that is used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main traveled way of the state, interstate, or primary highway systems;

(13) Person means and includes an individual, a partnership, an association, a corporation, or other entity;

(14) Primary system means that portion of connected main highways, located within this state, as officially designated, or as may hereafter be designated by the commissioner, and approved by the secretary of transportation of the United States, pursuant to title 23 of the United States Code;

(15) Safety rest area means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public;

(16) State system means that portion of highways located within this state, as officially designated, or as may hereafter be designated by the commissioner; and

(17) Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

[Acts 1972, ch. 655, § 2; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2602; Acts 1980, ch. 470, §§ 1, 2; 2007, ch. 76, § 1; 2007, ch. 427, §§ 1, 2; 2008, ch. 1155, § 1.]

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Statutes > Tennessee > Title-54 > Chapter-21 > 54-21-103

54-21-103. Restrictions on outdoor advertising on interstate and primary highways.

No outdoor advertising shall be erected or maintained within six hundred sixty feet (660¢) of the nearest edge of the right-of-way and visible from the main traveled way of the interstate or primary highway systems in this state except the following:

(1) Directional or other official signs and notices including, but not limited to, signs and notices pertaining to natural wonders, scenic and historical attractions that are authorized or required by law;

(2) Signs, displays and devices advertising the sale or lease of property on which they are located;

(3) Signs, displays and devices advertising activities conducted on the property on which they are located;

(4) Signs, displays and devices located in areas that are zoned industrial or commercial under authority of law and whose size, lighting and spacing are consistent with customary use as determined by agreement between the state and the secretary of transportation of the United States; and

(5) Signs, displays and devices located in unzoned commercial or industrial areas as may be determined by agreement between the state and the secretary of transportation of the United States and subject to regulations promulgated by the commissioner.

[Acts 1972, ch. 655, § 3; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2603; Acts 1980, ch. 470, § 2.]

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54-21-105. Failure to comply with § 54-21-104 Effect.

(a) (1) Any person, either owner or lessee, of any outdoor advertising who has failed to act in accordance with § 54-21-104 shall remove the outdoor advertising immediately.

(2) Failure to remove the outdoor advertising shall render the outdoor advertising a public nuisance and subject to immediate disposal, removal or destruction.

(3) In addition, the failure constitutes a Class C misdemeanor. Each separate day of violation constitutes a separate offense.

(4) In addition, or in lieu of subdivisions (a)(1)(3), the commissioner may enter upon any property on which outdoor advertising is located and dispose of, remove, or destroy the outdoor advertising, all without incurring any liability for those actions.

(b) Prior to invoking the provisions of this section, the commissioner shall give notice either by certified mail or by personal service to the owner of the sign, or occupant of the land on which the advertising structure is located. The notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action that is required to correct the unlawfulness and shall advise that a failure to take the remedial action within thirty (30) days shall result in the sign being removed. For good cause shown, the commissioner may extend the thirty-day period for remedial action for up to an additional one hundred fifty (150) days, so long as all advertising content is removed from the unlawful device within the thirty-day period. If advertising content is placed on the device during any extended period, the device may be immediately removed by the commissioner without further notice. The owner of the structures shall be liable to the state for damages equal to three (3) times the cost of removal, in addition to any other applicable fees, costs or damages, but the owner of the land on which the sign is located shall not be presumed to be the owner of the sign simply because it is on the owner's property

(c) (1) In addition to any other action authorized in this section, the commissioner shall not issue or transfer any outdoor advertising permits or tags, or issue annual renewal permits for any existing outdoor advertising devices, subject to the limitations set forth in subdivision (c)(5), to any person who has erected a new outdoor advertising device at a new location without first

obtaining a permit and tag as required under § 54-21-104, or issue any permits or tags to any other person acting in affiliation with that person, until either

(A) The person has removed the unlawful outdoor advertising device within the time period established in the notice given by the department, or any extension of that time period, as provided in subsection (b); or

(B) In the event the department has removed the device, the person has made full payment to the department in the amount of three (3) times the cost of removal, as well as payment of any other fees, costs or damages, as provided in subsection (b).

(2) Solely for the purpose of applying and enforcing the sanctions established in this subsection (c):

(A) Acting in affiliation with means any person who, with respect to any violation or request for a permit or tag, or both, as described in subdivision (c)(1), acts in concert with or under the direct or indirect control of, or who has the power to control, any person who has erected an outdoor advertising device in violation of this subsection (c);

(B) New outdoor advertising device means any outdoor advertising device erected on or after April 1, 2009; and

(C) New location means any location adjacent to a highway on the interstate system or primary system and subject to regulation by the department as provided in this chapter for which the person erecting an outdoor advertising device does not then possess a current permit issued by the department for each sign face of the device; provided, however, that the sanctions established in this subsection (c) shall not apply if the person erecting a new outdoor advertising device then possesses a current permit from the department for each sign face of the device at a different location on the same side and at the same log mile of the highway where the new device is erected, but the person either has failed to erect the device at the actual permitted location or has removed a device from the permitted location.

(3) This subsection (c) shall not apply to any existing outdoor advertising device that, at the time it was erected, did not require a permit from the department under this chapter, even though the device may subsequently require a permit from the department due to changed conditions at the location or within the vicinity of the device.

(4) The additional sanctions provided in this subsection (c) shall not apply to a person who purchases an unlawful outdoor advertising device subsequent to its erection, so long as the person purchasing the device did not erect the device or act in affiliation with the person who erected the device.

(5) (A) The commissioner shall not apply this subsection (c) as cause for refusing to issue an annual renewal permit to any person prior to the expiration of one hundred eighty (180) days from the date of initial notice of violation given to the person pursuant to subsection (b).

(B) Under this subsection (c), nonrenewal of any person's existing permits for outdoor advertising devices shall be applied on a graduated basis based on the number of violations as provided in this subdivision (c)(5)(B) Each separate outdoor advertising structure erected without a permit shall be considered a separate violation. The department shall choose, in its absolute discretion, which existing permits shall be subject to nonrenewal and voiding.

(i) For the first violation of erecting an outdoor advertising device without a permit, the person shall forfeit the same number of permits as the number of unlawful sign faces on the unpermitted device: i.e., one (1) permit for one (1) unlawful sign face, two (2) permits for two (2) unlawful sign faces, etc.;

(ii) For the second violation, the person shall forfeit twice the number of permits as the number of unlawful sign faces on the unpermitted device; and

(iii) For the third and any subsequent violation, the person shall forfeit four (4) times the number of permits as the number of unlawful sign faces on the unpermitted device.

(6) In the event that an existing outdoor advertising device is not issued an annual renewal permit in accordance with this subsection (c), after notice has been given in accordance with subsection (b), the permit for the existing device shall be voided, subject to the opportunity for a contested case hearing in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the device shall be subject to removal as an unlawful outdoor advertising device by any means authorized in § 54-21-105.

(7) All gross revenues received or payable from the operation of any outdoor advertising device erected without first obtaining a permit as required under § 54-21-104 are subject to being forfeited to the state and placed in the highway fund for the administration of this chapter or any other purpose authorized under § 54-21-106. For the enforcement of this subdivision (c)(7), the department may file a petition in the chancery court for the county in which the unlawful outdoor advertising device is or was located or in the county where the person erecting the device resides. In such case, the jurisdiction of the chancery court shall be limited solely to the authority to issue appropriate orders for the enforcement of this subdivision (c)(7), including, without limitation, the authority to establish a constructive trust for an accounting and receipt of revenues obtained from the operation of the unlawful outdoor advertising device.

(8) This subsection (c) shall be construed to accomplish the purposes of this section both to deter unlawful conduct and to prevent any person from benefitting from unlawful conduct or evading the sanctions authorized in this subsection (c). The sanctions authorized in subsection (c) shall not be construed to apply in any circumstance other than as expressly authorized by the general assembly in this subsection (c).

(d) Notwithstanding any other law to the contrary, in any case or controversy arising from any regulatory or enforcement action taken by the commissioner or department under § 54-21-105 or this chapter, wherein any cause of action, claim, counterclaim, cross-claim or any other claim or request for remedy whatsoever is asserted against the state, the commissioner, the department or any official or employee thereof, jurisdiction shall be vested exclusively in the chancery court for Davidson County; provided, that any contested case hearing with respect to the issuance, denial, nonrenewal or voiding of any outdoor advertising permit shall remain under the jurisdiction of the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(e) It shall be no defense to any enforcement action taken under § 54-21-105 that the person who erects or operates an outdoor advertising device without first obtaining a permit and tag as required under § 54-21-104 may then have a pending contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in which the person's entitlement to a permit for the outdoor advertising device is at issue.

[Acts 1972, ch. 655, § 5; impl. am. Acts 1972, ch. 829, § 7; T.C.A., § 54-2605; Acts 1980, ch. 470, § 2; 1990, ch. 936, § 1; 2009, ch. 451, §§ 2, 3.]

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54-21-109. Restrictions on advertising adjacent to state highways.

(a) Control of outdoor advertising signs, displays and devices is extended to signs, displays and devices located beyond six hundred sixty feet (660¢) of the edge of the right-of-way of the federal-aid interstate or primary systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of the systems. The signs, displays or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed under existing law within six hundred sixty feet (660¢) of the edge of the right-of-way of the systems outside of commercial or industrial areas.

(b) Those outdoor advertising signs, displays or devices lawfully erected prior to July 1, 1976, but prohibited as of July 1, 1976, by subsection (a) shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within six hundred sixty feet (660¢) of the edge of the right-of-way of the federal-aid interstate and primary systems outside of commercial and industrial areas.

(c) Signs lawfully in existence on October 22, 1965, determined by the commissioner, subject to the concurrence of the secretary of transportation of the United States, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed.

[Acts 1976, ch. 740, § 1, T.C.A., § 54-2609; Acts 1980, ch. 470, § 2.]

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54-21-121. Restrictions on new outdoor advertising devices.

(a) After July 1, 2001, no permits shall be issued pursuant to this chapter for any new outdoor advertising device in which two (2) or more displays are stacked one (1) above the other. Outdoor advertising devices with two (2) or more displays stacked one (1) above the other that were legally erected on or before July 1, 2001, shall be unaffected by this subsection (a).

(b) The holder of a legal permit under subsection (a) may move the device to a new location, if that location is otherwise eligible for a permit.

[Acts 2001, ch. 357, § 1; 2007, ch. 427, § 9.]

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54-21-122. Changeable message signs.

(a) Changeable message signs may be double faced, back to back or V- type signs.

(b) Changeable message signs with a digital display that meet all other requirements pursuant to this chapter are permissible subject to the following restrictions:

(1) The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds;

(2) Video, continuous scrolling messages and animation are prohibited; and

(3) The minimum spacing of the changeable message signs with a digital display on the interstate system or controlled access highways is two thousand feet (2,000¢); provided, however, that an outdoor advertising device that uses only a small digital display, not to exceed one hundred square feet (100 sq. ft.) in total area, to give public information, such as time, date, temperature or weather, or to provide the price of a product, the amount of a lottery prize or similar numerical information supplementing the content of a message otherwise displayed on the sign face shall not be subject to the minimum spacing requirement established in this subdivision (b)(3), or to any application for a specific digital display permit or permit addendum as established in subsections (c) and (d), or to any fee for a permit addendum as established in § 54-21-104(b).

(c) No person shall erect, operate, use or maintain a changeable message sign with a digital display in a new location without first obtaining a permit and tag expressly authorizing a changeable message sign with a digital display, and annually renewing the permit and tag, as provided in § 54-21-104 No outdoor advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required to obtain any additional permit under this subsection (c)

(d) No person shall erect, operate, use or maintain a changeable message sign with a digital display in place of or as an addition to any existing permitted outdoor advertising device without first obtaining, and annually renewing with the permit, an addendum to the permit expressly authorizing a changeable message sign with a digital display in that location. No outdoor

advertising device with a digital display lawfully permitted, erected and in operation prior to June 1, 2008, shall be required to obtain any addendum under this subsection (d).

