

## ARTICLE 15.00

### ADMINISTRATION AND ENFORCEMENT

#### **15.01 Organization and Purpose**

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

The Office of Zoning Administrator  
The Board of Zoning Appeals

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

Issuance of Zoning Permit or Development Order  
Issuance of Use and Certificates of Completion  
Temporary Use and Certificates of Completion  
Performance Standards  
Variances  
Conditional Use Permits  
Amendments

#### **15.02 Appointment and Duties of the Zoning Administrator**

##### 15.02.010 Zoning Administrator

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

##### 15.02.020 Duties of the Office of Zoning Administrator

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

- A. Issue all zoning permits, and make and maintain records thereof;
- B. Issue and administer all, site sureties and make and maintain all records thereof;
- C. Conduct inspections of use of land to determine compliance with the provisions of this Ordinance;

- D. Maintain permanent and current records of this Ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, site plans, including preliminary and final master development plans, and applications therefore;
- E. Provide information to the public on all matters relating to this Ordinance;
- F. Receive, file and forward to all necessary agencies all applications for conditional uses, and for amendments to this Ordinance;
- G. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance;
- H. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of his recommendations to the Planning Commission at least annually.
- I. Administration to the Boards of Zoning Appeals
- J. Administration of the Floodplain Ordinance.

15.02.030 Powers of the Zoning Administrator Regarding the Issuance of Permits

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

Under no circumstances is the Zoning Administrator permitted to make changes ~~in~~ to this Ordinance nor to vary its terms and provisions in carrying out his duties without authorization by the Board of Mayor and Alderman upon adoption an amendment to this Ordinance.

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

15.02.040 Powers of the Zoning Administrator and Code Compliance Officer of the Police Department to Enforce Performance Standards

The Zoning Administrator and the Code Enforcement Officer of the Police Department shall enforce performance standards in accordance with the procedure set forth in Sections 15.02.040 A. through 15.02.040 F.

- A. New Construction, or Extension or Enlargement of Existing Uses - In all districts where performance standards apply, any request for a zoning permit or development order for manufacturing or other uses shall be accompanied by a certification from a licensed

registered Professional Engineer of Tennessee that the proposed activity can meet the applicable performance standards. If the Zoning Administrator or Code Compliance Officer has reasonable belief that a violation may occur, despite the opinion of the Engineer, then he may:

1. require the submission of additional data sufficient to support the applicant's claim, or
2. reject the application, pending receipt of additional supporting data.

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

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

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

- C. Performance Standards Relating to Emission of Smoke, Fire, and Explosive Hazards Where Flash Point of Flammable Material Is Known, Humidity, Heat, Glare and Electromagnetic Interference - If the Zoning Administrator/Code Compliance Officer, Building Official, or Fire Official finds, after making determinations in the manner set forth in Article 14.00 of this Ordinance that there is a violation of performance standards relating to emission of smoke, fire, and explosive hazards where the flash point of flammable materials is known, heat, humidity, glare, or electromagnetic influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Section 15.08 of this Article.
- D. Performance Standards Relating to Measurements of Particulate Matter, Vibration, Noise, Fire and Explosive Hazards Where Flash Point of Materials is Not Known, Toxic and Noxious Matter, Odorous Matter, and Radiation Hazards - If in the considered judgment of the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official there is probable violation of the performance standards set forth in Article 14.00 concerning emission of particulate matter, vibration, noise, fire and explosive hazards where flash point is not known, toxic and noxious matter, odorous matter, or radiation hazards the procedures, in Section 15.08 shall be followed.

E. Violation of Performance Standards - Procedure for Notice and Testing - If, in the considered judgment of the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official, there is probable violation of the performance standards as set forth in Article 13.00 concerning emission of particulate matter, vibration, noise, fire, and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter, or radiation hazards the following procedures shall be followed:

1. The Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official shall give written notice, by registered mail or other means insuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official within a time limit set by the Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official within the time limit set constitutes admission of violation of the terms of this Ordinance.
2. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this Ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of determination will be paid by the City. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
3. If there is no reply within the time limit set (thus establishing admission of violation as provided herein and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.

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

If a reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violation continues, the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the property owner, business operator or other persons responsible for the

violation, in addition to such other penalties as may be appropriate under the terms of Section 15.08 of this Article.

If no violation is found, the costs of the determinations shall be paid by the City without assessment against the property owner, business operator or other persons involved.

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

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

- G. Power to Make Measurement of Manufacturing or other Uses in Districts Where Performance Standards Apply - Notwithstanding the foregoing provisions, in any district where performance standards apply, the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official may cause to have made scientific tests of any use to determine its performance characteristics, whether or not a violation exists. The costs of such tests are to be sustained by the City.
- H. Right of Entry Upon Land - The Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official or persons engaged by him to perform tests or any other duties may enter upon any land within the jurisdiction of the City for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.
- I. Conflict with State or Federal Enforcement - Where any of the performance standards contained herein are enforced by appropriate state or federal authorities, the Zoning Administrator, Code Compliance Officer, Building Official, or Fire Official shall be exempted from such enforcement. However, this shall not be construed as preventing the City of Gallatin from adopting and enforcing stricter standards than federal or state governments if the City so desires.

### **15.03 Zoning /Development Permits and Use and Certificates of Completion**

15.03.010 Zoning/Development Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning development permit issued by the Office of the Zoning Administrator and approved by the Code Compliance Officer, Building Official, and Fire Official.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the City of Gallatin unless the application for such permit has been examined by the Office of the Zoning Administrator, Code Compliance Officer, Building Official, and Fire Official or indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any zoning/development permit or use and occupancy permit issued in conflict with the provisions of this Ordinance shall be null and void.

15.03.020 Site Plan Required

The City Planner shall require that all applications for permits be accompanied by plans and specifications. All applications shall include a site plan showing the information as required below, which shall be approved by the Planning Commission prior to the issuance of the permit. Prior to submittal of a site plan application, the owner or owners agent shall first meet with the Planning and Engineering Department staff, and other department staff, when necessary, in a pre-application conference.

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

A. Site improvements, buildings or building additions that include:

1. Commercial building additions and/or accessory structure construction or additions less than 10,000 square feet in gross floor area or 25 % or less additional total gross square footage in floor area for buildings less than 10,000 square feet in area and industrial building additions of less than 50,000 square feet in area, (Only one such addition shall be considered in any 12 month period.) or
2. Commercial and/or accessory buildings that do not exceed 10,000 square feet of building area, or
3. Industrial buildings that do not exceed 50,000 square feet of gross building area, or
4. Building additions which represent less than a fifty percent (50%) increase in building size may construct such addition with materials that match or are consistent with the existing structure.

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

1. Does not require building additions or site improvements in excess of the thresholds described in 15.03.020 A., and
2. Are permitted uses in the zoning district in which the proposed changes are located.

C. Residential Buildings or other residential structures involving ten units or less located on a Single-Zone Lot.

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

1. The actual shape, location, and dimensions of the lot;
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
3. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

All other buildings, structures, and activities, including requests for alternative architectural designs, shall require site plan review and approval by the Planning Commission.

15.03.021 Site Plan Requirements

In addition to the requirements described in Article 12, Section 12.10, the site plan for all other buildings, structures, and activities shall include:

1. The actual shape, location, and dimensions of the lot;
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
3. Legal description and/or survey of the property with location map and most recent deed;
4. An engineered scale of not less than 1:60 (1 inch = 60');
5. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate, if applicable;
6. Topographic features (contours not greater than 5 foot intervals) including the topography of at least 50 feet on adjacent lots and any natural drainage systems;
7. Location of all proposed driveways and entrances as well as existing driveways and entrances on surrounding lots, trails/pathways and sidewalk and bicycle facilities;
8. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities are to be provided;
9. Location of all accessory off-street loading berths;

10. Location of open space;
11. Proposed ground coverage, floor area, and building heights;
12. Position of fences and walls;
13. Materials to be used on building facades and fences;
14. Position of screen planting (type of planting specified);
15. Location of windows and courts;
16. Exterior Construction materials to be used on buildings;
17. A site lighting plan;
18. Location, type, and size of proposed signs, if applicable;
19. Proposed means of surface drainage, including drainage calculations and details of the proposed drainage facilities;
20. Location of all existing and proposed utility lines;
21. Location of all easements and rights-of-way;
22. Certification of compliance with applicable performance standards;
23. Location of areas subject to flooding;
24. Percolation tests where subsoil sewage disposal is anticipated;
25. Show required yards, setbacks, and bufferyards;
26. Label zoning for property and surrounding properties and name of owners of adjacent properties;
27. Location, type, and size of proposed accessory structures including HVAC units, waste material collection facility, including bulk container, concrete pad, and opaque enclosure for other than City of Gallatin refuse containers.
28. Traffic Impact Study when required per Section 13.06.
29. Nine (9) copies of the site plan. Applicants preparing a site plan using Computer Aided Drafting and Design (CADD) shall be required to submit a digital file of the approved site plan.

