

ORDINANCE NO. O2109-58

AN ORDINANCE OF THE CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE, AMENDING THE ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE ARTICLE 2.00, LANGUAGE AND DEFINITIONS, AND ARTICLE 15.00, ADMINISTRATION AND ENFORCEMENT OF TEMPORARY USE AND OCCUPANCY PERMITS; AUTHORIZING THE REVISION TO BE MADE TO THE ZONING ORDINANCE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE (ZONE-2021-0051)

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

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

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

WHEREAS, the Gallatin Municipal Planning Commission(GMPC), pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of these amendments in GMPC Resolution No. 2021-133; and

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

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

Section 1. The City Council of the City of Gallatin does hereby approve, authorize and direct the revision of the City's Official Zoning Ordinance to show the changes in the text as described in Exhibit 'A'.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provision or applications of this ordinance which can be given without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 4. This ordinance shall become effective immediately upon adoption, the public welfare requiring such.

PASSED FIRST READING: September 21, 2021.

PASSED SECOND READING: November 2, 2021.


MAYOR PAIGE BROWN

ATTEST:


CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

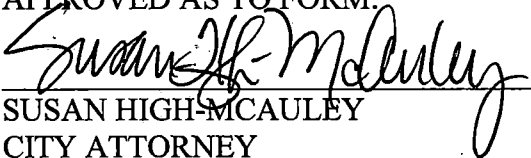

SUSAN HIGH-MCAULEY
CITY ATTORNEY

Exhibit 'A' of Ordinance No. O2109-58

ARTICLE 2.00

DEFINITIONS

Temporary structure – a fixed building, tent, or pre-fabricated building assembled or erected and placed on a parcel, lot or tract for uses permitted by zoning in association with a temporary, special activity or use permit or for use as a temporary operation center for sites under construction.

Temporary use – A use permitted by zoning to occur under specified and limited time periods and usually utilizing a temporary structure or vehicle to support the use/activity.

Temporary use permit – A permit issued by the city for operation of a special use or activity for a limited period of time and under special conditions.

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ARTICLE 15.00

ADMINISTRATION AND ENFORCEMENT

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15.03 Zoning /Development Permits and Use and Certificates of Completion

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* or operate a temporary structure within the city 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* or placement of a temporary structure 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 use permits* for those uses and structures listed below so long as it is determined that the proposed use, including the erection of any temporary building or structure, including tents and placement of vehicles, 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 for such use 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* and structures not specifically listed herein shall require review and approval by the Planning Department which shall identify the proposed use for a similar or comparable 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

1. 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. *Temporary structures*, including tents, vendor carts and kiosks, portable buildings, trailers, over-the-road trailers, freight containers, recreational vehicles and mobile homes or similar vehicles, other than mobile food vendors operating as a Food Truck, used in conjunction with the *temporary uses* listed herein are permitted as identified below, otherwise they are prohibited.
Every *temporary use* shall comply with the following standards:
 2. No *temporary use* shall be permitted that causes or threatens to cause an on-site or off-site threat to public health, safety, comfort, convenience and to the general welfare.
 3. Every *temporary use* and *temporary structure* 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.
 4. 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.
 5. 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 when operating for less than seven consecutive days. No *temporary use* shall be authorized that would significantly reduce the minimum amount of parking spaces required for any use or activity established as a permanent uses located on the property in question. Adequate drive aisles 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*.

6. No *temporary uses* shall be permitted if such use would conflict with another previously authorized *temporary use* that would operate at the same time.
7. Signs shall be permitted only in accordance with Section 13.07. (Sign regulations).
8. Reserved.
9. The operation of all *temporary uses* shall be subject to the noise ordinance (Chapter 10, Article IV, Gallatin Code of Ordinances) and the performance standards of Article 13, Section 13.02.
10. All *temporary uses* and structures 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.
11. *Temporary uses* authorized within 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.
12. Trash generated by the *temporary use* shall be collected from the site where permitted and removed daily.
13. No *temporary use permit* is required for private events not open to the public.
14. Any required permits and a business license shall be obtained per Chapter 11, Article V, Gallatin Code of Ordinances.