(e) The commissioner shall under no circumstances permit or authorize any person to erect, operate, use or maintain a changeable message sign of any type as a replacement for or as an addition to any nonconforming outdoor advertising device or in any nonconforming location.

Non-conforming per the State's requirements

(f) Notwithstanding any other state law or regulation to the contrary, a person who is granted a permit or an addendum to a permit authorizing a changeable message sign with a digital display in accordance with subsection (c) or (d) shall have up to, but no more than, one hundred eighty (180) calendar days after the date on which the permit or addendum is granted within which to erect and begin displaying an outdoor advertising message on the changeable message sign. If the permitted or authorized changeable message sign with a digital display is not erected and displaying a message within this required time, the permit or addendum to the permit shall be revoked and the changeable message sign with the digital display shall be removed by the applicant or subject to removal by the commissioner as provided in § 54-21-105.

*Changed by State Statute in Spring 2016

(g) Any application for a permit or addendum for a digital display as described in this section may be made using the form for an application for permit for an outdoor advertising device existing on June 1, 2008, until a separate form is available.

[Acts 2007, ch. 76, § 2; 2008, ch. 1155, §§ 3, 4.]

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ATTACHMENT 5

Tenn. Code Ann. § 13-7-208

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*** Current through the 2015 Regular Session ***

Title 13 Public Planning And Housing
Chapter 7 Zoning
Part 2 Municipal Zoning

Tenn. Code Ann. § 13-7-208 (2015)

13-7-208. Enforcement of ordinances -- Remedies -- Applicability of provisions.

(a) (1) The chief legislative body may provide for the enforcement of any ordinance enacted under this part and part 3 of this chapter. A violation of any such ordinance is a Class C misdemeanor.

(2) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance enacted under this part and part 3 of this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.

(b) (1) In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions, and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.

(2) When the use permitted to continue to expand, or to be rebuilt pursuant to any subsection of this section is an off-premises sign, such use shall not preclude any new or additional conforming use or structure on the property on which the sign structure is located or on any adjacent property under the same ownership; provided, however, that any such new or additional use or structure does not result in any violations of the applicable zoning restrictions other than those nonconformities associated with the off-premises sign as allowed under this subdivision (b)(2).

(c) Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a

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

(d) (1) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(2) (A) Multifamily residential establishments, whether used as owner-occupied property or rental property, which were permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily residential establishment subsequent to the zoning change, in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster.

(B) If any such new facilities exceed the original height, density, setback, or square-footage of the original facilities in existence immediately prior to the damage, then the new facilities shall constitute a change in the use of the land, and any protections provided hereunder shall be forfeited.

(C) If any such new facilities do not exceed the original height, density, setback, or square-footage of the original facilities in existence immediately prior to the damage, then the new facilities shall constitute a continuation of the use of the land immediately prior to the damage, and any protections provided hereunder shall not be forfeited.

(D) Whenever any ordinance enacted under authority of this chapter establishes stricter terms regarding the amount of partial damage that may be allowed without forfeiture of these protections, then the provisions of any such ordinance shall govern.

(E) New facilities shall comply with all architectural design standards required under current zoning regulations and be consistent with the architectural context of the immediate and adjacent block faces.

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

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

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

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

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

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

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

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

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

standard 8-sheet poster;

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

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

(4) Any standard bulletin shall not be expanded to a size greater than any super bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of sixteen feet (16') to twenty feet (20') in height and sixty feet (60') in width;

(5) Any super bulletin shall not be expanded;

(6) Any off-site sign with a height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than one hundred percent (100%) of its surface area; or

(7) Any operation, rebuilding, or expansion of an off-site sign that has been in existence for ten (10) years or more shall not be denied solely on the basis that the original permit for the sign does not exist to prove that it was a lawful use when constructed.

(i) Notwithstanding subsection (d), 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, provided that this subsection (i) shall not apply to off-site signs.

(j) Subsections (g), (h) and (i) do not apply to any home rule municipality; provided, however, that subject to the approval of the local legislative body, a home rule municipality may opt into these subsections.

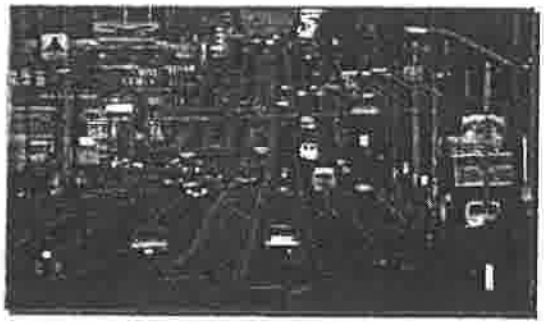
(k) Notwithstanding subsections (a)-(i), subsection (g) shall not apply to any industrial establishment location where twenty-five percent (25%) or more of the gross annual sales from such location are derived from sales to or contracts with Local, state or federal governments or as a subcontractor to contracts with local, state or federal governments, or to any industrial establishment location where seventy-five percent (75%) or more of the gross annual sales from the location are made to agriculture or construction businesses.

(l) **(1)** As used in this subsection (*l*):

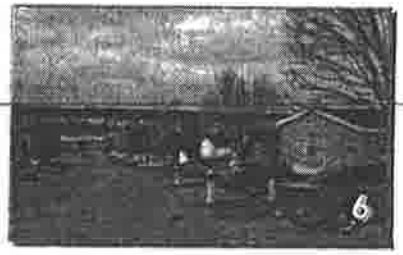
(A) "Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development; and

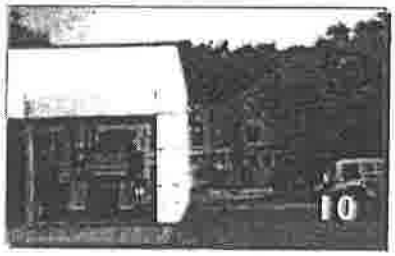
Least Preferred

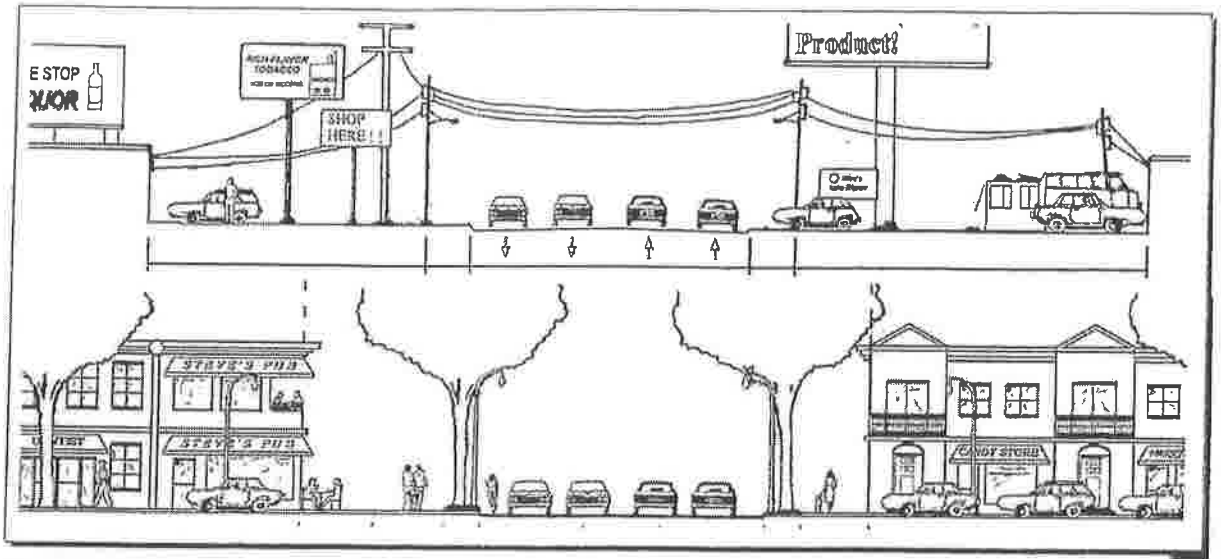
Least preferred commercial images tended to portray strip commercial shopping centers (many of which have become dated and underutilized), large parking lots void of trees and landscaping, and images of areas with incompatible land uses. The least favorite overall image was the "Sprawl Corridor" image from the Transportation section. This image showed a typical suburban auto-oriented corridor lined with excessive signage, a web of utility wires and polls, and one-story single-use commercial buildings with parking visible.



Least preferred overall image from the Community Character Survey







Source: City of Atlanta

Commercial Corridors have over time become more like the top image with deep setbacks to allow for parking in front of the buildings, overhead utilities, limited landscaping and a proliferation of pole-mounted signage and billboards. In contrast, quality commercial corridors should include a mix of uses built to accodate a variety of transportation options and provide for a pleaseant pedestrian experience.

physical enhancements so that the corridor does not become just another commercial strip. In addition, corridors should be organized in a nodal fashion with nodal commercial/mixed use development opportunities at intersections with major streets and new secondary roads. Areas between these development nodes along the corridor provide opportunities for development of higher intensity residential uses that would create more housing choices for the City that are in proximity to commercial areas and major transportation arteries.

Corridors should provide a pedestrian-friendly environment with wide sidewalks and bicycle lanes when possible. In urban areas, landscaping buffers, buildings placed closer to the street and parking to the rear of the building. In suburban areas, sidewalks should be included along all corridors and provided at a safe distance from the edge of pavement.

Increase landscaping is needed along most of the City's corridors, including in and along parking lots to provide shade, reduce impervious surfaces, shield parking areas, and improve the appearance of individual sites and the entire corridor.

Community Design Component: Signage

The design and placement of signage graphics on buildings and along the streetscape contributes to the character of the community and influences the public's perception of a community. Standardized design regulations for the types, sizes, lighting and placement of commercial identification signage brings order to commercial and industrial districts, reduces clutter and distracting elements along the streetscape and ensures that signage graphics are appropriate for the surroundings in which they are located. Standardized design regulations should, however, be sensitive to the character of the community. For example, design standards for Downtown should be developed specific to the needs of a walkable, urban center.

- *Encourage the inclusion of public art in mixed-use and commercial developments to enhance public spaces and the view from public rights of way*
- *Require screening of mechanical equipment, dumpster/refuse/recycling containers and other unsightly infrastructure. Design of screening elements should be integral to architectural character*
- *Encourage architectural elements that provide shade and shelter from rain to be subtle and integrated into building architecture and character*
- *Require outdoor site and building lighting to be designed to limit glare onto adjacent properties*

Landscape Design Policies and Recommendations

- *Encourage landscape planting choices that maximize the seasonal color effect*
- *Encourage landscape design that is appropriate to the development context, whether urban, suburban or rural in character*
- *Encourage the use of native vegetation in landscape planning*
- *Encourage low maintenance and low water use landscape planting strategies*
- *Strongly encourage preservation of mature trees for incorporation into new landscape designs*
- *Strongly encourage the use of irrigation systems in new developments*

Signage

- *Require signage design and placement to be compatible with building architectural design*
- *Encourage grouping of signs for commercial centers onto monuments that are designed to be compatible with building and landscape architecture*
- *Regularly update and enhance ordinances that regulate the design, size and placement of signs*
- *Limit size/scale of signage to prevent visual clutter along a streetscape*

Streetscape Design

- *Design streets and pedestrian paths to provide visually attractive connections throughout Gallatin*
- *Enhance major streets (whether as boulevards, avenues or otherwise) with features such as gateway monuments, street trees, median plantings, pedestrian lighting, wide sidewalks, poles and mast arms (painted black), decorative paving and public art or sculpture placements*

ATTACHMENT 7

GMRPC Resolution No. 2016-44

A RESOLUTION OF THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO THE GALLATIN CITY COUNCIL OF ORDINANCE NO. O15XX-XX, AMENDING THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE ARTICLE 2, DEFINITIONS AND ARTICLE 13.00 PERFORMANCE AND DESIGN STANDARDS, SECTION 13.07 SIGN REGULATIONS – (3-1291-15)

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the text amendments request submitted by the applicant, City of Gallatin Planning Department, at its regular meeting on November 23, 2015; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION reviewed the application materials and supporting documentation submitted by the Planning Department, 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, §13-4-102, § 13-3-104, §13-3-301 and §13-7-202:

1. The United States Supreme Court decided in the case of *Reed v. Town of Gilbert* that signs must be content neutral and undergo strict scrutiny of review to protect free speech rights.