#### 15.03.022 Site Plan Voided

A site plan shall become null and void after a period of three (3) years if no construction activity has been initiated based on the approved site plan. Construction activity does not include grading or excavation. For any site plan approved prior to May 1, 2008, expiration shall occur under the terms of the original site plan approval.

#### 15.03.023 Site Plan Certification and As-Builts Required

Prior to receiving a certificate of completion for an approved site plan, the applicant, developer, or owner shall furnish to the City Planning Department a signed a sealed letter from the project engineer, landscaped architect or a surveyor licensed in the State of Tennessee, certifying the development site was constructed consistent with the approved plans and accompanied by as-built drawings of the development site. Such as-built drawings shall depict, at a minimum, the following information:

1. Locations of all building footprints or other structures
2. Location of all sidewalks, parking facilities, curbing and other impervious surfaces,



3. Location and size of all retention/detention basins and drainage pipes and structures and conveyances including elevations with 1 foot contours, inlets, orifices, headwalls, inverts, culverts, outfall structures, bridges, etc.
4. Location of all public utility lines and structures
5. Placement of all signs including traffic regulatory signs, and
6. Location/placement of all landscaping.

15.03.030 Use and Occupancy Permit Required

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

15.03.040 Application for Use and Occupancy Permit

Every application for a zoning/development permit shall be deemed to be an application for a use and occupancy permit. Every application for a use and occupancy permit for a new use of land where no zoning/development permit is required shall be made directly to the Office of the Zoning Administrator. All sites excluding any structure will be reviewed to determine is the site is completed in accordance with the approved site plan. Upon completion of site plan improvements the property shall be eligible for a certificate of completion. A certificate of completion does not entitle the owner or tenant to occupy the building. An occupancy permit is required to occupy a building.

15.03.050 *Deleted Ordinance No. O1103-19*

15.03.060 Records of Use and Occupancy Permits

A record of all use certificates and/or certificates of completion issued shall be kept on file in the Office of the Zoning Administrator and occupancy permits issued shall be kept on file in the office of the Building Official and/or Fire Official. Copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

15.03.070 Final Inspection

No use certificate, certificate of completion or occupancy permit for a building, structure or an addition thereto, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Office of the

Zoning Administrator, Building Official and Fire Official. Said structure and site shall to be in conformity with the plans and specifications upon which the zoning permit was based and with the applicable performance standards established by Article 11.00 and Article 13.00.

15.03.080 Site Surety Required

Any application for a zoning permit/development order or building permit which requires the submission of a site plan or Final Master Development Plan shall be accompanied by a surety in the amount of the estimated cost of site improvements including, but not limited to, public water line and sewer line installation, public parking lot and public driveway paving, public drainage conveyances, construction of bufferyard landscaping and screening barriers, site grading, erosion control, public sidewalks and lighting fixtures. The surety is only required to include the cost of restoring the site to natural grades including stabilizing the site and protecting adjacent properties and rights-of-way from erosion.

If an extension of the surety is permitted, as provided below, a new estimate to reflect an updated cost of completion shall be performed by a professional engineer, licensed architect, licensed surveyor, or licensed contractor to the Building Codes and Planning Departments and established as the estimate for such extension. The amount of the surety initially, and for any extension, shall be set in the amount of one hundred ten percent (110%) of the estimate by the Building Codes and Planning Departments. The expiration date of the surety initially, and for any extension, shall be set as one (1) year from the initial date of submission of the surety.

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

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

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

A surety may be reduced by the City upon actual completion and inspection of site improvements and then only to the ratio that the improvements completed bears to the total improvements for the plan. In no event shall a surety be reduced below fifteen percent (15%) of the principal amount prior to final acceptance of all items covered under the surety. A surety reduction shall be

approved a maximum of twice a year and not more than once in any three (3) month period. Upon completion of all improvements and approval of the Planning Department, Engineering Department, Building/ Codes Department and Fire Official, the surety shall be released.

15.03.90 Temporary Use and Occupancy Permits

A. Temporary Use and Structure Permit Application

1. Unless specifically exempt below, any person, firm or corporation desiring to conduct a temporary use with Gallatin or the Gallatin Planning Region shall first obtain a temporary use permit. Such person, firm or corporation shall file a written application with the Planning Department on a form provided by the City, together with an application fees as required by the City. For any event not conducted by the owner of the property where the temporary use is to occur, a letter from the property owner granting permission to conduct the event shall be provided. A permit is not required for temporary uses to be conducted on City property, provided such use has been approved by the appropriate City official and provided the temporary use complies with all provisions of this ordinance.
2. The Planning Department shall grant temporary permits for those uses listed below so long as it is determined that the proposed use, including the erection of any temporary building or structure, including tents, complies with the requirements of this section and ordinance. Unless expressly provided in this section, every temporary use shall comply with the bulk, setback, parking and public accommodation requirements applicable in the district which the temporary use is located. Temporary uses shall be consistent with the permitted uses in the zoning district in which they are located and comply with all local regulations including fire code and building code regulations. The Planning Department, Building Department or Fire Department may impose other conditions , as part of the temporary use permit approval, as necessary to achieve the purposes of this ordinance and to protect the public health, safety, comfort, convenience and general welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the areas as a whole.
3. Temporary uses not specially listed herein shall require review and approval by the Planning Department which shall identify the proposed use for authorization of a use of similar activity as a use listed in this section. If the applicant for a temporary use is denied such permit because the Planning Department determines that there is no similar or comparable use, then the applicant may request review and approval by the Planning Commission. The process for approval shall be the same as for a site plan review and approval.

B. General Provisions

Only those temporary uses identified herein and in Article 3.0 and a temporary use as determined by the Planning Department shall be allowed in the City and in the Planning Region. Every temporary use shall comply with the following standards:

1. No temporary use shall be permitted that causes or threatens to cause and on-site or off-site threat to public health, safety, comfort, convenience and the general welfare.
2. Every temporary use shall be operated in accordance with such restrictions and conditions as the Fire, Police and Building/Codes Departments may require. If required by the City, the operator of the temporary use shall employ appropriate security personnel.
3. No temporary uses shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have an undue detrimental impact on surrounding streets and uses.
4. No temporary use shall be permitted on any site without adequate all-weather, dust-free, off-street parking sufficient to meet the demands of the temporary use except for temporary uses operating of less than seven consecutive days. No temporary use shall be authorized that would significantly reduce the amount of parking spaces available for the use or activity in connection with permanent uses located on the property in question. Adequate drive aisle and fire lanes shall be provided. The Planning Department shall determine the total number of parking spaces that is reasonably required in connection with a proposed temporary use on the basis of the particular use, its intensity and the availability of other public or contracted parking facilities in the area necessary to accommodate the temporary use.
5. No temporary uses shall be permitted if such use would conflict with another previously authorized temporary use that would operate at the same time.
6. Signs shall be permitted only in accordance with Section 13.07. (Sign regulations).
7. Temporary structures, including tents, vendor carts and kiosks, portable buildings, trailers, over-the-road trailers, freight containers, recreational vehicles and mobile homes, used in conjunction with the temporary uses listed herein are permitted as identified below, otherwise they are prohibited.
8. The operation of all temporary uses shall be subject to the noise ordinance (Chapter 10, Article 4, Municipal Code of Ordinances) and the performance standards (Article 13, Section 13.02).
9. All temporary uses shall comply with all applicable local, county and state environmental, solid waste disposal and sanitary waste disposal regulations. Any required Health Department certificates shall be plainly displayed in public sight.
10. Temporary uses which require use of the public right-of-way, parks or other public property shall first secure approval of the appropriate City representative. All such uses shall be coordinated with the appropriate City, County and State officials.
11. Trash generated by the temporary use shall be removed daily.
12. Any required business license shall be obtained.