A temporary use, temporary certificate of completion and temporary occupancy permit shall be issued for no more than six (6) consecutive months and/or no more than six (6) months in any given year unless otherwise restricted herein. In no instance shall a temporary use, temporary certificate of completion or 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 –Temporary/Seasonal Uses and Transient and Pedestrian Vendors

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,
- sanitary facilities or authorized access to sanitary facilities if operated at the same location for more than three (3) continuous hours, and

- authorization from the property owner to use the property for a *temporary uses* activity/use.
- 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 repair of any public facilities impacted or damaged by the operation of the *temporary use* permitted activity or by patrons associated with such activity. 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). A surety is not required for a transient or pedestrian vendor or mobile vendors including food trucks/food trailers except that the permit administrator may require a surety for food truck rallies.

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 and/or contracted within 1200 feet of the site of the permitted temporary use.

2. Transient Vendors, Mobile/Pedestrian Vendors Sales other than a Mobile Food Vendor as described in 3. below, Christmas Tree/Pumpkin/Plant/Fireworks/Merchandise Sales and Donation Boxes may be permitted as a *temporary use* with a *temporary use permit* in any Agriculture Residential, commercial or industrial district with the following limitations:
 - a. A permit may be issued for a maximum time period of thirty (30) consecutive days per zone lot.
 - b. No more than three such sales shall be permitted on any one lot, parcel or tract in one calendar year.
 - c. A permit is limited to commercially or industrially zoned lots and public property when authorized in writing by the public entity and comply with Chapter 11, Article VII and/or Article VIII, Gallatin Code of Ordinances.
 - d. Food produce sales is permitted on any property where the produce is grown in accordance with Chapter 11, Article V; Gallatin Code of Ordinances.
 - e. All setback provisions established for the district shall be met. The use shall be located at least 1,000 feet from any other mobile vendor, except for mobile vendors shall be considered a single vendor in regards to the 1,000 foot separation requirement when located as a group of no more than two (2) mobile vendors on the same zone lot and within fifty (50) feet of each other. Mobile vendors associated with a special permitted 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.
3. **Mobile Food Vendors:** Permits for a mobile food vendor and a food truck rally and fees are described in Chapter 11, Article IX, Gallatin Code of Ordinances. No separate Temporary Use Permit fee is required in addition to the fees for a mobile food vendor or mobile food vendor vehicle.
4. **Assembly Meetings:** 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 and/or contracted within 1200 feet of the site of the permitted *temporary use*.
5. **Special Civic or Non-profit Events Including Festivals, Bazaars, Street Fairs, etc.** may be permitted in any district. Such *temporary use permit* may be issued for a period no longer than fifteen (15) consecutive days. Such activity shall be permitted only on lots or public rights-of-way where adequate off-street parking can be provided. Any activities conducted on public rights-of-way that require street closure or impede traffic or occurring on public property, must first be approved by City Council. (Ch. 16, Sec 16-203, 204 and 210).
6. **Temporary Construction Offices:** In any district, a temporary use permit may be issued for a contractor's temporary office and equipment and service sheds or buildings 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 or until the certificate of completion or certificate of occupancy is issued for the structure(s) on the site. Such use shall be removed immediately upon expiration of the *temporary use permit* or issuance of a certificate of completion, whichever occurs sooner. These uses shall not contain any sleeping accommodations, except those located in a model unit for demonstration purposes only and except for security personnel. No trailer, modular or temporary building unit shall be used as the general office of any business not licensed on the property.
7. **Temporary Dwelling Unit in Cases of Special Hardship:** In any residential district, a *temporary use permit* may be issued to place a single or double-wide 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.

8. 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 in conjunction with a Land Disturbance Permit issued by the Engineering Division as the basis for such action. 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/activity shall cease immediately upon expiration of the *temporary use permit*. This shall not be construed to allow for the excavation of rock or quarrying.
9. Reserved.
10. Structures for Temporary Uses: A *temporary use permit* may be issued by the Zoning Administrator and Building Official for placement of a structure for *temporary uses* on a commercially zoned lot for a maximum of six (6) months in a calendar year. The structure and site 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 with supports and anchors screened from public view.
 - e. Reserved.
 - f. Upon removal of the temporary structure, all evidence of the temporary use/structure shall be totally removed from the premises from which the activity is conducted.
11. Model Homes and Subdivision/Builder Information and Sales Offices: In any residential or mixed use district, a *temporary use/structure 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 and associated parking. 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 Departments.