2. The proposed zoning code text amendments are necessary to comply with recent court decisions and to accommodate newer technologies promulgated by the sign industry.

3. The text amendments are in agreement and consistent with the recommendations of the General Development and Transportation Plan.

4. The proposed sign code amendments will provide for additional advertising opportunities without adversely affecting the aesthetics of the community or adversely affecting property values or creating distractions to vehicle operators.

5. More businesses desire to apply advanced technology which permits signs to change copy electronically to better convey messages about products and services offered by such businesses

6. The legal purposes for which zoning regulations exists are not contravened.

ATTACHMENT 7

7. 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 amendment to Article 13, Section 13.07, Gallatin Zoning Ordinance to the Gallatin City Council as indicated in Exhibit 'A'.

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: 4/25/2016

Dick Dempsey

Dick Dempsey, Chairman

Johnny Wilson

Johnny Wilson, Secretary

APPROVED AS TO FORM:

Susan High-McAuley

SUSAN HIGH MCAULEY
CITY ATTORNEY

Attachment - Exhibit 'A' – Ordinance O16XX-XX Amending Article 13.00 Performance and Design Standards, Section 13.07, Sign Regulations

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #6**

SUBJECT:
Ordinance #O1605-34 of the City of Gallatin, Sumner County, Tennessee, approving an Amended Preliminary Master Development Plan for Bakers Crossing, The Forza Group development on an 8.15 (+/-) acre parcel.

SUMMARY:
The owner and applicant is requesting approval of an Ordinance to Amend the Preliminary Master Development Plan for Bakers Crossing and authorizing the revision to be indicated on the official zoning atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date, (S.B.E. Tax Map 125M, Group A, portion of Parcel 001.00). The Forza Group proposes to construct two (2) hotels and conference center, general retail, a restaurant and office buildings in three (3) phases on an 8.15 (+/-) acre parcel zoned Mixed Use (MU), located on Tulip Poplar Drive between Nashville Pike and North Belvedere Drive Transient Habitation, General Retail Sales and Service, Food Service and Financial, Consulting, and Administrative are permitted uses in the MU zoned district.

On April 25, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2016-57. (PC File 3-1697-16)

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O16Ø5-34

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING AN AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR BAKERS CROSSING, THE FORZA GROUP, AUTHORIZING THE REVISION TO THE PMDP TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property submitted a complete application for the Bakers Crossing, The Forza Group Amended Preliminary Master Development Plan on an 8.15 (+/-) acre parcel (Tax Map 125M, Group A, portion of Parcel 001.00) located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located on Tulip Poplar Drive between Nashville Pike and North Belvedere Drive and is zoned Mixed Use (MU); and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the Bakers Crossing, The Forza Group Amended Preliminary Master Development Plan in GMRPC Resolution No. 2016-57; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tenn. Code Ann. Section 13-7-203; and

WHEREAS, The City Council has approved by majority vote of the members present the Amended PMDP request of the described property.

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

Section 1. The City Council of the City of Gallatin does hereby approve the Amended Preliminary Master Development Plan as described in Exhibit 'A'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area indicating the revised Preliminary Master Development Plan.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

The Amended Preliminary Master Development Plan for Bakers Crossing, The Forza Group, consists of an eight (8) sheet plan, prepared by Arnold Consulting Engineering Services, Inc. of Bowling Green, Ky., with Job No. L6156 and dated April 14, 2016 and the Architectural Elevations, consisting of a two (2) sheet plan, prepared by Integrity Design of Bridgeville, Pa., dated received April 14, 2016 with the following conditions:

1. Obtain an easement from adjacent property owners to the east to use a driveway located to the east property boundary or obtain the driveway and construct and convey the driveway as a public right-of-way or private roadway and provide an access easement over the south service drive to the property owners along the southerly property boundary.
2. Correct the conceptual sign detail to reflect the maximum height of 12'-0" and maximum sign coverage of 120 square feet for multi-tenant signs.
3. Correct the conceptual sign detail to reflect the maximum height of 8'-0" and maximum sign coverage is 30 square feet (15 square feet on each face, if double sided) for monument signs.
4. Submit five (5) corrected and folded copies, of the Preliminary Master Development Plan for Bakers Crossing, the Forza Group, including one (1) full size and four (4) half size copies to the Planning Department.

PLANNING DEPARTMENT STAFF REPORT

Amended Preliminary Master Development Plan for Bakers Crossing (PC 3-1697-16)
Located on Tulip Poplar Drive between Nashville Pike and North Belvedere Drive
Date: May 4, 2016

REQUEST: OWNER AND APPLICANT REQUESTS APPROVAL OF AN AMENDMENT TO THE PRELIMINARY MASTER DEVELOPMENT PLAN FOR BAKERS CROSSING. THE FORZA GROUP PROPOSES TO CONSTRUCT TWO (2) HOTELS AND CONFERENCE CENTER, GENERAL RETAIL, A RESTAURANT AND OFFICE BUILDINGS IN THREE (3) PHASES, ON AN 8.15 (+/-) ACRE PARCEL, LOCATED ON TULIP POPLAR DRIVE BETWEEN NASHVILLE PIKE AND NORTH BELVEDERE DRIVE.

OWNER:	**DAV CONSTRUCTION, THE FORZA GROUP**
APPLICANT:	**ARNOLD CONSULTING ENGINEERING SERVICES, INC.**
STAFF RECOMMENDATION:	**RECOMMEND APPROVAL OF ORDINANCE NO. O1605-34**
STAFF CONTACT:	**ROBERT J. KALISZ**
PLANNING COMMISSION DATE:	**APRIL 25, 2016**
CITY COUNCIL COMMITTEE DATE:	**MAY 10, 2016**

PROPERTY OVERVIEW: The owner and applicant requests approval of an amendment to the Preliminary Master Development Plan for Bakers Crossing. The Forza Group proposes to construct two (2) hotels and conference center, general retail, a restaurant and office buildings in three (3) phases, on an 8.15 (+/-) acre parcel (Tax Map 125M, Group A, portion of Parcel 001.00). The property is zoned as Mixed Use (MU). Transient Habitation, General Retail Sales and Service, Food Service and Financial, Consulting, and Administrative are permitted uses in the MU zoned district. (Attachment 1 and Attachment 2)

The architectural elevations for the building do not meet the Basic Design Criteria of the Gallatin Zoning Ordinance, Section 13.08.010.A, *Materials,* since the building is shown to be constructed with a mixture of brick veneer and E.I.F.S. materials and does not contain the required 70 percent brick or stone on each building facade (Attachment 2). The owner and applicant requested approval of a conceptual Alternative Architectural Plan. The Planning Commission determined the proposed plan meets the requirements of Section 13.08.010.D, Gallatin Zoning Ordinance.

The owner and applicant requested approval of an Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative landscaping plan is acceptable and meets the intent of the Gallatin Zoning Ordinance.

The owner and applicant requested an adjustment for mixed use developments per Gallatin Zoning Ordinance Section 11.05 *Adjustment for Mixed Use Development.*

The Planning Commission determined the proposed parking meets the requirements in Section 11.05.050 of the Gallatin Zoning Ordinance.

The owner and applicant requested a variance from the required Maximum Building Setback Line (M.B.S.L.) along Tulip Poplar Drive. The zoning ordinance requires a 30 foot setback while the plan indicates setbacks as much as eleven (11) feet for buildings along Tulip Poplar Drive. As part of the amended plan, the Planning Commission granted the variance from the required Maximum Building Setback Line (M.B.S.L.) along Tulip Poplar Drive.

CASE BACKGROUND:

Property History and Previous Approvals

On September 25, 2006, the Planning Commission recommended approval of a rezoning with a Preliminary Master Development Plan for Baker's Crossing (PC File 3-23-06). This rezoned 37.72 (+/-) acres from Residential-20 (R20), Commercial Services (CS) and Commercial General (CG) to Mixed Use (MU), and also amended the Preliminary Master Development Plan for the five (5) lots fronting on Nashville Pike, 1208, 1212, 1214, and 1216 Nashville Pike, to accommodate the proposed extension of Tulip Poplar Drive. The rezoning with the Preliminary Master Development Plan for Baker's Crossing passed 2nd Reading at the November 21, 2006 City Council meeting (Ordinance No. O0610-073).

On August 27, 2007, the Planning Commission recommended approval of a Final Master Development Plan for Commerce Union Bank for the corner of Nashville Pike (U.S. Hwy 31) and Tulip Poplar Drive (PC File 8-39-07). Bakers Crossing Lots 1 and 2 was also approved a final plat which established the west 450 feet of Tulip Poplar Drive (P.B. 25, Pg. 208).

The final plat for Bakers Crossing Phase 2 was approved in 2012. This plat only platted Tulip Poplar Drive from just west of Belvedere Drive to just north of Nashville Pike and did not include any properties adjacent to the road (P.B. 27, Pg. 181-183).

On October 29, 2008, the Planning Commission recommended amending the Preliminary Master Development Plan for Baker's Crossing (PC File 3-23-06) to construct 290 multi-family units and change the building locations. The Amended Preliminary Master Development Plan passed 2nd reading at the November 3, 2008 City Council meeting (Ordinance No. O0810-68).

On August 22, 2011, the Planning Commission approved a minor amendment to the Preliminary Master Development Plan for Bakers Crossing-Tennessee Hills (PC9856-11) to construct 252 multi-family units and change the building locations (Attachment 3).

DISCUSSION:

Major or Minor Amendment

The Planning Commission voted to consider the amendment to the PMDP as a major amendment, due to change in the mixture of land uses, reduction in approved open

spaces, landscaping and bufferyards, changes to access circulation, and changes to approved architecture or site design features of the development.

Proposed Development
The owner and applicant requests approval of an amendment to the Preliminary Master Development Plan for Bakers Crossing to construct two (2) hotels and conference center, general retail, a restaurant and office buildings in three (3) phases, on an 8.15 (+/-) acre parcel.

Project Phasing
The Amended Preliminary Master Development Plan indicates Phase 1 as joint 99 room hotel, restaurant and conference center, and parking area. Phase 2 is shown as three (3) general retail buildings, one (1) combination of general retail and restaurant building, and one (1) office building. Phase 3 is shown as future hotel with 99 rooms. The owner and applicant will be required to submit a Final Master Development Plan to the Planning Commission for review and approval of each phase prior to the issuance of any building permits. The owner submitted a construction/development schedule for the Baker Crossing Development (Attachment 4).

The owner and applicant requested a variance from the required Maximum Building Setback Line (M.B.S.L.) along Tulip Poplar Drive. The zoning ordinance requires a 30 foot setback while the plan indicates setbacks as much as eleven (11) feet for buildings along Tulip Poplar Drive. The Planning Commission recommended approval of the variance.

Natural Features of the Site
The natural topography of the property slopes from the highest point of elevation (508') located in the southeast corner of the property (intersection of the shared-access drive and N. Martin Vineyard Way), and fans out with a steady and even decline, towards the lowest point of elevation (486') along the curvature of Tulip Poplar Drive right-of-way. The plan shows a few trees and vegetation scattered throughout the property.

Based on FEMA FIRM Map 471650426G shows no portion of the property is located within a flood hazard zone.

Adjacent Development and Zoning
The properties adjacent to the north, east, and west are vacant and further north is the CSX Railroad. The north and west properties are part of the Bakers Crossing development, zoned Mixed Use (MU) and the east is the Home Depot site, zoned Commercial Services (CS). The area to the south is zoned Multiple Residential and Office (MRO) and consisting of commercial uses (i.e. Loden Vision Center, State Farm Insurance Agency, Stella's Boutique, etc.). The property to the east includes a portion of a lot (Lot 1) owned by Home Depot, USA and a portion of a lot (Lot 3) owned by Horne Properties. A partially constructed driveway is located on the westerly portion of these adjacent lots. This driveway is intended to become a street extension of N. Martin Vineyard Way (shown on the plan as Baker Street).