A temporary use, temporary certificate of completion and temporary occupancy permit shall be issued for no more than six consecutive months and/or no more than six months in any given year unless otherwise restricted herein. In no instance shall a temporary, temporary certificate of completion use and temporary occupancy permit be issued for a longer time period than the surety required to secure completion of all site improvements and off-site improvements.

- C. Temporary Use Permit, Temporary Certificate of Completion and Temporary Occupancy Permit – Partially Completed Sites and Partially Completed Buildings

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

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

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

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

Commercial Districts – CG and CS

Industrial Districts - IR and IG

Such permit may be issued for a period not to exceed fifteen (15) days. The time of operation need not be fifteen (15) consecutive days; however, the site must be vacated within thirty (30) days after initiating operation. Such use shall only be permitted on lots where adequate off-street parking can be provided. An adequate form of surety which meets the provisions of Section 15.03.080 shall be posted prior to issuance of a permit to assure clean-up and maintenance of the site. The amount of surety shall be determined by the Zoning Administrator; however, the amount of surety shall be no less than five thousand dollars (\$5,000).

2. Christmas Tree/Pumpkin/Plant Sales: May be permitted in any agriculture residential, commercial or industrial district. Such temporary use permit may be issued for a period no longer than thirty (30) consecutive days. No more than three such sales shall be permitted on any one lot, parcel or tract in one calendar year.

3. Assembly Meetings: May be permitted in any district. Such temporary use permit may be issued for no more than a fifteen (15) days in non-residential zones and five (5) consecutive days in residential zones. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

4. Special Civic or Non-profit Events Including Festivals, Bazaars, Street Fairs, etc. may be permitted in any district. Such temporary permit may be issued for a period no longer than fifteen (15) consecutive days. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

5. Temporary Construction Offices: In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for a particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner. These uses shall not contain any sleeping or cooking accommodations, except those located in a model unit for demonstration purposes only. No trailer, unit or office shall be used as the general office of any business.
6. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a temporary use permit may be issued to place a mobile home temporarily on a lot in which the principal structure was destroyed by fire, flood, explosion or other natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship. Placement of such structure must not represent a hazard to the safety, health, or welfare of the community and shall comply with all bulk and setback restrictions of the zoning district. An applicant for temporary use permit as provided under this subsection must produce a written statement from the appropriate regulatory authority approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding eighteen (18) months.
7. Temporary Borrow Pits: In any district, a temporary use permit may be issued for the operation of a temporary borrow pit from which soil may be removed to other locations to be utilized as fill material. Such permit may only be issued with an approved site utilization and reclamation plan as the basis for such action and a Land Disturbance Surety shall be required per Section 15.03.080. The period of operation shall be as specified in the approved plan. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions for particular use granted. Such use shall be removed immediately upon expiration of the temporary use permit, whichever occurs sooner. This shall not be construed to allow for the excavation of rock or quarrying.
8. Temporary Tent Type/Mobile Vendors Sales:
  - a. A permit may be issued for a maximum time period of thirty (30) consecutive days per zone lot. Only one such permit may be issued for each zone lot during a calendar year.
  - b. This permit is limited to commercially or industrially zoned lots with no other uses or structure of any kind present.
  - c. This permit is limited to tents, awnings and/or open air activities, food trucks, or other vehicles and storage trailers; specifically excluding any structure or building.
  - d. Adequate off-street parking must be available.
  - e. All setback provisions established for the district shall be met and the use shall be located at least 1,000 feet from any other mobile vendor except for mobile vendors

as a group of no more than three (3) mobile vendors located on the same zone lot and within fifty (50) feet of each other shall be considered a single vendor in regards to the 1,000 foot separation requirement. Mobile vendors associated with a special event such as a street festival, bazaar, arts and crafts fair or car show shall not be required to comply with the 1,000 foot separation requirement.

- f. Any violation of these standards shall be considered a zoning violation, punishable as provided herein.
9. Structures for Temporary Sales: A temporary use permit may be issued by the Zoning Administrator and Building Official for placement of a structure for temporary sales on a commercially zoned lot for a maximum of four (4) months in a calendar year. This structure shall meet the following criteria as determined by the Zoning Administrator and Building Official:
    - a. Structure shall have public water service.
    - b. Structure shall have public electrical service.
    - c. Structure shall be served by sanitary sewer or septic system.
    - d. Structure shall be securely anchored to the site.
    - e. Supports and anchors must be screened from public view.
    - f. Upon removal of the temporary structure, all evidence shall be totally removed from the premises from which the activity is conducted.
  10. Model Homes and Subdivision/Builder Information and Sales Offices: In any residential or mixed use district, a temporary use permit may be issued by the Zoning Administrator and Building Official to allow the use of a dwelling unit or club house as a model home and/or Subdivision and/or building information and sales office. This permit may be modified to reflect moving the model home or information and sales office to a new location in the same subdivision or parcel. Said use shall be discontinued when all homes in the subdivision or parcel, except the model, have been sold. All regulations pertaining to signs as contained in Article 13.07 shall apply. Any parking lots or other parking areas, other than driveways and parking which are accessory to the dwelling, shall require the submittal of a site plan for review and approval of the Engineering, Building Codes and Planning Department.

15.03.100 Planning and Zoning Fees (Repealed by Ordinance O1704-31, Effective 7/1/2017 - see Chapter 2, Article II, Division 3, Section 2-154, Gallatin Code of Ordinances after 6/30/2017)

Prior to the submittal of any request for a site plan, change of use site plan, temporary use permit, preliminary or final master development plan, annexation, Boards of Zoning Appeals process, or special called meeting, the following fees shall be paid to the City:

<b>PROJECT TYPE</b>	<b>FEE</b>
Site Plan	\$75 – up to 10,000 sq. ft. (bldg. area) + .05 per sq. ft. thereafter to a maximum of \$500
Change of Use/In-House Site Plan	\$50
Temporary Use Permit	\$50
Final Master Development Plan	\$150 + \$5.00 per acre over 5 acres up to \$750 maximum
Master Development Plan Revision	\$150
Rezoning Request with Preliminary Master Development Plan	\$300 + \$5.00 per acre over 5 acres
Rezoning Request without Preliminary Master Development Plan	\$125 (up to 1 acre) \$225 (1 – 15 acres) \$325 (16 – 50 acres) \$425 (51 – 100 acres) \$525 (100+ acres)
Annexation [T.C.A. § 6-51-102(a)(1)]	\$100
C. Boards of Zoning Appeals – Variance Request, Conditional Use Permit, Administrative Appeal	\$50
D. Special Called Meeting Fee	
• Boards of Zoning Appeals	\$300
• Planning Commission	\$400
• City Council voting meeting requested by applicant	\$1,050



#### **15.04 The Board of Zoning Appeals**

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

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

- A. The Municipal Board of Zoning Appeals shall have jurisdiction only within the corporate limits of the City of Gallatin and shall consist of five (5) members, who shall all be residents of the City of Gallatin at the time of their appointment and who shall continue to reside within the City corporate limits as long as they serve. At least one of the members of the Municipal Board of Zoning Appeals shall be a member of the Gallatin Municipal Planning Commission.
- B. The Regional Board of Zoning Appeals shall have jurisdiction only outside the corporate limits of the City of Gallatin and within the Gallatin planning region and shall consist of five (5) members, three (3) of whom shall be residents of the Gallatin Planning Region and live outside the City corporate limits, and two (2) of whom shall be residents of the City of Gallatin within the corporate limits. All such residency requirements shall be met at the time of appointment and shall be required to continue as long as any member serves. At least one (1) of the members of the Regional Board of Zoning Appeals shall be a member of the Gallatin Regional Planning Commission.
- C. All members of the Municipal Board of Zoning Appeals and Regional Board of Zoning Appeals shall be appointed by the Mayor within ten (10) days after notification to the Mayor of a vacancy on either Board and confirmed by a majority vote of the Aldermen by resolution.

15.04.021 Terms of Office

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

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

15.04.022 Quorum and Attendance

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

15.04.023 Advisory Opinion by Planning Commission

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

15.04.024 Powers of the Board

The Board is hereby vested with the powers to:

- A. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in carrying out the enforcement of this Ordinance, whereby it is alleged in writing that the Zoning Administrator is in error or has acted in an arbitrary manner;
- B. Hear and act upon application for variances in accordance with Section 15.05 of this Article to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Ordinance by reasons of unique shape, topography, or physical features of the zone lot;
- C. Hear and act upon applications for conditional use permits in the manner and subject to the standards set out in Section 15.05 of this Article;
- D. Hear and decide all matters referred to it on which it is required to act under this Ordinance;
- E. Within its budget appropriation and other funds at its disposal, enter into contracts for such services as it may require.
- F. Interpret the Zoning Maps in cases of dispute.