Gallatin on the Move 2020 General Development and Transportation Plan
The Gallatin on the Move 2020 General Development and Transportation Plan identifies this property on the Community Character Map as a Regional Activity Center, which typically features emerging mixed-use centers and open-air shopping centers that offer a wide variety of services, commercial/retail, office, restaurants, entertainment and residences. It is important to note that the adjacent properties to the north, east and west are also identified on the Community Character Map as a part of the Regional Activity Center with the adjacent properties to the south identified as part of the Nashville Pike Office Corridor. The Regional Activity Center Character Area encourages refocusing strip or corridor commercial development while providing pedestrian-friendly with public spaces and high mix of businesses (Attachment 5).

According to the Amended Preliminary Master Development Plan, this project features many of the characteristics of a Regional Activity Center, which calls for new developments with interconnected streets in nodes located at major roadway intersections.

The PMDP with conditions meets the overall intent of *Gallatin on the Move 2020 General Development and Transportation Plan* and is consistent with the Mixed Use (MU) zoned districts.

Architectural Designs
The owner and applicant submitted conceptual architectural elevations illustrating the buildings to be a modern, contemporary urban center design with traditional storefront windows. The buildings are designed in close proximity to the streets and provide sidewalk connectivity to the public street and other stores. The buildings also incorporates the front and rear facades to match in aesthetics and design.

The conceptual commercial buildings range in height from one to four-stories with clearly delineated floors and entrances. The hotel buildings will be 51 feet in height. Due to hotel setbacks no height variance is required. All buildings are constructed with a mixture of brick veneer, metal panels and E.I.F.S. materials with varying colors providing contrast and architectural elements. Each of the conceptual elevations uses articulation in each elevation to visually break up large expanses of blank walls.

Staff reviewed the architectural design and materials and determined that the design of the building and materials did not meet the requirements as set forth in Section 13.08.010, Basic Design Criteria of the Gallatin Zoning Ordinance.

The owner and applicant requested approval of an Alternative Architectural Plan. The Planning Commission determined the proposed plan meets the requirements of Section 13.08.010.D, Gallatin Zoning Ordinance.

The final architectural elevations will be submitted and reviewed as part of the Final Master Development Plan.

Access and Easements (P.U.D.E's)
The primary access into Baker's Crossing development is from Tulip Poplar Drive via Nashville Pike and Belvedere Drive. This development will have two (2) accesses from

Tulip Poplar Drive. The southern access is a 40 foot-wide cross access easement (24' shared access drive) along the southern portion of the site which also serves the new Loden Vision center. The northern access will provide access to the parking lot near the proposed retail/restaurant building.

In addition, the plan shows one (1) service access driveway on Tulip Poplar Drive for loading and unloading for the retail stores and two (2) service access driveways from the private driveway on the adjacent properties to the east for loading and unloading for the hotels. The owner is working with the City to obtain an easement or other form of access from the adjacent property owners located to the east. This private road/drive extends N. Martin Vineyard Way to Tulip Poplar Drive. The Planning Commission approved the Amended PMDP provided that an access easement be obtained from the property owners to the east and that an access easement be provided to adjacent property owners to the south.

Parking

Parking requirements are based on the use of the property. The transient habitation use requires one (1) space per one (1) unit, food service and public assembly uses requires one (1) per four (4) person seating capacity, general retail use requires one (1) space per 250 square feet, and office use requires one (1) space per 300 square feet. Based on this calculation, 490 parking spaces, including nine (9) handicapped accessible spaces, are required. The plan indicates 315 parking spaces, including twelve (12) accessible handicapped spaces, which does not comply with the minimum number of parking spaces required by G.Z.O., Section 11.03, *Schedule of Off-Street Parking Requirements* and Section 11.07, *Handicapped Parking.*

The owner and applicant requested an adjustment for mixed use developments per Gallatin Zoning Ordinance Section 11.05 *Adjustment for Mixed Use Development*. The Planning Commission determined the proposed parking meets the requirements in Section 11.05.050, Gallatin Zoning Ordinance.

Stormwater Detention

The stormwater infrastructure system is conceptual at this time. The plan indicates bio-retention areas throughout the parking area and perimeter of the property. The plan notes the site stormwater will sheet flow to the proposed bio-retention areas. Bio-retention areas will be sized to accommodate required water quality and volume. The existing drop inlet storm structures adjacent to Tulip Poplar Drive will be utilized to convey larger storm events.

All stormwater transport, detention, and treatment shall meet the current stormwater ordinance requirements. Construction plans and drainage calculations will be submitted with the Final Master Development Plan.

Bufferyard and Landscaping Plan

Bufferyards are required to be shown as part of the Amended Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in Article 13 of the Gallatin Zoning Ordinance.

The conceptual landscape plan includes specific plant schedules, the bufferyards, parking area screening and landscaping, and a typical bio-swale planting detail.

The owner and applicant requested approval of an Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the alternative landscaping plan is acceptable and meets the intent of the Gallatin Zoning Ordinance.

A Type 15 Bufferyard is shown along Tulip Poplar and the east boundary of the property. The plan shows the Type 15 Bufferyard materials which call for one (1) large deciduous tree every 60 feet and two (2) small deciduous or ornamental trees every 60 feet planted between the large deciduous trees.

An Alternative Type 15 Bufferyard (12' width) is shown along the south side of the property adjacent to the shared access drive. The Alternative Type 15 Bufferyard (12' width) calls for one (1) large deciduous tree every 60 feet and two (2) small deciduous or ornamental trees every 60 feet planted between the large deciduous trees.

The final landscaping plans will be submitted and reviewed as part of the Final Master Development Plan.

Photometric Plan and Lighting Fixtures

The photometric plan indicates the location of the proposed lighting fixtures. The lighting fixtures proposed for the parking area is a contemporary style (shoebox) design with LED lighting. The proposed street lighting along Tulip Poplar Drive and access drives is a contemporary style (streetlight) design with LED lighting. The owner and applicant shall verify with the Gallatin Department of Electricity that the contemporary style of the streetlights is acceptable for installation. The photometric plan complies with the City of Gallatin Zoning Ordinance, Section 13.02.08.

Signage

The plan indicates a conceptual multi-tenant sign and a monument sign along Tulip Poplar Drive. The plan indicates conceptual wall mounted signs on the front of the proposed buildings. The plan provides conceptual details for multi-tenant sign, the monument and wall mounted signs. The owner shall submit signage plans with the Final Master Development Plan meeting the requirements of the Gallatin Zoning Ordinance, Section 13.07 and obtain sign permits from the Planning Department prior to the installation of any signage on site.

Gallatin Public Utilities Department Comments

This development is serviced by the Gallatin Public Utilities Department. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures is installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comments:

1. Submit detailed plans and specifications for water and sanitary sewer to the Gallatin Public Utilities Department for review and approval prior to issuance of any building permits.
2. Proposed facilities shall comply with all applicable cross-connection control and sewer use regulations.

Planning Department Comments
The Planning Department reviewed and commented on the Amended Preliminary Master Development Plan. The applicant satisfactorily addressed most of the Planning Department comments with the exception of comments included as conditions of approval.

Engineering Division Comments
The Engineering Division reviewed and commented on the Amended Preliminary Master Development Plan. The applicant satisfactorily addressed Engineering Division comments.

Other Departmental Comments
Other City Departments reviewed the Amended Preliminary Master Development Plan and had no comments.

Planning Commission Decision
The Planning Commission reviewed the Amended Preliminary Master Development Plan at the April 25, 2016 meeting. After review and discussion the Planning Commission voted unanimously to recommend approval of the PMDP as described in GMRPC Resolution 2016-57 (Attachment 6) and with the following findings:

FINDINGS:

1. The Amended Preliminary Master Development Plan is in agreement and consistent with the intent and land use recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan Update 2008-2020 for the area, and in particular, the Regional Activity Center Community Character Area.
2. The Amended Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district, the approved PMDP, and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines, and minimum building setback line requirements established in said zone district with minor corrections and exceptions.
3. The legal purposes for which zoning regulations exist have not been contravened.
4. The Amended Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
5. No one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.
6. The Amended Preliminary Master Development Plan submitted to the City complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.

RECOMMENDATION:
The Planning Commission and Staff recommend approval of Ordinance No. O1605-34.

ATTACHMENTS

Attachment 1 Location Map

Attachment 2 PMDP and Architectural Elevations for Baker Crossing, The Forza Group (PC 3-1697-16)

Attachment 3 PMDP for Bakers Crossing-Tennessee Hills (PC9856-11)

Attachment 4 Construction/Development Schedule dated April 11, 2016

Attachment 5 Gallatin on the Move 2020 Plan/Regional Activity Center Character Area description

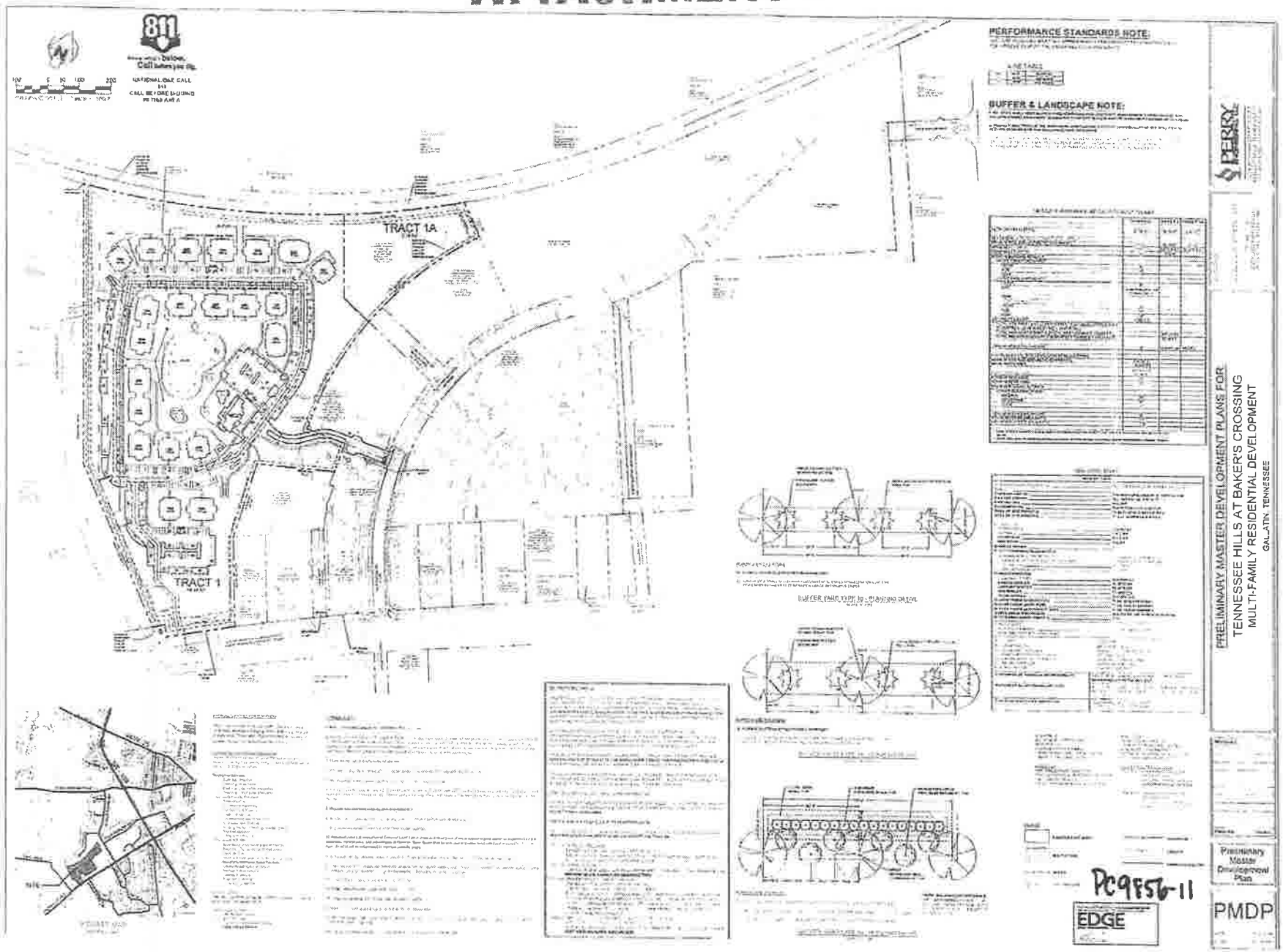
Attachment 6 GMRPC Resolution 2016-57

Bakers Crossing, The Forza Group PMDP
(PC 3-1697-16)
Location map

ATTACHMENT 1

Tulip Poplar Drive
Tax Map 125M/A/001.00
Zoned MU

ATTACHMENT 3



PC9856-11

PC 3-1697-16

ATTACHMENT 4

P.O. Box 677
Bridgeville, PA 15017
P: 412.489.6397
F: 412.489.6472

04.11.2016

APR 14 2016

Tulip Poplar Drive/Bakers Crossing Development

Re: Construction/Development Schedule

July/August 2016 – 3 to 6 Months
Phase 1: Site Work: Scope of work: Grade site, install utilities to each pad along with concrete curbs and 1st layer of asphalt.