15.04.025 Election of Officers

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

15.04.026 Conflict of Interest

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

15.04.027 Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public and proper public notice of such meetings shall be given.

15.04.028 Rules and Proceedings of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- A. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Gallatin at least ten (10) days before the date set for a public hearing and written notice of the hearing of an appeal be sent by mail to the appellant and all directly affected property owners at least ten (10) days before the hearing of an appeal. The notice to the appellant shall be sent by registered mail. No appeal shall be considered and heard by the Board unless such appeal shall have been filed at least fifteen (15) days prior to the meeting at which it is to be heard;
- B. The Board may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;
- C. The Gallatin Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing;
- D. Any officer, agency, or department of the City of Gallatin or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;
- E. In any decision made by the Board on a variance the Board shall:
  - 1. Indicate the specific section of this Ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare".
  - 2. In cases pertaining to hardship, specifically identify the hardship warranting such action by the Board;
- F. Any decision made by the Board on a conditional use permit shall indicate the specific section of this Ordinance under which the permit is being considered and shall state its

findings beyond such generalities as "in the interest of public health, safety and general welfare", and shall state clearly the specific conditions imposed in granting such permit;

G. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good and sufficient cause being shown;

H. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

15.04.029      Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such, stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Zoning Administrator, and on due cause shown.

15.04.030      Liability of Board Members, Zoning Administrator, and Employees

Any Board member, Zoning Administrator, or other employee charged with the enforcement of this Ordinance, acting for the City of Gallatin in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Gallatin of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board member, Zoning Administrator or employee charged with the enforcement of any provision of this Ordinance shall be defended by legal representative furnished by the City of Gallatin until the final termination of such proceedings.

15.04.031      Right to Entry Upon Land

The Board, its members, and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Ordinance.

## **15.05      Zoning Variances**

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

### **15.05.010      Application for Variances, Notice of Hearing, Fee**

A written application for a variance shall be filed with the Board by the property owner or his designated agent on forms provided by the Board and the application shall contain information and exhibits as may be required under Section 15.03.021 No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Section. 15.06.101. A fee payable to the City of Gallatin shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

### **15.05.020      Notice to Affected Property Owners**

It shall be the general rule of the Board that reasonable efforts shall be made to contact and notify interested parties, who in the opinion of the Board, may be affected by any matter brought before the Board. In all cases all owners of record of adjoining property, including those separated by a public way from the premises in question shall be notified. The notification required to meet this provision shall be accomplished by direct mail addressed to the respective owners at the address given in the latest assessment roll.

### **15.05.030      Standards for Variances**

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out must be stated; and
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district; and
- C. The variance will not authorize activities in a zone district other than those permitted by this Ordinance; and
- D. Financial returns only shall not be considered as a basis for granting a variance; and
- E. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance; and
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same districts; and

- G. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
- H. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
- I. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area; and
- J. The granting of a variance will not cause substantial detriment to the public good and will not substantially impact the intent and purpose of the City's zoning plan and zoning ordinance.

15.05.040 Non-Conformity Does Not Constitute Grounds for Granting of a Variance

No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

15.05.050 Prohibition of Use Variances

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

15.05.060 Conditions and Restrictions by the Board

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Section 15.05.030 to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this Ordinance. The Board may establish expiration dates as a condition or as a part of the variances.

15.05.070 Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official

In exercising its powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

15.05.080 Variance Appeals

Any person including any agency of the city government aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and

findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Article shall be final and subject to review only for illegality or want of jurisdiction.

## **15.06 Conditional Use Permits**

### 15.06.010 Conditional Uses

The Board of Appeals may hear and decide, in accordance with the provisions of this Ordinance, requests for conditional use permits. For the purposes of administration of this Ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Sections 13-7-205 (b), Tennessee Code Annotated.

### 15.06.020 Application for Conditional Use Permit, Notice of Public Hearing

The application for a conditional use permit shall be made by the property owner or his designated agent and filed in writing with the Board on forms provided by the Board, and shall contain information and exhibits as may be required under Section 15.03.020, or in the case of buildings or other structures or uses to be located within floodplain districts, as may be required by Section 10.03. Not more than 60 days after filing such application, a hearing shall be held on the application, unless otherwise withdrawn or postponed upon written request by the applicant. Notice of hearing shall be held in accordance with Section 15.06.101. A fee payable to the City of Gallatin shall be charged to defray cost of review and processing for each application for a conditional use permit, except that the fee may be waived for any government agency.

### 15.06.030 Requirements for Conditional Use Permit

General requirements are hereby established which shall apply to all applications for conditional use permits, and specific standards listed shall apply to the issuance of a conditional use permit as appropriate. The Board may impose such other conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to comply with the provisions set out in Section 15.06.040 through 15.06.090 to reduce or minimize the injurious effect of such conditional use upon and ensure compatibility with surrounding property and to better carry out the general intent of this Ordinance.

### 15.06.040 General Requirements

A conditional use permit shall be granted provided the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
- B. Will not adversely affect other property in the area in which it is located;
- C. Is within the provisions of "Conditional Uses" as set forth in this Ordinance; and
- D. Conforms to all applicable provisions-of this Ordinance for the district in which it is to be located and is necessary for public convenience in that location.

### 15.06.050 Specific Standards for Community Facility Activities



In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use permit may be granted for the community facility activities specified in Sections 15.06.050 A through 15.06.050 J. when the standards established are met as part of the condition for issuing the permit in the applicable zone districts.

A. Special Conditions for Limited Child and Adult Care Facilities

1. In the Agriculture, R-40, MRO, MPO, CC, CS, CG, IR and IG Zoning Districts the lot size, setbacks, and lot coverage shall conform to those applicable to the Zoning District. In the R-10, R-8 and R-6 Zoning Districts no such facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the Zoning District.
2. All other bulk regulations of the district shall be met.
3. One accessory off-street parking space for each five persons accommodated in the day care facility shall be provided.
4. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.
5. All public utilities and sewage disposal shall be available to the site and shall be subject to approval of either the Public Utilities Department or the County Environmentalist Office.
6. All regulations of the State of Tennessee that pertain to the use shall be met.
7. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
8. Fencing, screening, and landscaping shall be provided as required by Article 13.00 of the Zoning Ordinance and as appropriate to protect the surrounding area for such facility.
9. Upon the approval by the Board of Appeals, the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

B. Special Conditions for Nursing Homes

1. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district.
2. All bulk regulations of the district shall be met.
3. The requirements of the accessory off-street parking regulations of this Ordinance in Article 11.00 shall apply.

4. All regulations of the State of Tennessee shall be met.
5. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewerage Services. Upon approval by the Board of Appeals the site and architectural plans for such a facility shall be approved by the Planning Commission taking into account the above condition as well as any other pertinent factors.

#### C. Special Conditions for Community Assembly

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the districts; provided, however, that if such community assembly includes outdoor activities the minimum lot area shall be four (4) acres.
2. All bulk regulations of the zone district shall apply.
3. Off-street parking per Section 11.01 except for temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Zoning Administrator, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
4. Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than 15 feet of any vehicular entrance or exit to the property.
5. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
6. All public utilities and sewage disposal shall be available to the site and shall be subject to approval by the Department of Water and Sewerage Services.

#### D. Special Conditions for Non-assembly Cultural

1. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district.
2. All bulk regulations of the zone district shall apply.
3. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.
4. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.

## E. Special Conditions for Health Care Facilities

### 1. Minimum Lot Area

- (a) No health clinic shall be permitted on a zone lot unless it contains 10,000 square feet, or twice the lot area requirements of the district, whichever is greater.
- (b) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

### 2. Hospitals, Centers for Observation or Rehabilitation

The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be 50 feet for a one or two story building, increased by five (5) feet for each story above two (2).