October 2016 – 6 Months
Phase 2: Retail 1: 9500 Square Feet

March 2017 – 14 Months
Phase 3: Hotel/Event Center

July 2017 – 6 Months
Phase 4: Retail 2 – 9500 Square Feet

October 2017 – 10 Months
Phase 5: Retail/Class A Office: 7500 & 13,600 Square Feet

2019 – 2nd Hotel Development

RESUBMITTAL

REGIONAL ACTIVITY CENTER

General Description

These suburban centers are emerging mixed-use centers developed or planned with large-scale master plans. While unique mixtures of uses and styles are developed for each suburban center based on the market trends, these centers require sustainable designs that provide for flexibility as the market evolves. These centers include a variety of housing types and densities, employment centers, retail/office and other services that serve a regional scale.

Location

Areas within this character area include the following:

- Commercial and residential portions of the Village Green Planned Unit Development (south of the railroad)
- Big Station Camp emerging center
- Kennesaw Farms/Thoroughbred Park
- Foxland
- Area near the intersection of SR-174/Long Hollow Pike and SR-386/Vietnam Veterans Boulevard

Intent

- Provide for open-air shopping centers and mixed-use centers that offer a wide variety of services, shopping, office, restaurants, entertainment and residences
- Refocus strip or corridor commercial development into master planned villages and nodal development with a "main street feel"
- Provide for pedestrian-friendly areas with public spaces, relatively high intensity mix of businesses, retail and offices, employment, education, hospitality and entertainment facilities
- Provide opportunities for new centers that complement existing centers within the City

Landscaped parking lot located in front of a strip mall located within the Village Green planned unit development

REGIONAL ACTIVITY CENTER

Anticipated level of change:

- High

Transportation

- Medium level of service
- High level of connectivity
- Properties accessed by public roads
- Regular-shaped, medium-length blocks
- Roads characterized by curb, gutter with sidewalks containing a medium level of pedestrian orientation

Infrastructure

- Full urban facilities and services
- Civic spaces such as greenways, parks, common areas

Greenspace

- Adjacent Preserve areas
- Neighborhood and pocket parks
- Reliant on common-owned squares within new or existing development

Primary Land Uses

- Large-scale apartments and townhomes
- Horizontal and Vertical Mixed-Use
- Commercial/Office/Retail/Big Box Retail
- Hospitality
- Public/Institutional
- Entertainment and Cultural Facilities

Appropriate Intensity

- 0.75

Applicable Zoning Districts

Existing Zoning Districts

- PGC, MU, MRO

Proposed Zoning Districts

- No proposed new districts

Development Strategies

- Connect residential and non-residential areas to other areas with wide, pedestrian-friendly sidewalks and paths
- Address design factors, including the size of commercial buildings (facades of large buildings can be broken down into more pedestrian-scaled units), incorporation of outdoor seating and gathering areas, design parameters for parking and internal circulation, architectural treatments, building setbacks, siting and orientation, and adequate buffers to ensure compatibility with adjacent uses
- Include civic and cultural uses
- Locate buildings in close proximity to each other and on both sides of the street to make walking convenient
- Provide interconnectivity between parcels
- Construct wide sidewalks with street trees, landscaping and traditional lighting
- Accommodate bikes with lanes and bike racks located throughout the center
- Locate taller buildings to the interior of a development, allowing for height step down toward the edge near adjacent development
- Serve a regional population of 60,000 to 80,000 people within a 20-mile radius (and typically a minimum of five miles spacing between Regional Activity Centers
- With ordinances, address building /site design and establish requirements for future reuse of "Big Box" stores

Example of Regional Activity Center development in the Green Hills area of Nashville

Example of Regional Activity Center development in Murfreesboro

Implementation Measures

☞ *Prepare and adopt a Big Box Ordinance*

ATTACHMENT 6

GMRPC Resolution No. 2016-57

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO GALLATIN CITY COUNCIL OF AN AMENDED PRELIMINARY MASTER DEVELOPMENT PLAN FOR BAKERS CROSSING, THE FORZA GROUP, TO CONSTRUCT TWO (2) HOTELS AND CONFERENCE CENTER, GENERAL RETAIL, A RESTAURANT AND OFFICE BUILDINGS IN THREE (3) PHASES, ON AN 8.15 (+/-) ACRE PARCEL, LOCATED ON TULIP POPLAR DRIVE BETWEEN NASHVILLE PIKE AND NORTH BELVEDERE DRIVE (PC 3-1697-16)

WHEREAS, the applicant submitted an Amended Preliminary Master Development Plan consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the Amended Preliminary Master Development Plan submitted by the applicant, Arnold Consulting Engineering Services, Inc., at its regular meeting on April 25, 2016; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION 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 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 T.C.A. § 13-3-413, § 13-4-310, §13-7-201, and §13-7-202, and §12.02 and §15.07 of the City of Gallatin Zoning Ordinance:

1. The Amended Preliminary Master Development Plan is in agreement and consistent with the intent and land use recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan Update 2008-2020 for the area, and in particular, the Regional Activity Center Community Character Area.
2. The Amended Preliminary Master Development Plan is consistent with the purpose and intent of the Mixed Use (MU) zone district, the approved PMDP, and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines, and minimum building setback line requirements established in said zone district with minor corrections and exceptions.
3. The legal purposes for which zoning regulations exist have not been contravened.
4. The Amended Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.

ATTACHMENT 6

5. No one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.
6. The Amended Preliminary Master Development Plan submitted to the City complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby approves the Amended Preliminary Master Development Plan for Bakers Crossing, The Forza Group, consisting of an eight (8) sheet plan, prepared by Arnold Consulting Engineering Services, Inc. of Bowling Green, Ky., with Job No. L6156 and dated April 14, 2016 and the Architectural Elevations, consisting of a two (2) sheet plan, prepared by Integrity Design of Bridgeville, Pa., dated received April 14, 2016 with the following conditions:

1. Obtain an easement from adjacent property owners to the east to use a driveway located to the east property boundary or obtain the driveway and construct and convey the driveway as a public right-of-way or private roadway and provide an access easement over the south service drive to the property owners along the southerly property boundary.
2. Correct the conceptual sign detail to reflect the maximum height of 12'-0" and maximum sign coverage of 120 square feet for multi-tenant signs.
3. Correct the conceptual sign detail to reflect the maximum height of 8'-0" and maximum sign coverage is 30 square feet (15 square feet on each face, if double sided) for monument signs.
4. Submit five (5) corrected and folded copies, of the Preliminary Master Development Plan for Bakers Crossing, the Forza Group, including one (1) full size and four (4) half size copies to the 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: 04/25/2016

Dick Dempsey

Dick Dempsey, Chairman

ATTACHMENT 6

Johnny Wilson, Secretary

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **PLANNING DEPARTMENT** **AGENDA #7**

SUBJECT:
Ordinance #O1605-35 of the City of Gallatin, Sumner County, Tennessee, approving a Preliminary Master Development Plan for Twice Daily development on an 18.90 (+/-) acre parcel.

SUMMARY:
The owner and applicant is requesting approval of an Ordinance for a Preliminary Master Development Plan for Twice Daily and authorizing the revision to be indicated on the official zoning atlas; repealing conflicting ordinances; providing for severability, and providing for an effective date, (S.B.E. Tax Map 125// Parcel 016.00). The Twice Daily PMDP will create five (5) commercial lots, an open space tract and two (2) public rights-of-way on an 18.90 (+/-) acre parcel, split-zoned Planned General Commercial (PGC) and Planned Business Park (PBP), located south of the intersection of Long Hollow Pike (SR 174) and Vietnam Veterans Boulevard (SR 386) Convenience Sales and Service with Gas Pumps and Food Service is a permitted use in the PGC zoned district.

On April 25, 2016 the Gallatin Municipal-Regional Planning Commission recommended approval of GMRPC Resolution 2016-21. (PC File 3-1502-16)

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☒ **Ordinance**	☐ **Contract**	☒ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. O16Ø5-35

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, APPROVING A PRELIMINARY MASTER DEVELOPMENT PLAN FOR TWICE DAILY AUTHORIZING THE ZONING WITH PMDP TO BE INDICATED ON THE OFFICIAL ZONING ATLAS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of property submitted a complete application for the Twice Daily Preliminary Master Development Plan on an 18.90 (+/-) acre parcel (Tax Map 125, Parcel 016.00) located in the City of Gallatin, Tennessee; and

WHEREAS, the property is located south of the intersection of Long Hollow Pike (SR 174) and Vietnam Veterans Boulevard (SR 386) and zoned Planned General Commercial (PGC) on the northern portion of the parcel and zoned Planned Business Park (PBP) on the southern portion of the parcel; and

WHEREAS, the Gallatin Municipal-Regional Planning Commission reviewed and recommended approval of the Twice Daily Preliminary Master Development Plan in GMRPC Resolution No. 2016-21; and

WHEREAS, a public hearing was held following public notice as prescribed by the Gallatin Zoning Ordinance and Tenn. Code Ann. Section 13-7-203; and

WHEREAS, The City Council has approved by majority vote of the members present the PMDP request of the described property.

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

Section 1. The City Council of the City of Gallatin does hereby approve the Preliminary Master Development Plan as described in Exhibit 'A'.