- 3. All other regulations of the zone district shall apply.
- 4. There shall be provided along the entire site boundary fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- 5. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties within the surrounding area.
- 6. All public utilities and sewage disposal shall be available to the site and shall be approved by the Department of Water and Sewage Service.
- 7. Upon approval of the Board of Appeals the site and/or architectural plans shall be reviewed and considered for approval by the Planning Commission.
- 8. The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:

- Community Facility Activities
- Commercial Activities
- Convenience Sales and Services
- Automotive Parking
- Food Service
- Medical Service

## F. Special Conditions for Utility and Vehicular Facilities

1. The location of such facility shall be within a certain service area in order to provide the most efficient service to such area.
2. All of the bulk regulations of the zone district shall apply.
3. The location of such facility shall not materially increase traffic on surrounding streets.
4. The location of such facility shall not have an adverse effect on surrounding properties.
5. There shall be provided along the entire site boundary fencing, screening, and landscaping as appropriate to protect the surrounding residential area.

#### G. Special Conditions for Intermediate and Extensive Impact Industrial Activities

1. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the surrounding area, thus reducing the impact upon the surrounding area.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
4. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.

#### H. Special Conditions for Place of Worship

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in R40 and A districts where the minimum district lot size shall apply.
2. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
4. All bulk regulations of the district shall be met.
5. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

#### I. Special Conditions for Community Education Facilities

1. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
2. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
3. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
4. The off-street parking requirements of this Ordinance in Article 11.00 shall apply.

J. Special Conditions for Animal Care Activities in Agricultural Districts

1. The lot regulations of the district shall apply.
2. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
3. Insect, rodent, and odor control measures shall be provided to the satisfaction of the Board of Appeals.
4. Any outdoor pens or holding areas shall be appropriately screened.
5. The off-street parking requirements in this Ordinance in Article 11.00 shall apply.

15.06.060 Specific Standards for Commercial Activities

A conditional use permit shall not be granted for the commercial activities specified in Sections 15.06.060. A through 15.06.060 J. unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

A. Special Conditions for Automotive Parking in CC Districts

1. All parking shall be on the surface of the lot,
2. No structure shall be permitted other than a shelter for the attendant and accessory business signs as permitted under this Ordinance,
3. Such permit shall not be issued for a period exceeding five years.

B. Special Conditions for Scrap Operation Activity in IG Districts

1. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
2. The bulk regulations and performance standards of this Ordinance shall apply.

3. Insect and rodent control measures shall be provided as approved by the County Health Department.
4. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
5. The operation of such facility shall not have an adverse effect on the properties in the surrounding areas.
6. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

C. Special Conditions for Group Assembly Limited and Extensive Activities

1. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area,
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets,
3. The off-street parking requirements shall be based on a recommendation from the Planning Commission.

D. Special Conditions for Convenience Food Sales and Food Service in MPO Zones - These uses shall be considered as incidental services to serve occupants and patrons of the permitted use only. Such activities shall be conducted in spaces which are designed as integral parts of the principal use.

E. Special Conditions for Limited Warehousing

1. The location, size, and design of such facility shall be compatible with development in the surrounding area.
2. There shall be provided along the entire site boundary fencing, screening, and landscaping, as appropriate to protect adjoining properties.
3. The use of buildings in which the exterior facade is comprised of metal construction or metal siding shall be prohibited unless approved as an alternative material by the Planning Commission according to provisions of Section 13.08.010 D. Buildings facades visible from a street or residential area shall be designed according to the provisions of Section 13.08 of this Ordinance, and shall be constructed primarily of brick, or stone, or combinations thereof, or combinations of materials deemed acceptable by the Board. Building facades not visible from a street or residential area may be constructed of aluminum siding, vinyl siding, or fiber cement siding. Building materials used in the construction of the units shall not contain bright, vivid colors. The use of primary, secondary or other bright, bold colors on building facades, roofs, doors,

window frames, or awnings shall be prohibited. Colors used in the development shall be subdued, with natural earth tones and colors compatible with surrounding development predominating.

4. The off-street parking requirements shall be based upon a recommendation from the Planning Commission. All parking areas and driveways shall be paved.
5. All buildings shall be separated by a minimum of thirty (30) feet.
6. The setback for such activities shall be 100 feet from a major thoroughfare.

#### F. Special Conditions for Convenience Sales and Services Commercial Activities

1. The location, size, and design of such facilities shall be situated such that the proposed development shall be compatible with the existing development of the surrounding area, thus reducing the impact upon the surrounding area. Convenience Sales and Service structures should be designed to be compatible with the character of residential structures in the surrounding area. Scale of materials and building forms are important elements of continuity.
2. In order to determine compatibility, the applicant shall provide information concerning building design and materials, including elevations of all sides of the proposed buildings and structures. The features shown in the elevations shall include information concerning building materials, heights, scale, door and window openings, façade offsets, roof pitch and colors.
3. The design of such facilities shall comply with the requirements of Section 13.08, Architectural Character and Compatibility Standards and shall be based on a recommendation of the Planning Commission. In addition, the following architectural standards shall apply:
  - a. Building height and design shall be in keeping with the character and scale of the proposed development.
    - i. Building colors should be subdued, with natural earth tones and colors compatible with surrounding development predominating.
    - ii. Building rooflines and pitches should be comparable to typical residential roofline styles. To harmonize with residential structures, convenience sales and service structures should have roofs that are visible from the street, preferably with a pitch not less than 1-foot rise in 2-foot run. Roofs should be a dark earth tone in color.
  - b. Canopy height and design shall be in keeping with the character and scale of the proposed development. The canopies should have pitched rooftops compatible with the design of the proposed building(s).
  - c. Canopies over gas pumps shall use colors and materials that blend with proposed and surrounding building facades. The use of earth tones or dark colors is encouraged.

- d. The use of primary, secondary or other bright, bold colors on building facades, canopies and awnings should be avoided.
  - e. Heating and cooling equipment, solid waste disposal equipment and facilities and mechanical equipment and facilities shall be adequately screened so as not to be visible from streets and adjacent properties. In addition, mechanical equipment placed on rooftops should be concealed from view from public streets and adjacent properties.
4. The number of gasoline pumps, if any, permitted with this use shall be based upon a recommendation from the Planning Commission. In making this determination the Planning Commission shall consider the location, size, and design of such facilities so that the proposed development will be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
  5. The off-street parking requirements shall be based on a recommendation from the Planning Commission.

G. Special Conditions for Automotive Repair and Cleaning and Automotive Servicing Commercial Activities

1. The location, size, and design of such facility shall be compatible with development in the surrounding area. Buildings shall be designed in accordance with Section 13.08 of this Ordinance.
2. There shall be provided along the entire site boundary fencing, screening, and landscaping, as appropriate to protect adjoining properties.
3. All of the bulk regulations of the zone district shall apply.
4. All activities associated with the use shall be conducted within completely enclosed buildings except for required parking, loading, exterior storage, and other accessory uses which by their nature must necessarily exist outside a building.
5. Outdoor storage of motor vehicles and other materials shall be screened from public view, and may be permitted in the side and rear of the principal building. The location, extent, and screening of the outdoor storage area shall be approved as a part of the site plan by the Planning Commission. The outdoor storage shall be screened from public view using a combination of appropriate fencing, walls, hedges, or landscaping materials, not exceeding ten (10) feet in height with the stored materials to be kept at least two (2) feet below the top of such screen.
6. The off-street parking requirements shall be based upon a recommendation from the Planning Commission.

H. Special Conditions for Undertaking Services



1. Undertaking Services where funeral services are also provided shall provide parking commensurate to the Community Assembly Use.
2. Crematoriums shall be located no less than 200 feet from property zoned for residential uses and no less than 50 feet from the property line.

I. Special Conditions for Transit Habitation

1. Transit Habitation uses shall be constructed on a building scale similar in nature to buildings in the immediate vicinity within the same or adjacent zoning districts.
2. For each additional floor of building height an additional ten feet of bufferyard width in any side or rear yard shall be required.
3. Any transient habitation use adjacent to a low density or medium density residential use or a low density or medium density residential zoning district shall provide a bufferyard of twice the width of the required bufferyard between such uses or districts.
4. Driveways for transient habitation uses shall not be located adjacent to or across the street from properties in residential zoning districts.
5. Transient Habitation uses shall be located adjacent to other commercial uses and not solely adjacent to residential uses.