Section 2. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classification for the area indicating the Preliminary Master Development Plan.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY
CITY ATTORNEY

EXHIBIT 'A'

The Preliminary Master Development Plan for Twice Daily, consists of a two (2) sheet plan, with project no. 127-023, prepared by Perry Engineering, LLC of Goodlettsville, TN, dated April 14, 2016, and a two (2) sheet architecture plan, with project no. 0216, prepared by Cassetty Architecture of Hendersonville, TN, dated January 25, 2016, with the following conditions:

1. The recently adopted Stormwater Ordinance requires runoff reduction practices incorporated into the full design of the project at the FMDP stage.
2. Traffic Impact Study (TIS) is required at the Final Master Development Plan stage and must be approved by the City Engineer. The TIS should address traffic signal improvements, signal timing, number of lanes, and other improvements. Recommendations from the TIS might alter proposed traffic improvements.
3. Access/driveway permit on SR 174 is subject to approval from the Tennessee Department of Transportation. Construction of the right-in-right-out driveway on SR 174 shall include a concrete median on SR 174 which shall be removed at the expense of the owner of the Twice Daily site when the adjacent property develops. A driveway with a cross access easement will be provided 660 feet east from the SR174/SR 386 intersection upon development of the adjacent property to provide access to SR 174.
4. Show full buildout of adjacent roadways consistent with the SR 386/US 31E Connector Feasibility Study for reference. The buildout may require improvements to be set further back from the right-of-way.
5. The point of tangency past the second backage road to the south shall be 900' from the south boundary.
6. Driveway spacing for each access point shall meet the recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan. The minimum driveway throat lengths shall be 45 feet for the minor arterial (new roadway) and a minimum of 80' for major arterial (Long Hollow Pike).
7. Provide access to the adjacent property to the west. Road extensions, driveway access points, and cross access to possible future adjacent phases as well as shared access and cross access between proposed parking lots should all meet the recommendations of the Access Management Plan of the Gallatin on the Move 2020 General Development and Transportation Plan.
8. The end of road construction shown on sheet PMDP (Sheet 2) shall be extended to the south end of the Lot 1.
9. The Right-of-Way width is insufficient at the intersection of SR 174 and SR 386. The right-of-way and roadway cross section, at a minimum, shall accommodate three (3) 12 foot wide north bound lanes, one (1) 12 foot wide south bound lane, a four (4) foot wide bike lane on each side, a 2.5 foot wide curb and gutter on each side, a five (5) foot wide grass strip on each side, a six (6) foot wide sidewalk on each side, and a one (1) foot wide setback on both sides, bringing the total minimum right-of-way cross section to 85 feet wide. There shall also be sufficient room at the intersection of SR 174 and SR 386 so that the double left movements from SR 174 and the new proposed road can occur at the same time without having to split the signal phasing.
10. Submit five (5) corrected and folded copies, of the Preliminary Master Development Plan for Twice Daily, including one (1) full size and four (4) half size copies to the Planning Department.

PLANNING DEPARTMENT STAFF REPORT

Preliminary Master Development Plan for Twice Daily
(PC 3-1502-16)
Located south of the intersection of Long Hollow Pike (SR 174) and Vietnam Veterans Boulevard (SR 386)
Date: May 4, 2016

REQUEST: OWNER AND APPLICANT REQUESTS APPROVAL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR TWICE DAILY ON AN 18.90 (+/-) ACRE PARCEL, TO CREATE FIVE (5) COMMERCIAL LOTS, AN OPEN SPACE TRACT AND TWO (2) PUBLIC RIGHTS-OF-WAY, LOCATED SOUTH OF THE INTERSECTION OF LONG HOLLOW PIKE (SR 174) AND VIETNAM VETERANS BOULEVARD (SR 386) .

OWNER:	**GLENN HERMAN JONES**
APPLICANT:	**PERRY ENGINEERING**
STAFF RECOMMENDATION:	**RECOMMEND APPROVAL OF ORDINANCE NO. O1605-35**
STAFF CONTACT:	**ROBERT J. KALISZ**
PLANNING COMMISSION DATE:	**APRIL 25, 2016**
CITY COUNCIL COMMITTEE DATE:	**MAY 10, 2016**

PROPERTY OVERVIEW: The owner and applicant requests approval of a Preliminary Master Development Plan for Twice Daily on an 18.90 (+/-) acre parcel, to create five (5) commercial lots, an open space tract and two (2) public rights-of-way, located south of the intersection of Long Hollow Pike (SR 174) and Vietnam Veterans Boulevard (SR 386). The property is split-zoned as Planned General Commercial (PGC) on the northerly portion and Planned Business Park (PBP) on the southerly portion. Convenience Sales and Service with Gas Pumps and Food Service is a permitted use in the PGC zoned district. (Attachment 1 and Attachment 2)

The architectural elevations for the building did not meet the Basic Design Criteria of the Gallatin Zoning Ordinance, Section 13.08.010.A, *Materials,* since the building is shown to be constructed with a mixture of brick veneer and E.I.F.S. materials and does not contain the required 70 percent brick or stone on each building facade (Attachment 2). The owner and applicant requested approval of a conceptual Alternative Architectural Plan. The Planning Commission determined the proposed plan meets the requirements in Section 13.08.010.D of the Gallatin Zoning Ordinance.

The owner and applicant requested approval of a conceptual Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the conceptual Alternative Bufferyard Plan is acceptable and meets the intent of the Gallatin Zoning Ordinance.

CASE BACKGROUND:

Property History and Previous Approvals
On October 11, 2010, the Planning Commission recommended approval of a rezoning without a Preliminary Master Development Plan for Cantrill Farm (PC File 3-17-10). The 258.74 (+/-) acre rezoning was approved by City Council on December 7, 2010 (Ordinance No. 01010-67). The property (Tax Map 125, Parcel 016.00) was included as Tract "B" (7.52 (+/- acres) and portion of Tract "C" (11.38 (+/-) acres) within the Cantrill Farm rezoning.

Preliminary Master Development Plan Required
Before any of the property may be developed, the applicant must submit a detailed Preliminary Master Development Plan, which shows information such as building layout, parking areas, street design, bufferyards, and conceptual architecture, and the proposed uses for the property. The Preliminary Master Development Plan for each parcel within the 258.74 (+/-) acres will be considered by the Planning Commission for a recommendation to the Gallatin City Council. As stated in G.Z.O. Section 15.07.030.C.

> *"The Mayor and Alderman's approval of the amendment shall establish the defined zoning district that will form the basis for the future approval of a preliminary master development plan. Upon approval of the defined zoning district, the Owner may proceed with preparation of a preliminary master development plan and specifications for all land included in the amendment. The preliminary master development plan shall be reviewed and approved according to the provisions of Sections 12.02 and 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission shall be subject to the provisions of Section 12.02."*

DISCUSSION:

Proposed Development
The owner and applicant are proposing a Preliminary Master Development Plan for Twice Daily, on an 18.90 (+/-) acre parcel, to create five (5) lots and an open space tract:

- Lot 1: a 4,800 square foot convenience store and fueling station, located in the PGC zoned district.
- Lot 2: a 4,200 square foot restaurant, located in the PBP zoned district.
- Lot 3: a 6,000 square foot multi-office building, located in the PBP zoned district.
- Lot 4: a 6,100 square foot medical research building, located in the PBP zoned district.
- Lot 5: no use identified as of this PMDP.
- An open space tract located along the western boundary contains a twenty (20) foot-wide sanitary sewer easement and a detention pond.
- Convenience sales and service with gas pumps and food service are permitted uses in the PGC zoned district. Food service, financial, consulting, and administrative office, and medical research are permitted uses in the PBP zoned district.

An extension of Long Hollow Pike (SR 174) is proposed from the intersection of Vietnam Veterans Boulevard (SR 386) and Long Hollow Pike (SR 174) into this development to service the commercial lots and eventually to provide a future connection to Belvedere Drive located to the east. This roadway is included on the Master Thoroughfare Plan.

The construction schedule for the Twice Daily Convenience Store and Fueling Station anticipates completion by October 2016. The remaining four (4) lots do not have a development time schedule. Each lot will require a Final Master Development Plan to be reviewed and approved by the Planning Commission.

Natural Features
The natural topography for the existing vacant land slopes from the highest point of elevation (530') located along the northwest corner, with a steady descending slope towards the middle portion of the eastern boundary of Lot 1 and proceeds with the same steady descending slope towards the lowest point of elevation (470') located along the southern boundary. There are existing mature trees located along the eastern boundary.

Based on FEMA FIRM Map 47165C0313G, dated of April 17, 2012, no portion of the site is located within a special flood hazard area.

Adjacent or Area Uses
The adjacent/surrounding areas are vacant land with the City of Gallatin's Long Hollow Golf Course located further to the northeast and Fairway Farms Subdivision located further to the north. The adjacent/surrounding zoning districts are a mixture of Agricultural (A) to the north and east, Planned Business Park (PBP) to the south and west, Planned General Commercial (PGC) to the west, and Mixed Use (MU) to the north.

Gallatin on the Move 2020 General Development and Transportation Plan
The Gallatin on the Move 2020 General Development and Transportation Plan designates this area as part of the GreenLea Business Center Community Character Area. The Plan describes the GreenLea Business Center Community Character Area as a place of emerging employment and residential uses that will benefit from the areas' location adjacent to S.R. 386. The foremost development strategy for the GreenLea Business Center Community Character Area is to encourage a high-density of mixed uses including residential, commercial, office, and industrial uses. The Preliminary Master Development Plan meets the characteristics of the GreenLea Business Center. (Attachment 3)

Although the plan does not strictly adhere to all of the development strategies of the GreenLea Business Center Community Character Area, the project meets the majority of the intent and strategies identified for the GreenLea Business Center. The PMDP with conditions meets the overall intent of *Gallatin on the Move 2020 General Development and Transportation Plan* and is consistent with the applicable zoning districts.

Lot Layout
The convenience sales and service with gas pumps is proposed on an irregular shape 3.00 (+/-) acre lot, having road frontage on both Long Hollow Pike (SR 174) and the new roadway. The new roadway will bisect the 18.90 (+/-) acre parcel development.

The four (4) other lots will front on the new roadway and range in size from 1.0 (+/-) acres up to 1.5 (+/-) acres. Three (3) lots will have direct access to the new roadway. The open space tract contains approximately seven (7) acres.

Access and Easements (P.U.D.E's)

The Preliminary Master Development Plan shows two (2) proposed public streets and a private "backage road" bisecting Lot 1. This will provide access to future development to the east along Long Hollow Pike. Another proposed public street will extend perpendicular to the east from the new roadway and will provide access to the adjacent parcel.

The PMDP shows a right-in/right out only access onto Long Hollow Pike (SR 174) from Lot 1. This access will have a queueing lane for eastbound right-in only traffic and incorporate a landscape median to separate traffic movements. The center turning lane on Long Hollow Pike (SR 174) will be modified to include an approximately 340 linear feet concrete median to prevent westbound access on Long Hollow Pike (SR 174) entering Lot 1. The plan also indicates a future driveway to Long Hollow Pike (SR 174) on a parcel to the east. Once the future driveway is installed then the right-in/out access to Long Hollow Pike (SR 174) is removed to Engineering Division and/or TDOT's standards.

The PMDP indicates a future driveway to Long Hollow Pike (SR 174). The future driveway is setback approximately 90 feet from TDOT's right-of-way. The future driveway connects from the northeast corner of Lot 1 and proceeds eastward approximately 300 feet to a 90 degree turn to a driveway on Long Hollow Pike (SR 174). The future driveway onto Long Hollow Pike (SR 174) is 660 feet from the intersection of Long Hollow Pike (SR 174) and Vietnam Veterans Boulevard (SR386) which is consistent with the driveway spacing for a Class III access management facility established for SR 109. This driveway will be installed upon development of the adjacent property to the east. The owner and applicant will provide a cross access agreement and a similar cross access easement will be required from the adjacent property owner.

The private "backage road" will also provide full access to Twice Daily Convenience Store and Fueling Station from the new roadway and provide access to any future development to the east.

The new roadway is approximately 2,050 linear feet and dead ends into the southeastern corner of the property. The new road extension shall be designed to ensure the southerly curve radius can be provided per Engineering design standards to fully extend only on the parcel to the east and not terminate or extend on a radius onto property south of parcel 16.00. The new collector roadway should be extended to the end of Lot 1 when Lot 1 is developed. This can be addressed at the Final Master Development stage. The first phase of the new roadway, approximately 350 linear feet, will be constructed to allow vehicular access to Lot 1.The other proposed public street extends approximately 200 linear feet to the east parcel boundary and connects into future development to the east.

In addition, as a condition of approval, the Planning Commission required an access connection to the property to the west. The Planning Commission approved the roadway and driveway connection plan with several conditions of approval.

Stormwater Detention
The PMDP shows the stormwater infrastructure system with a detention pond for Lot 1 site and a detention pond on the southern end of the open space tract. Lot 1 shows storm inlets located along the perimeter of the paved surfaces to the east, west and south and in the private "backage road" conveying stormwater runoff into a detention pond located at the rear of Lot 1. The other lots do not show separate stormwater infrastructure systems. All stormwater conveyance, detention, and treatment shall meet the current stormwater ordinance requirements. Construction plans and drainage calculations will be submitted with the Final Master Development Plan or preliminary plat.

Bufferyard and Landscaping Plan
Bufferyards are required to be shown as part of the Preliminary Master Development Plan. These are intended to minimize the potential impacts of the proposed development on the adjacent properties as outlined in Article 13 of the Gallatin Zoning Ordinance.

Bufferyard Requirements:

- Type 50 Bufferyard along the eastern boundary of proposed lots (adjacent to Agricultural (A) zoning districts)
- Type 20 Bufferyard along northern boundary (adjacent to Long Hollow Pike (SR 174)
- Type 15 Bufferyard along western boundary of proposed lots (adjacent to extension road) and in between lots (not adjacent to public right-of-way)
- Type 12 Bufferyard for Lots 2 and 3 side yard (adjacent to public right-of-way)

The owner and applicant requested approval of an Alternative Bufferyard Plan per Section 13.04.100.C of the Gallatin Zoning Ordinance. The Planning Commission determined the Alternative Bufferyard Plan is acceptable and meets the intent of the Gallatin Zoning Ordinance Article 13.00.

The plan indicates an Alternative Type 15 Bufferyard in lieu of the required Type 50 Bufferyard. This Alternative Type 15 Bufferyard will include the existing mature trees located along the eastern property line to provide additional screening to the adjacent properties. The owner and applicant shall submit a tree survey indicating the location, species, and caliper (four (4) inch and greater) of the existing mature trees on the property as part of the Final Master Development Plan. The Landscape Data table indicates the amount of landscaping to be provided in the bufferyards.

The final landscaping plans will be submitted and reviewed as part of the Final Master Development Plan.

Architectural Designs
The owner and applicant submitted architectural designs for the Twice Daily Convenience Store and Fueling Station lot but did not submit architectural designs for the other lots. The PMDP notes (Note #5) states that architectural designs for the other lots shall meet or exceed zoning ordinance architectural and landscaping standards. The architectural designs for the other lots will be submitted as part of any amended Preliminary Master Development Plan or with a Final Master Development Plan.

The architectural design for Twice Daily Convenience Store and Fueling Station shows a one (1) story, 4,800 square foot rectangular building with a contemporary design for the front entrance. The building will be encased with brick veneer on three (3) sides with a mixture of brick veneer, panels and storefront glass. A parapet wall will be located along the perimeter of the building to screen the mechanical units.

The architectural elevations for the building did not meet the Basic Design Criteria of the Gallatin Zoning Ordinance, Section 13.08.010.A, *Materials,* since the building is shown to be constructed with a mixture of brick veneer and panel materials and does not contain the required 70 percent brick or stone on each building facade. This is nearly identical to a store recently constructed on East Main Street in Hendersonville.

The owner and applicant requested approval of an alternative architectural plan. The Planning Commission determined the proposed plan meets the requirements in Section 13.08.010.D of the Gallatin Zoning Ordinance.

The final architectural elevations will be submitted and reviewed as part of the Final Master Development Plan.

Photometric Plan and Lighting Fixtures
The Preliminary Master Development Plan indicates proposed lighting fixtures for Lot 1 but not for the other lots. Any proposed street lighting or interior lighting for this development shall comply with the City of Gallatin Electric Department regulations and standards and the Gallatin Zoning Ordinance Article 13.00. A photometric plan shall be submitted and reviewed as part of the Final Master Development Plan.

Gallatin Public Utilities Department Comments
This development is serviced by the Gallatin Public Utilities Department. The applicant shall coordinate all development with Gallatin Public Utilities Department to ensure all future utility infrastructures is installed to the satisfaction of the Gallatin Public Utilities Department standards. The Gallatin Public Utilities Department reviewed the Preliminary Master Development Plan and made the following comment indicated below:

1. Submit detailed plans and specifications for water and sanitary sewer to the Gallatin Public Utilities Department for review and approval.

Planning Department Comments
The Planning Department reviewed and commented on the Preliminary Master Development Plan. The owner and applicant satisfactorily addressed the Planning Department comments.

Engineering Division Comments
The Engineering Division reviewed and commented on the Preliminary Master Development Plan. The Engineering Division included a number of comments which were included as conditions of approval by the Planning Commission.

Other Departmental Comments

The Other City Departments reviewed the Preliminary Master Development Plan and had no comments except that the Gallatin Police Department stated that an entrance and exit to Twice Daily Convenience Store/Fueling Station shall be allowed only on the new roadway with no entrance/exit on Long Hollow Pike (SR 174).

Planning Commission Decision

The Planning Commission reviewed the Preliminary Master Development Plan at the April 25, 2016 meeting. After review and discussion the Planning Commission voted unanimously to recommend approval of the PMDP as described in GMRPC Resolution 2016-21 (Attachment 4) and with the following findings:

FINDINGS:

1. The Preliminary Master Development Plan is consistent with the Gallatin on the Move 2020 Plan and the GreenLea Business Center Character Area designation of the property with conditions.
2. The Preliminary Master Development Plan is consistent with the purpose and intent of the Planned General Commercial (PGC) and Planned Business Park (PBP) zone districts and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in the PGC and PBP zoning districts, and pursuant to Architectural Character and Compatibility Standards (G.Z.O., Section 13.08.010).
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. The legal purposes for which zoning regulations exists have not been contravened.
5. The Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
6. No one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

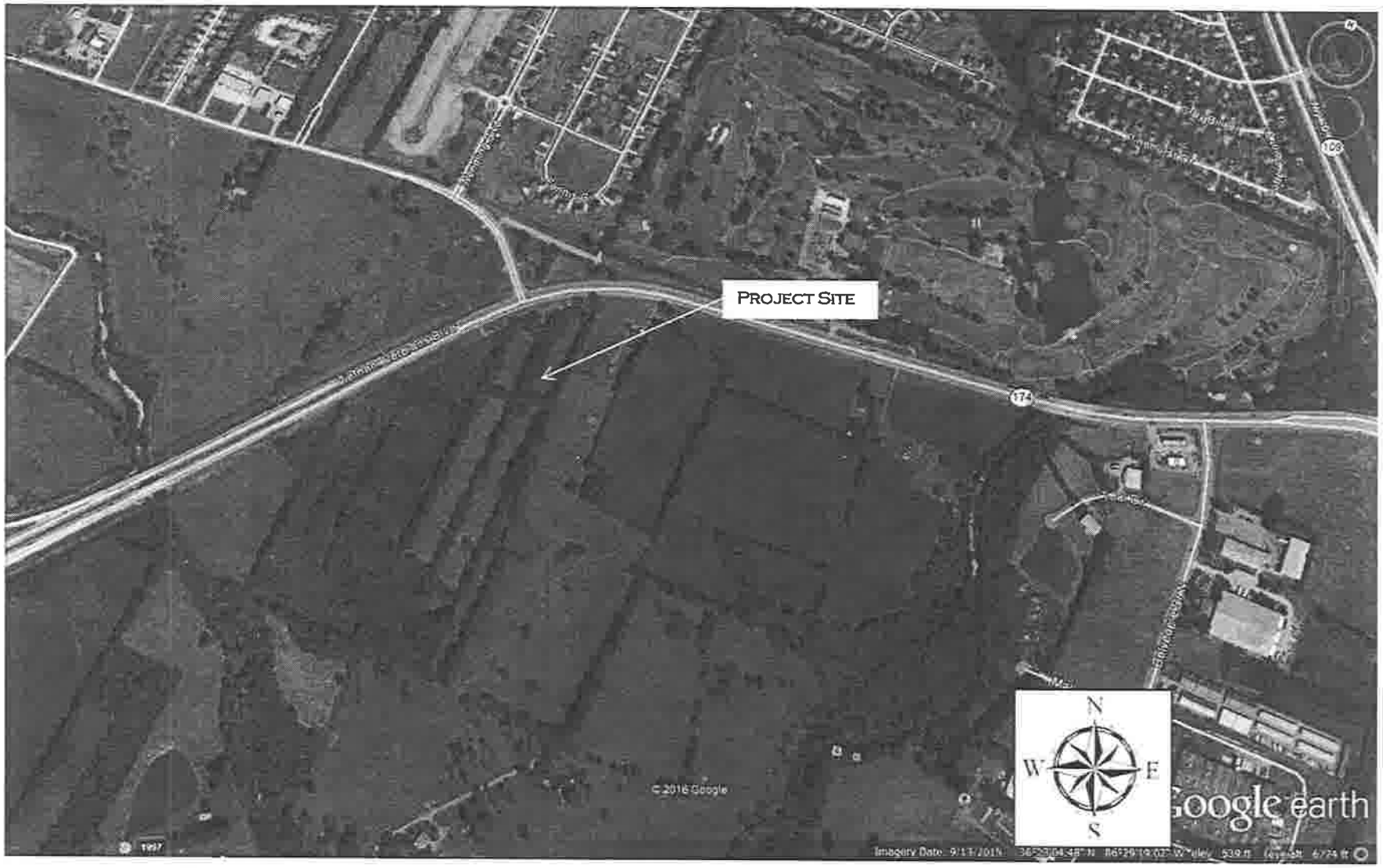
RECOMMENDATION:

The Planning Commission and Staff recommend approval of Ordinance No. O1605-35.

ATTACHMENTS

Attachment 1 Location Map
Attachment 2 PMDP with Architectural Elevations for Twice Daily (PC 3-1502-16)
Attachment 3 Gallatin on the Move 2020 Plan/GreenLea Business Center Character Area description
Attachment 4 GMRPC Resolution 2016-21

TWICE DAILY PMDP
(PC 3-1502-16)
LOCATION MAP



ATTACHMENT 1

LONG HOLLOW PIKE AND VIETNAM VETERANS BOULEVARD
TAX MAP 125//016.00
ZONED PGC/PBP

ATTACHMENT 3

GREENLEA BUSINESS CENTER

General Description of Existing Development Patterns

The GreenLea Business Center is an emerging employment and residential special area that includes a mix of industrial, office, residential and commercial uses that take advantage of the areas' location adjacent to SR-386 and the CSX Railroad. Much of this area is currently undeveloped and presents an opportunity for commercial, industrial and office growth adjacent to existing and emerging residential and commercial areas. A significant portion of the special area has been approved for retail, office, and residential uses within the Greensboro PUD. A detailed study should evaluate the areas south of SR 386 and north of the railroad for future mixed use developments.

Location

Areas within this character area include the following:

- Portions of Belvedere Drive/Harris Lane and GreenLea Boulevard, west of SR-109 Bypass and south of SR-386/Vietnam Veterans Boulevard

Intent

- Accommodate a mix of industrial and commercial/office uses to diversify the City's economic base
- Provide housing choices in close proximity to jobs/services
- Depict clear boundaries and transitions between the edge of the area and adjacent areas, particularly existing or emerging residential areas, to prevent visual and physical encroachment
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design, resulting in ease of movement throughout the area
- Provide adequate buffers and limit visibility of industrial operations/parking from the public right of way
- Limit grading and clearing

Development Strategies

- Encourage a relatively high-density mix of residential, commercial, office and industry uses
- Require connectivity between uses

Implementation Strategies

☞ *Market available Belvedere Drive/Harris Lane Industrial properties*

☞ *Maintain the Greensboro PUD zoning*

☞ *Prepare a detailed plan to address the large developable tracts north of the railroad and east of East Camp Creek*

GREENLEA BUSINESS CENTER

Anticipated level of change:

- High

Transportation

- Medium level of service
- Medium level of connectivity
- Properties accessed by public roads, railroad
- Regular-shaped, long blocks
- Roads characterized by curb, gutter and open grassy swale

Infrastructure

- Full urban facilities and services

Greenspace

- Adjacent Preserve areas

Primary Land Uses

- Light Industry
- Business Parks
- Warehouse
- Commercial
- Hospitality
- Transportation/Comm./Utilities
- Single- and Multi-family Residential (when part of an approved master plan)

Appropriate Intensity

- 0.5 FAR

Applicable Zoning Districts

Existing Zoning Districts

- IR, PBP, MRO PUD, R15 PUD

Proposed Zoning Districts

- GO and MU (if a detailed study proceeds the zoning change) for areas south of SR-386 and north of the railroad

PC3-1502-16

ATTACHMENT 3

NORTH GALLATIN EMERGING BUSINESS PARK

General Description of Existing Development Patterns

The North Gallatin Emerging Business Park is a predominantly undeveloped area north of Gallatin in the Planning Region. To date the only development has been that of one-family residential uses fronting Old Hwy 109. Surrounding development is limited, with low-density residential uses, some commercial along the highway, and large undeveloped tracts that have the potential to be emerging mixed-use communities.