J. Special Conditions for Auto Disassembly, Parts Recycling & Materials Recovery Operations

1. Any such use shall front on either a collector street, or arterial street as classified on the official Major Thoroughfare Plan.
2. The operation of the facility shall be conducted completely inside an enclosed structure or building. No auto-mechanical crushers shall be used in disassembly and processing of the materials outside of any building.
3. Outdoor storage of materials shall be not be permitted in any required yard or required bufferyard whichever is greater. Any outside storage use shall be screened with an opaque fence or wall to be placed interior to or at the required yard setbacks or bufferyard parallel to any property boundaries and no materials shall be stack above the height of the fence or wall. All outside storage surfaces shall be asphalt, concrete pavement or compacted gravel.
4. No such use shall be located within 300 feet on an established residential use or residentially zoned property.
5. All such uses shall provide a Type 30 landscape buffer or greater along all property boundaries.
6. The facility must comply at all times with the various performance standards cited within Sections 13.02 and 15.02.040 of this Ordinance. Particular emphasis shall be placed on compliance with the City's noise standards.

15.06.070 Reserved.

15.06.080 Specific Standards for Residential Activities

A conditional use permit shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

- A. Special Conditions for Multi-family Dwelling and Mobile Home Park Activities - In addition to the standards contained in this Ordinance, for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, and suitability of the site for the use, and such other factors as the Board may deem necessary.
- B. Special Conditions for a Mobile Home - A mobile home may be permitted on an individual lot where in the opinion of the Board such use would not be detrimental to other adjoining uses. In making this determination the Board shall consider the relative closeness of structures, the overall character of the neighborhood, and the type (e.g. single-wide, double-wide) and appearance of the mobile home. Any mobile home permitted shall be set upon concrete blocks or steel piers which are constructed upon a concrete footing, and each mobile home shall be anchored with approved anchors. Foundation plants and landscaping shall be required. Mobile homes shall be skirted and have permanent steps with handrails at each door.

No mobile home shall be permitted on a lot with another mobile home or conventional house.

C. Special Conditions for Dwelling, One Family Detached in the PNC District

1. The residential structure shall not front on an arterial or collector roadway.
2. The residential structure shall not create adverse effects on adjacent commercial uses.
3. The residential structure shall be connected to central water and sewer service.
4. The grounds of the residential structure shall be landscaped at least three deciduous trees and shrubs exterior along the front foundation of the house.

D. Special Conditions for Bed and Breakfast Inns and Homestays

1. Bed and Breakfast Homestay uses may be permitted in the R-10 and R-15 Zoning Districts only if they are located within a Historic District or the home itself is listed on National Register of Historic Homes.
2. If the Bed and Breakfast Homestay or Inn is a historic structure or is located in a historic district, then the proposed Bed and Breakfast Home must first receive approval from the local Historic District Commission.
3. Parking: Required parking shall be determined by the Board of Zoning Appeals. In making this determination, Board shall take into consideration the number of rooms or units, the type of street that fronts the Bed and Breakfast Homestay or Inn, the character of surrounding area and any other factors the Board may wish to consider.
4. No Bed and Breakfast Homestay or Inn is permitted within 1000 feet of another Bed and Breakfast Homestay or any similar use unless if located within Commercial zoning districts.
5. The Tennessee Department of Environment and Conservation and/or the Board of Zoning Appeals shall have the right to inspect the property at any time and either may revoke the license or conditional use permit if the site is found below standards set forth. Revocation of State license or permit shall be automatic revocation of conditional use permit.
6. Fire alarms and smoke detectors shall be installed in each sleeping unit.
7. The owner of a Bed and Breakfast Homestay and Inn shall register with the City Recorder's Office the owner's name, home address, business address and phone number.
8. The owner or managing agent of a Bed and Breakfast Homestay and Inn shall be required to reside on the premises of the Bed and Breakfast Home.

15.06.090      Specific Standards for Floodway and Flood-Fringe Districts

A conditional use permit shall not be granted for any use requiring such a permit until the Board of Appeals has:

- A. Reviewed the contents of the plan required by Section 10.03;
- B. Made such determinations as required by Section 10.03 where necessary;
- C. Considered all relevant factors specified in Section 15.06.090 E below; and
- D. Attached such conditions, as listed in Section 15.06.090 F, as it deems necessary for the protection of the public health, safety and welfare.

- E. Factors Upon Which the Decision of the Board shall be Based - In its review of any conditional use proposed for location within any area subject to flood, the Board shall consider all relevant factors specified in Section 10.03 of this Ordinance, and;
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
  12. Such other factors which are relevant to the purpose; of this Ordinance.
- F. Conditions Attached to Conditional Uses - Upon consideration of any conditional use proposed for location within any area subject to flood, the Board may attach such conditions to the granting of such use as it deems necessary to further the purposes of this Ordinance. Among such conditions, without limitations because of specific enumeration, may be included:
1. Modification of waste disposal and water supply facilities.
  2. Limitations of periods of use and operation.
  3. Imposition of operations controls, sureties, and deed restrictions.

4. Requirements for construction of channel modifications, dikes, levees, and other protective measures.
5. Flood proofing measures such as those set forth in Section 10.03.

15.06.100      Conditional Use Permit Appeals

Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction. All testimony and evidence shall be presented at the Board hearing. No new or additional evidence or testimony shall be considered which was not provided at the original Board hearing.

15.06.101      Review and Recommendations by the Board of Appeals

The City Planner shall cause to be placed in a newspaper of general circulation in the city, notice of the date, time and place of the Board of Appeals meeting and a description of the property being considered. Such newspaper notice to be at least ten (10) days prior to the Board of Appeals meeting. The Board of Appeals shall conduct a public hearing at such meeting prior to making its decision.

15.03.102      Expiration of a Conditional Use Permit

The Board may establish expiration dates for any Conditional Use Permit as a condition of permit approval and may consider extending a Conditional Use Permit or removing an expiration date of any previously approved Conditional Use permit.

## **15.07 Amendments**

### 15.07.010 General

The Mayor and Aldermen may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions whenever it is alleged that there was an error in the original Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

### 15.07.020 Initiation of Amendment

Amendments may be initiated by the Mayor and Aldermen, the Planning Commission or by an application of one or more owners of property affected by the proposed amendment.

### 15.07.030 Application for Amendment to the Zoning Code or Approval of a Master Development Plan

An application for an amendment shall be accompanied by a fee which shall be set by the Mayor and Aldermen and shall be payable to the City of Gallatin, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application. In addition to these requirements, applications for amendments requiring the submission of a preliminary master development plan shall be subject to the following provisions:

- A. An application for an amendment that requires the submission of a preliminary master development plan shall be required to follow the provisions of Section 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master development plan establishing a defined zoning district shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the provisions of Section 15.07.
- B. Amendments initiated by the Mayor and Alderman or the Planning Commission do not require the submission of a preliminary master development plan. The Mayor and Alderman's approval of the amendment shall establish the defined zoning district that will form the basis for the future approval of a preliminary master development plan. Upon approval of the defined zoning district, the Owner may proceed with preparation of preliminary master development plans and specifications for all or for any portion of the project. The preliminary master development plan shall be reviewed and approved according to the provisions of Sections 15.07 of this Ordinance. The Mayor and Aldermen's approval of a preliminary master of the development shall be subject to the procedures and requirements outlined in Section 15.07.

- C. In order to permit a more flexible zoning amendment option for complex large scale development projects that both contain over 100 gross acres and are under single ownership, the Board of Mayor and Alderman may exempt these applications for amendments from the requirement of the submission of a preliminary master development plan as specified in Section 15.07.030.A. The initial application for an amendment for projects that both contain over 100 gross acres and are under single ownership shall contain only the general information specified in Section 15.07.030. The Mayor and Alderman's approval of the amendment shall establish the defined zoning district that will form the basis for the future approval of a preliminary master development plan. Upon approval of the defined zoning district, the Owner may proceed with preparation of a preliminary master development plan and specifications for all land included in the amendment. The preliminary master development plan shall be reviewed and approved according to the provisions of Section 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 15.07.
- D. Preliminary Master Development Plan and Final Site Development Plan Requirements and Approval

As required by this Ordinance, the establishment of the MRO, PRD, MU, MPO, GO, OR, SP, PGC, PNC and PBP zoning districts shall be conditioned upon the application for and approval of a preliminary master development plan after public hearing as specified in herein of this Ordinance and final master development plan as reviewed and approved by the Planning Commission. A preliminary master development plan and a final master development plan is considered a part of the approved zoning and all development on a property is bound by the requirements of said master development plans. This subsection outlines the plan requirements and the process for preliminary master development plan and subsection E. describes the plan requirements for a final master development plan review and approval.

1. Preliminary Master Development Plan Required
  - a. Pre-application Conference: Prior to the filing of the application for a zoning amendment requiring the approval of a preliminary master development plan, the applicant shall confer with the City Planning and Engineering staff to determine whether the applicant is proceeding under the proper section of this ordinance, to consider the desirability or necessity of amending the application or previously approved preliminary master development plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.
  - b. Preliminary Master Development Plan Information: A preliminary master development plan shall be prepared and submitted to the Planning Commission as part of the application for a zoning amendment. The preliminary master plan shall be a general concept plan which shall be drawn to a scale of not less than 100 feet to the inch and shall include the following information:

- (i) Written description of the proposed project, including information addressing the overall concept, proposed uses and development schedule for completion of the entire project.
  - (ii) A legal description and scaled drawing indicating property boundary lines, dimensions, topography, general physical features of the property, including identifying the area by acres of all slopes of greater than twenty percent and identifying the area by acres within a floodplain, and a location map of the proposed project.
  - (iii) Identification of surrounding property owners according to the latest tax roll available at the Sumner County Property Assessor's Office.
  - (iv) Generalized transportation plan including routes of proposed streets, driveways, sidewalks, and bicycle/pedestrian ways to align with adjacent streets and bicycle/pedestrian ways in adjacent development and adjacent undeveloped properties consistent with the Section 13.06, the Subdivision Regulations and the adopted Comprehensive Plan.
  - (v) Identification of the proposed use of the property, including a tabulation of the land area to be devoted to various uses and activities and overall densities/intensities.
  - (vi) A general landscaping plan including the location of major existing vegetation and historic features that is to be retained. The landscape plan shall include general information pertaining to bufferyards and required landscaped areas and open space areas.
  - (vii) General locations and types of utilities and easements.
  - (viii) General locations and description of proposed storm drainage.
  - (ix) A Traffic Impact Analysis Report consistent with Section 13.06 indicating preliminary estimates of traffic volumes and movements to and from the completed project, along the boundary streets, and specific intersections as identified by the Engineering Department.
  - (x) General information sufficient to describe the general design of the development as required by the City Planner.
  - (xi) Proposed means of dedication of common open space areas and description of the proposed organizational arrangements for the ownership, maintenance, and preservation of common open space identified on the plans.
  - (xii) A preliminary/conceptual architectural rendering of structures proposed for the entire project.
- c. Adoption of a Preliminary Master Development Plan  
The following steps shall constitute the process by which a preliminary master development plan is adopted:
- (i) The Planning Commission shall study the preliminary master development plan and supporting data and may make suggestions for changes and adjustments.



Upon review and discussion, the Commission shall recommend approval or disapproval of the preliminary master development plan and submit this recommendation with a brief report to the Mayor and Aldermen.

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

Upon receipt of the approved preliminary master development plan, the Owner may proceed with preparation of final master development plans and specifications for all or for any portion of the project. The final master development plan shall be reviewed and approved by the Planning Commission according to the provisions of Section 15.07.030 D.2. Upon approval by the Planning Commission, one copy shall be filed in the office of the Zoning Administrator/City Planner and a copy provided to the owner. No building permits shall be issued until the final master development plan of the proposed development, or portion thereof, is approved and filed with the Zoning Administrator/City Planner.

- a. **Modification of Preliminary Master Development Plan:** The Planning Commission or the Mayor and Aldermen may require modification of a preliminary master development plan as a prerequisite for approval. Required modifications may be more restrictive than district and/or supplementary regulations and may include, but not be limited to, project phasing, provision for additional bufferyards, open space, landscaping and screening, improvement to access and circulation systems, rearrangement of structures or uses within the site, location and character of signs, architectural design of the proposed development, and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.
- b. **Revisions to a Preliminary Master Development Plan Approval:** The Planning Commission may approve an application for modification of a previously-approved preliminary master development plan approval if it is determined that the revisions do not affect the findings relating to the criteria outlined in 15.07.030 F., leading to the original approval.
- c. **New Applications Following Denial or Revocation:** No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a preliminary master development plan review by the Mayor and Alderman. The Owner may petition the Mayor and Aldermen to grant a new

review of the site if undue hardship or new facts concerning the site and/or application can be demonstrated.

- d. Approval to Run with the Land: A preliminary master development plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application as limited under Section 15.07.030 E. and Chapter 13, Title 13, Chapter 7, § 13-3-413, Tenn. Code Ann..
- e. Preliminary Master Development Plan – Granting of Exceptions to Bulk Regulations and Waiver of Board of Zoning Appeal Approval of Conditional Use Permits
  - (i) Granting of Exceptions to Bulk Regulations: An applicant requesting approval of a Preliminary Master Development Plan or Final Master Development Plan may request exceptions from the zoning district bulk regulations governing development area per dwelling unit, site area per unit, yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height as may be necessary or desirable to achieve the objectives of the proposed planned development. Exceptions may be granted in accordance with the following provisions in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to:
    - (1) Request for Granting of Exceptions: Exceptions must be specifically requested in writing on the Planning Commission Application Form submitted for a planned development and must also be clearly noted on the Preliminary Master Development Plan and Final Master Development.
    - (2) Granting of Exceptions – Preliminary Master Development Plan: Exceptions to the zoning district bulk regulations governing development area per dwelling unit, site area per unit, yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height may be granted as part of the approval of a Preliminary Master Development Plan and shall be based upon the recommendation of the Planning Commission, and determination by the Board of Mayor and Alderman, that the exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. In approving exceptions, the Board of Mayor and Alderman may impose conditions which will secure substantially the objectives, standards, and requirements of this Ordinance.

Exceptions to the development area per dwelling unit or site area per unit requirement may be granted to permit greater development

flexibility and increased density or number of units permitted on individual zone lots when approved by the Board of Mayor and Alderman as a part of the approval of an overall Preliminary Master Development Plan. However, exceptions to bulk regulations for development area per dwelling unit or site area per unit shall not result in an increase in the total number of dwelling units or density permitted by district regulations for the overall development approved as part of a Preliminary Master Development Plan.

- (3) Waiver of Board of Zoning Appeals Approval of Conditional Use Permits: No action of the Board of Zoning Appeals shall be required in the approval of a preliminary or final master development plan including those activities or uses which would otherwise require conditional use permits as provided by other provisions of this Ordinance. Activities or Uses designated as a Conditional Use in the preliminary master development plan or final master development plan may be approved by the Planning Commission in accordance with any Special Conditions specified by other provisions of this Ordinance.

2. Final Approval by the Planning Commission of a Final Master Development Plan

The Mayor and Aldermen's approval of a preliminary master development plan establishing a defined zoning district shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the following procedures and requirements:

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

- (i) A legal description and scaled drawing with property boundary lines and dimensions, topography (with no less than 5' contour intervals), and a location map.
  - (ii) Locations for the installation of erosion control measures.
  - (iii) Arrangement and size of buildings and the specific use of the property.
  - (iv) Information pertaining required bulk regulations including the size of the site, lot area, floor area ratio, lot width, building height(s), building setback lines, front yards, side yards and rear yards.
  - (v) Information pertaining required bulk regulations including the size of the site, lot area, floor area ratio, lot width, building height(s), building setback lines, front yards, side yards and rear yards.
  - (vi) Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses designed in accordance with Articles 11.00 and 13.00.
  - (vii) Detailed landscape plans including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards, open space, and required landscaped areas as required by the preliminary master development plan and various sections of this ordinance.
  - (viii) Detailed locations and types of utilities and easements including storm drainage as well as specific details of all surfaced areas with drainage calculations.
  - (ix) Final traffic study including estimates of traffic volumes and movements to and from the completed project from the boundary streets, and recommended improvements as required by the City Engineer in accordance with Section 13.06.
  - (x) Details of the proposed traffic control and access management plan as required by Section 13.06. Plans shall also include details for street improvements, and grading and earth moving plans showing existing and proposed topography at 2-foot contour intervals.
  - (xi) Detailed architectural plans and elevations sufficient to indicate building, height, bulk, materials, and architectural design as required by Article 13.00, and detailed refuse container locations, structures and buffers, ~~or~~ if required by the City Planner.
  - (xii) Detailed signage plans and elevations sufficient to indicate the design of proposed signage, height, materials and overall amount of signage.
  - (xiii) Time schedule for completion of the project.
  - (xiv) A statement regarding the proposed method of operating and maintaining the project and a statement of financial responsibility.
  - (xv) A statement of adequate surety, in the form specified in Section 15.03.080, to ensure construction of the planned development within the proposed phasing/time schedule.
- c. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Also, the proposed final master development plan shall follow all applicable procedures and requirements governing the subdivision of land, and no building permit shall be

issued for the project until a final plat, if necessary, of the proposed development, or portion thereof, is approved, filed, and recorded.

**Granting of Exceptions – Final Master Development Plan:** The Planning Commission may grant exceptions to the zoning district bulk regulations governing yards, minimum building setback, minimum lot size, minimum lot width, and maximum building height as part of their approval of a Final Master Development Plan necessary or desirable to achieve the objectives of the overall planned development even though such exceptions may not have been reviewed and approved with the Preliminary Master Development Plan. Exceptions may be granted in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to. In granting exceptions, the Planning Commission shall determine that the exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. The Planning Commission may impose conditions which will secure substantially the objectives, standards, and requirements of this Ordinance.

**Final Planning Commission Action:** Upon receipt of an application for final approval of a final master development plan, the Planning Commission shall examine the final master development plan and determine whether it substantially conforms to all applicable criteria and standards, and whether it substantially conforms in all respects to the previously approved preliminary master development plan. The Planning Commission may impose such conditions of approval as are, in its judgment, necessary to ensure conformity to the applicable criteria and standards.

#### E. Lapse of Approval

1. Preliminary Master Development Plan – The approval of a Preliminary Master Development Plan shall become void three (3) years after the date of Planning Commission approval unless a Final Master Development Plan (previously referred to as a Final Site Development Plan) for the subject property, or portion thereof, has been approved by the Planning Commission in accordance with Section 15.07.030 D.

If a Final Master Development Plan has not been approved by the end of this three (3) year period, the owner may not apply for approval of a Final Master Development Plan until the owner requests the Planning Commission review the previously approved Preliminary Master Development Plan and provide the Mayor and Alderman with a recommendation to either:

- (1) Extend the approval of the Preliminary Master Development Plan of the subject property for a period not to exceed three (3) years;
- (2) Revise the approval of the Preliminary Master Development Plan in regards to the use, bulk, and/or design standards required of the previous approval; or

(3) Cancel the approval and impose a new base zoning district on the subject project.

2. Final Master Development Plan – If within three (3) years after the date of Planning Commission approval work has not been performed, pursuant to a validly issued building permit, the approval of a Final Master Development Plan shall become void consistent with Chapter 13, Title 13, Chapter 7, § 13-3-413, Tenn. Code Ann. For purposes of this section, grading or excavating activities shall not constitute work.

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

Major amendments to the master development plan must be submitted to the Planning Commission for review and recommendations and approved by the City Council. Major amendments shall include, but not be limited to:

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

All other changes in the preliminary or final master development plan shall be considered revisions to the approved plan. The planning commission may approve these minor revisions.

15.07.040 Review and Recommendations by the Planning Commission

The Planning Commission shall review and make recommendations to the Mayor and Aldermen on all proposed amendments to this Ordinance.

15.07.050 Reserved.

15.07.060 Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Ordinance prior to second reading by the Mayor and Aldermen. Notice of such hearing shall be displayed as follows:

- A. The City shall give notice in a newspaper of general circulation within the City of Gallatin at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, time and place of the meeting, current and proposed zoning classification and it may contain a graphic illustration of the area.
- B. Public Notice Signs – Public notice signs shall be posted in accordance with the following provisions on any property subject to consideration by the Planning Commission and Mayor and Aldermen for a zoning amendment to the official zoning map. Notwithstanding, the following provisions shall not apply to changes in zoning district titles, zoning amendments initiated by the City of Gallatin pursuant to the provisions contained within Section 15.07, and amendments pertaining to Special Districts authorized under Article 10.00, Special District Regulations, with the exception of the Historic (H-1) District. Failure to post a public notice sign according to the provision of this section shall not be used as a basis for a legal challenge of a proposed zoning amendment.
  - 1. General Requirements. Public notice signs shall be posted on any property subject to the provisions of this section and shall be installed by the City of Gallatin Planning Department. By the filing of an application requiring a public notice, the property owner grants authorization for installation of public notice signs on the subject property.
  - 2. Display Period. Public notice signs shall be installed on affected properties no less than ten (10) days prior to consideration of an amendment to the official zoning map by the Planning Commission. Public notice signs shall remain posted on the property until the established public hearing date at City Council, and shall be removed by the Planning Department within three (3) business days following the closure and completion of the public hearing.
  - 3. Number and Placement of Public Notice Signs. Public notice signs shall be posted according to the following standards:
    - a. Number. One sign shall be posted along each three hundred feet of public street frontage. In cases involving large area zoning amendments initiated by the Planning Commission or the City Council, greater spacing intervals may be utilized as appropriate.
    - b. Location. Whenever practical, signs shall be located within ten feet of a public street right-of-way and positioned in a manner to best inform the motoring public without creating a safety hazard.
    - c. Size and Content. All public notice signs shall be of adequate size and design to be clearly visible and legible to the motoring public and persons on public sidewalks. At a minimum, a public notice sign shall specify that a zoning amendment has been requested on the property and shall include the Planning Department phone number to contact for additional information.

15.07.70 Deleted – Ordinance No. 00903-31, 5/19/09

15.07.080 Amendments to the Official Zoning Map and Approval and Amendments to Master Development Plans

- A. Amendments to the Zoning Map. Upon the effective date of an Ordinance approving an amendment to the zoning map which is part of this Ordinance, the Zoning Administrator shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance. Upon platting of new roadway rights-of-way or dedication of new roadway rights-of-way, zoning previously established on real property constituting the newly platted right-of-way shall be relinquished from the previously established zoning designation. Should a right-of-way be abandoned then such rights-of-way shall be assigned a zoning classification of the adjacent property. Should zoning on each side of the vacated right-of-way be of different classification districts then one-half (1/2) the width of the previous right-of-way shall be assigned the zoning classification adjacent to the previous right-of-way.
- B. Amendments to approved Preliminary and Final Master Development Plans. Amendments may be made to any approved Preliminary Master Development Plan or Final Master Development Plan upon making application with the Planning Department. The Planning Commission shall make a determination if a plan amendments is a major amendment or a minor amendment to an approved Preliminary Master Development Plan based on the criteria of Section 15.07.030 F. A minor amendment shall only require review and approval by the Planning Commission. If the amendment is considered a major amendment then it shall be reviewed by the City Council and require an amendment to the initial or subsequently approved plan by Ordinance.

15.07.090 Effect of Denial of Application

Whenever an application for an amendment to the text of this Ordinance or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and Aldermen, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;

**15.08 Remedies and Enforcement**

15.08.010 Complaints Regarding Violations

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

15.08.020 Penalties for Violation



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

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

#### 15.08.030      Remedies

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

## ARTICLE 15.00 AMENDMENTS

<b>Section</b>	<b>Ordinance #</b>	<b>Date</b>
15.03.080	O9812-078	01/19/98
15.06.101	O9901-003	02/16/99
15.07.040	O9901-004	02/16/99
15.06.060	O9912-061	01/04/00
15.06.060.F	O9912-061	01/04/00
15.03.020.D	O0010-071	11/07/00
15.03.020.D	O0108-046	08/21/01
15.07	O0408-046	09/07/04
15.06.060	O0409-052	10/19/04
15.06.060.E	O0409-052	10/19/04
15.06.060.G	O0409-052	10/19/04
15.03.021	O0805-29	06/17/08
15.07.040	O0804-27	07/15/08
15.07.060.B	O0804-27	07/15/08
15.03.080	O0903-32	05/19/09
15.07.050	O0903-31	05/19/09
15.07.070	O0903-31	05/19/09
15.07.080	O0903-31	05/19/09
15.07.090.C	O0903-31	05/19/09
15.03.080	O0911-83	01/19/10
15.07.060.B.1	O0911-83	01/19/10
15.07.060.B.2	O0911-83	01/19/10
15.07.060.B.3.c	O0911-83	01/19/10
15.06.070	O0911-84	03/02/10
15.03.080	O1003-24	05/04/10
15.06.050.A	O1005-38	07/20/10
15.07.030.C	O1007-52	01/18/11
15.01	O1103-19	06/14/11
15.03.050	O1103-19	06/14/11
15.03.090	O1103-19	06/14/11
15.01	O1104-42	06/21/11
15.03.100	O1104-42	06/21/11
15.05.010	O1104-42	06/21/11
15.06.020	O1104-42	06/21/11
15.06.060.E	O1110-91	01/03/12
Various Sections	O1702-14	03/21/17