Location

Areas within this character area include the following:

- Bound by SR-109 Bypass and Old Hwy 109, north of the City limits

Intent

- Accommodate less-intensive uses such as corporate/regional headquarters, call and data centers, light manufacturing and "green" companies in a campus-like setting
- Depict clear boundaries and transitions between the edge of the area and adjacent areas, particularly existing or emerging residential areas, to prevent visual and physical encroachment
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design, resulting in ease of movement throughout the area
- Provide adequate landscaping buffers
- Limit grading and clearing
- Promote sign, landscaping and site standards that define a quality aesthetic of this emerging business area

Development Strategies

- Encourage a relatively high-density mix of commercial, office and industry uses
- Require connectivity between uses

Implementation Measures

☞ *Work with property owners to prepare Master Plan for the development of the property shown as North Gallatin Emerging Business Park*

☞ *Market available North Gallatin Emerging Business Park properties*

N. GALLATIN EMERGING BUSINESS PARK

Anticipated level of change:

- High

Transportation

- Medium level of service
- Medium level of connectivity
- Properties accessed by public roads, railroad
- Regular-shaped, long blocks
- Roads characterized by curb and gutter

Infrastructure

- Full urban facilities and services

Greenspace

- Adjacent Preserve areas

Primary Land Uses

- Light Industry
- Business Parks
- Warehouse
- Commercial
- Hospitality
- Transportation/Comm./Utilities

Appropriate Intensity

- 0.5 FAR

Applicable Zoning Districts

Existing Zoning Districts

- IR, PBP

Proposed Zoning Districts

- No proposed new districts

PC 3-1502-16

ATTACHMENT 4

GMRPC Resolution No. 2016-21

A RESOLUTION OF THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION RECOMMENDING APPROVAL TO GALLATIN CITY COUNCIL OF A PRELIMINARY MASTER DEVELOPMENT PLAN FOR TWICE DAILY, CONTAINING FIVE (5) COMMERCIAL LOTS, AN OPEN SPACE TRACT AND TWO (2) RIGHTS-OF-WAY, ON 18.90 (+/-) ACRES, LOCATED SOUTH OF THE INTERSECTION OF LONG HOLLOW PIKE (SR 174) AND VIETNAM VETERANS BOULEVARD (SR 386). (PC 3-1502-16)

WHEREAS, the applicant submitted an application for the Twice Daily Preliminary Master Development Plan consistent with Section 12.02.050 of the City of Gallatin Zoning Ordinance, and

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 April 25, 2016.

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

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 Tennessee Code Annotated §13-3-413, §13-4-310, §13-7-201, and §13-7-202:

1. The Preliminary Master Development Plan is consistent with the Gallatin on the Move 2020 Plan and the GreenLea Business Center Character Area designation of the property with the conditions.
2. The Preliminary Master Development Plan is consistent with the purpose and intent of the Planned General Commercial (PGC) and Planned Business Park (PBP) zone districts and complies with the use restrictions, minimum bulk and height regulations, minimum lot dimensions, yard lines and minimum building setback line requirements established in the PGC and PBP zoning districts, and pursuant to Architectural Character and Compatibility Standards (G.Z.O., Section 13.08.010).
3. The Preliminary Master Development Plan complies with the Design and Performance Standards of the Gallatin Zoning Ordinance as described in Section 13.02.
4. The legal purposes for which zoning regulations exists have not been contravened.
5. The Preliminary Master Development Plan will not create adverse effects upon adjoining property owners or any such adverse effect can be mitigated by applying design and performance standards or is justified by the public good or welfare.
6. No one property owner or small group of property owners will benefit materially from the approval to the detriment of the general public.

ATTACHMENT 4

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval to City Council the Preliminary Master Development Plan for Twice Daily, consisting of a two (2) sheet plan, with project no. 127-023, prepared by Perry Engineering, LLC of Goodlettsville, TN, dated April 14, 2016, and a two (2) sheet architecture plan, with project no. 0216, prepared by Cassetty Architecture of Hendersonville, TN, dated January 25, 2016, with the following conditions:

1. The recently adopted Stormwater Ordinance requires runoff reduction practices incorporated into the full design of the project at the FMDP stage.
2. Traffic Impact Study (TIS) is required at the Final Master Development Plan stage and must be approved by the City Engineer. The TIS should address traffic signal improvements, signal timing, number of lanes, and other improvements. Recommendations from the TIS might alter proposed traffic improvements.
3. Access/driveway permit on SR 174 is subject to approval from the Tennessee Department of Transportation. Construction of the right-in-right-out driveway on SR 174 shall include a concrete median on SR 174 which shall be removed at the expense of the owner of the Twice Daily site when the adjacent property develops. A driveway with a cross access easement will be provided 660 feet east from the SR174/SR 386 intersection upon development of the adjacent property to provide access to SR 174.
4. Show full buildout of adjacent roadways consistent with the SR 386/US 31E Connector Feasibility Study for reference. The buildout may require improvements to be set further back from the right-of-way.
5. The point of tangency past the second backage road to the south shall be 900' from the south boundary.
6. Driveway spacing for each access point shall meet the recommendations of the Gallatin on the Move 2020 General Development and Transportation Plan. The minimum driveway throat lengths shall be 45 feet for the minor arterial (new roadway) and a minimum of 80' for major arterial (Long Hollow Pike).
7. Provide access to the adjacent property to the west. Road extensions, driveway access points, and cross access to possible future adjacent phases as well as shared access and cross access between proposed parking lots should all meet the recommendations of the Access Management Plan of the Gallatin on the Move 2020 General Development and Transportation Plan.
8. The end of road construction shown on sheet PMDP (Sheet 2) shall be extended to the south end of the Lot 1.
9. The Right-of-Way width is insufficient at the intersection of SR 174 and SR 386. The right-of-way and roadway cross section, at a minimum, shall accommodate three (3) 12 foot wide north bound lanes, one (1) 12 foot wide south bound lane, a four (4) foot wide bike lane on each side, a 2.5 foot wide curb and gutter on each side, a five (5) foot wide grass strip on each side, a six (6) foot wide sidewalk on each side, and a one (1) foot wide setback on both sides, bringing the total minimum right-of-way cross section to 85 feet wide. There shall also be sufficient room at the intersection of SR 174 and SR 386 so that the double left movements from SR 174 and the new proposed road can occur at the same time without having to split the signal phasing.

ATTACHMENT 4

10. Submit five (5) corrected and folded copies, of the Preliminary Master Development Plan for Twice Daily, including one (1) full size and four (4) half size copies to the 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: 04/25/2016

Dick Dempsey

Dick Dempsey, Chairman

Johnny Wilson

Johnny Wilson, Secretary

APPROVED AS TO FORM:

Susan High-McAuley

SUSAN HIGH-MCAULEY
CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

5/10/2016

DEPARTMENT: **Information Technology** **AGENDA #8**

SUBJECT:
Resolution Adopting Policies for PCI DSS Compliance

SUMMARY:
This Resolution is for the adopting of policies for PCI DSS Compliance

RECOMMENDATION:

ATTACHMENT:

- [x] **Resolution**
- [ ] **Ordinance**
- [ ] **Correspondence**
- [ ] **Contract**
- [ ] **Bid Tabulation**
- [ ] **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R16Ø5-29

RESOLUTION ESTABLISHING PAYMENT CARD INDUSTRY COMPLIANCE POLICIES TO MEET COMPLIANCE REQUIREMENTS FOR PAYMENT CARD TRANSACTIONS

WHEREAS, the Payment Card Industry (PCI) has established Data Security Standards (DSS) that must be met by all merchants and service providers that store, process or transmit cardholder data; and

WHEREAS, the City of Gallatin accepts payment cards from the public for the payment of services; and

WHEREAS, the City of Gallatin is committed to safeguarding the information and information systems that support the processing of payment card transactions; and

WHEREAS, the City Council deems it necessary for the City to establish and adopt policies to meet the PCI DSS requirements and maintain compliance to protect cardholder data.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE that the City of Gallatin shall adopt the required Payment Card Industry Data Security Policies to adhere to the PCI DSS standards and maintain PCI DSS compliance.

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

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

_____

MAYOR PAIGE BROWN

ATTEST:

_____

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____

SUSAN HIGH-MCAULEY, CITY ATTORNEY

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **CITY ATTORNEY / RISK MANAGEMENT** **AGENDA #9**

SUBJECT:
Award Property, Liability, Gas Liability and Workers Compensation insurance to _____

SUMMARY:
The City of Gallatin issued an RFP for property, liability, gas liability and workers' compensation insurance for the first time. The City received two bids. One was from TML Risk Management Pool, and the other bid was from Travelers Insurance. Based upon the recommendations from our Insurrance Review Committee, we will ask the Council to approve the Resolution awarding the bid at the Committee Meeting.

RECOMMENDATION:

ATTACHMENT:

☒ **Resolution** ☐ **Correspondence** ☐ **Bid Tabulation**
☐ **Ordinance** ☐ **Contract** ☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R16Ø5-28

RESOLUTION AWARDING PROPERTY, LIABILITY, GAS LIABILITY & WORKERS' COMPENSATION INSURANCE FOR THE CITY OF GALLATIN TO _____

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the City of Gallatin approves and accepts the premium for Property, Liability, Gas Liability and Workers' Compensation insurance provided by _____, and that the Mayor is hereby authorized to sign all necessary documents related thereto on behalf of the City of Gallatin. The insurance policies shall become effective July 1, 2016.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the Gallatin City Council accepts and awards the Property, Liability, Gas Liability & Workers' Compensation Insurance bids to _____.

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: _____.

_____
MAYOR PAIGE BROWN

ATTEST:

_____
CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

_____
SUSAN HIGH-MCAULEY, CITY ATTORNEY

TML Risk Management Pool - The Pool	
Liability Total	$426,267
Property Total	$189,733
Workers Compensation Total	$353,235
Less Dividends	$42,301
TOTAL	$926,934

Travelers	
Liability Total	$437,037
Property Total	$148,913
Workers Compensation Total	$447,424
TOTAL	$1,033,374

Gallatin Bid Information

We would like to have an opportunity to meet with you after the bid opening to discuss the option that is in the best interest of the City of Gallatin and that may be that now is not the time to change insurance carriers because of the recent Law Enforcement incident and the potential for an ensuing lawsuit and the coverage restrictions that will apply.

The Travelers policy would not respond with a defense or indemnity obligation for the April6, 2016 incident pursuant to the Known Wrongful Acts Exclusion. Travelers is providing Prior Acts coverage but since this is a known wrongful act, it would be excluded.

Gallatin would need to purchase tail coverage from TML and our concern is that would not be cost effective.

We want to do what is ultimately right for Gallatin and that may be not changing carriers until the statute of limitations for this incident has passed.

We would welcome an opportunity to discuss this with you. Additionally, there were some other concerns regarding duplication of coverage and duplication of exposures and inadequate valuations that we would like to discuss with you once the bids have been opened.

EXCEPTIONS

Cyber Liability limit of $25,000
Non-Monetary Defense Cost Limit of $50,000

There are numerous increases in coverage within the proposal.

CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA

May 10, 2016

DEPARTMENT: **Mayor's Office** **AGENDA #10**

SUBJECT:
Continued Discussion of 2016/2017 Budget

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

☐ **Resolution**	☐ **Correspondence**	☐ **Bid Tabulation**
☐ **Ordinance**	☐ **Contract**	☐ **Other**

Approved ☐
Rejected ☐
Deferred ☐

Notes: