ARTICLE 13.00
PERFORMANCE AND DESIGN STANDARDS

13.01 Purpose and Intent

The purpose of this Article is to establish regulations and standards for the design, construction and operation of residential, industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance and design standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Ordinance, the applicable performance and design standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this Article shall apply notwithstanding the issuance after the effective date of this Ordinance of any zoning permit or use and occupancy permit.

Performance and design standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance and design standards, the latter shall control. In the case of any conflict between the performance and design standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.
13.02 Performance Standards Regulations

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

13.02.010 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulation of this Article limiting dangerous and objectionable elements at the point of the determination of their existence.

13.02.020 Performance Standards Regulating Noise


13.02.030 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

13.02.040 Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

A. Definitions

1. Particulate Matter: matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions.

2. Ringlemann Number: the shade of gray which appears on the chart published and described in the U.S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks, chimneys, and other sources.

3. Smoke: small gas-borne or airborne particles regulating from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.
B. Smoke - No emission shall be permitted at any point from any stack, chimney, or other source or smoke of visible effluent of a shade equal to or darker than Ringlemann No. 1, except as provided below:

Within the IR Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the IG Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in any one (1) hour period.

C. Gases, Dust, and Particulate Matter - No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

13.02.050 Performance Standards Regulating Odors

A. Definitions

1. Odorous Matter: solid, liquid, or gaseous material which produces an olfactory response in a human being.

2. Odor Threshold Concentration: the lowest concentration of odorous matter which will produce an olfactory response in a human being.

B. Emission of Odorous Matter

Within the IR and IG Districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential, commercial or agricultural district.

Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

13.02.060 Performance Standards Regulation Toxic Matter

A. Definitions

1. Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
2. **Toxic Matter:** materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

B. **Methods of Measurement** - The measurement of toxic matter shall be at ground level or habitable elevation at the zone lot line and shall be average of a 24 hour sample.

C. **Emission of Toxic Matter** - Within all industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

13.02.070 **Performance Standards Regulating Fire and Explosive Hazards**

A. **Explosive Materials** - Activities involving the storage, utilization, or manufacture of products or materials which decompose by detonation shall be provided with adequate fire-fighting and suppression equipment and devices standard to the activity involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

   Within the IR and IG Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with applicable state and local regulations. The storage of such materials in all other districts is prohibited.

B. **Fire Hazard Solids** - Within all industrial districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines. The storage or manufacture of such materials in all other districts is prohibited.

C. **Fire Hazard Liquids and Gases** - In all industrial districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable of explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.

   The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in Table 13-02 and Table 13-02 for each industrial district. The storage of such materials in all other districts is prohibited.

D. **There shall be an earthen berm of sufficient size surrounding the location of flammable material to contain the volume of liquids and/or gases.**
TABLE 13-02
STORAGE CAPACITY OF FLAMMABLE LIQUIDS

<table>
<thead>
<tr>
<th>District</th>
<th>Above Ground</th>
<th>Below Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Flash Point, Degrees Fahrenheit</td>
<td>Flash Point, Degrees Fahrenheit</td>
</tr>
<tr>
<td></td>
<td>Less than 125 125-300</td>
<td>Less than 125 125-300</td>
</tr>
<tr>
<td>IR</td>
<td>10,000 gal. 40,000 gal.</td>
<td>20,000 gal. 80,000 gal.</td>
</tr>
<tr>
<td>IG</td>
<td>Unlimited except that within 300 feet of a district boundary no more than 50,000 gallons per acre within such distance shall be permitted.</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

Note: Flash point is defined as the lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

TABLE 13-03
STORAGE CAPACITY OF GASES

<table>
<thead>
<tr>
<th>District</th>
<th>Above Ground</th>
<th>Below Ground</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IR</td>
<td>300,000 SCF</td>
<td>600,000 SCG</td>
</tr>
<tr>
<td>IG</td>
<td>Unlimited except that within 300 feet of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted.</td>
<td></td>
</tr>
</tbody>
</table>

Note: SCF is defined as standard cubic feet which is the measure of the volume of a gas reduced to 60 Degrees Fahrenheit and 29.92” mercury, absolute.

13.02.080 Performance Standards Regulating Glare and Electromagnetic Interference

A. Definitions

1. **Foot Candle**: a unit of illumination. Technically the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

B. Limitation of Glare

1. In all districts, site lighting shall be shielded to that substantially all directly emitted light falls within the property line. Illumination in excess of one-half (0.5) foot-candle shall not be permitted across the boundary of any adjacent residential property or public street.

2. No illumination shall produce direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to, any light that may be confused with or construed as a traffic control device.

3. Maximum permitted height of light fixtures/luminaries in residential districts shall be thirty (30) feet. Maximum permitted height of light fixtures/luminaries in non-residential districts shall be forty (40) feet, except that ball fields and other recreation facilities may have 100 foot power.
4. Exterior Lighting Plan. At the time any exterior light is installed or substantially modified and whenever a use and occupancy permit is sought, an exterior lighting plan shall be submitted to the City in order to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

5. Additional/Alternative Standards for Cutoff Fixture Types. If a luminaire (bulb) has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer at ground level at the point where the cutoff angle intersects the ground. The maximum permitted illumination and height of the luminaire shall be as indicated in Table 13-04 and as measured at ground level.

**TABLE 13-04**

Alternative Standards for Cut-Off Fixture Types

<table>
<thead>
<tr>
<th>Use and District</th>
<th>Maximum Maintained Illumination (in foot candles)*</th>
<th>Maximum Permitted Height of Luminaire (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Parking Areas</td>
<td>0.50</td>
<td>30 feet</td>
</tr>
<tr>
<td>Non-Residential Parking areas in Non-Residential Districts other than PB, IR, and IG</td>
<td>0.75</td>
<td>40 feet</td>
</tr>
<tr>
<td>Non-Residential Parking Areas in PB, IR, and IG Districts</td>
<td>1.0</td>
<td>40 feet</td>
</tr>
</tbody>
</table>

* Note: As measured at ground level

6. Exterior Lighting for Specified Outdoor Recreational Uses. Ball Diamonds, playing fields, and tennis courts have unique requirements for night-time visibility and generally have limited hours of operation. These uses may be exempted from the exterior lighting standards if the applicant can satisfy the Planning Commission upon site plan review that the following requirements are met:

(a) The site plan must meet all other requirements of this Article and this Ordinance; and

(b) Any exterior light sources shall not exceed the maximum permitted luminaire (bulb) height of 100 feet.

(c) If provided that the luminaire (bulb) is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property, then the luminaire may exceed a total cutoff angle of ninety (90) degrees. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) foot candles.

7. Additional Standards. Notwithstanding any other provision of this Section to the contrary:
(a) No flickering or flashing lights shall be permitted.

(b) Light sources or luminaries shall not be located within bufferyard areas except on pedestrian walkways.

8. The Planning Commission may require at the recommendation of staff, shoe box fixture or other means to shield and contain light and may determine whether or not it is appropriate to use high pressure sodium, metal halide or other style bulbs as luminaires.

C. Electromagnetic Interference - In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

13.02.090 Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

13.02.100 Non-conforming Uses by Reason of Performance Standards

Any use existing on the effective date of this Ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this Article or by reference shall be subject to the non-conforming use provisions of Section 14.02.

(Ordinance O1508-50, 9/15/15)
13.03 Design Standards and Regulations for Landscaping and Bufferyards

The following sections detail the design standards to be applied to all developments in all districts as set forth herein.

13.04 Transitional Bufferyard Design Standards

13.04.010 Purpose

The landscape, bufferyard and screening provisions improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and promote natural percolation of storm water and improvement of air quality; buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods within the City.

13.04.020 Applicability

The provisions of this section shall apply to all new development on each lot, site, or common development to obtain a final site plan approval, final plat approval or a building permit, except for the following:

A. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.

B. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements, except in areas where impervious surfaces are not used for vehicular, pedestrian or service areas.

C. Additions to existing uses or structures on an approved or existing site plan, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs. However, upon redevelopment of building sites developers shall comply with these provisions or reduce non-conforming conditions where possible.

13.04.030 Unassigned

13.04.040 Definitions

The following definitions shall be used for terms contained within this Article:

A. Bufferyard: A designated area of a yard or open area together with any plant materials, barriers, or berms required thereon to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

B. Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines,
groundcover, and other organic plant materials except weeds. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas, provided that such material comprises no more than thirty-five (35) percent of the area of the required landscaped area. Concrete or asphalt surfaces, other than for walkways or bikeways, shall not be used within a required landscaped area. (Also see Landscape Surface Area.)

C. **Opaque barrier**: A vegetative material or man-made structure designed and placed to prevent overt lighting, reduce noise levels and generally to prevent line of sight between two points or locations.

D. **Tree**: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown which includes broadleaf and evergreen canopy trees and broadleaf and evergreen ornamental trees. (Examples include: oaks, hickory, poplar, elm, maple, sweetgum, sycamore, pine, cypress, redbud, dogwood, ash, cedar, holly and myrtle trees.)

*Large tree* – Native tree species capable of achieving a height of thirty (30) feet or more. Examples include oaks, maples, ash, walnut, elm, hickory, sweetgum, sycamore, tulip poplar, birch, cypress, pine and cedar trees. (Also known as a canopy tree.)

*Medium tree* – Tree species capable of achieving a height of between fifteen (15) feet and thirty (30) feet in height. Examples include holly, dogwood, redbud and serviceberry trees.

*Small (understory or ornamental) tree* – Tree species capable of achieving between eight (8) and fifteen (15) feet in height. Examples include Virginia willow, mountain laurel and crape myrtles trees and other similar sized trees.

13.04.050 **General Standards**

A. **Location and Design**: *Bufferyards* shall be located on the outer perimeter of a lot or parcel, extending to from the lot or parcel boundary line into the interior of the lot or parcel. Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way. In cases where a minimum building setback is less restrictive than a required bufferyard width the more restrictive standard shall apply.

The landscaping area and bufferyard width is normally calculated as a dimension parallel to the property line. However, the City Planner may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this Article. Average depth shall be measured at the two end points of the buffer and two additional points that are approximately one-third of the total linear distance from the end point. At his/her sole discretion, the City Planner may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard.
Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement. The City Planner and the Planning Commission may require additional bufferyard area or additional plantings in such instances to ensure that the screening purpose of the bufferyard is maintained. Existing native plant material is encouraged to remain and may be counted as contributing to the total bufferyard requirement.

B. Location and Design: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way.

The bufferyard is normally calculated as parallel to the property line. However, the City Planner may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this Article. Average depth shall be measured at the two end points of the buffer and two additional points that are approximately one-third of the total linear distance from the end point. At his/her sole discretion, the City Planner may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard.

Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement. The City Planner, and the Planning Commission may require additional bufferyard area or additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.

13.04.060 Determination of Bufferyard Requirements

To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:

A. Identify the zoning classification of the developing tract/lot/parcel by referring to Column A of Table 13-05 of this section.

B. Identify the zoning classification and status of the adjacent platted or developed properties, including properties located across an intervening street, by referring to Column B of Table 13-05.

C. Determine the bufferyard requirements for those, side, rear, and front lines or portion thereof on developing tract/lot/parcel by referring to Table 13-05, and the additional requirements of this section.

When a development parcel is proposed adjacent to vacant, un-platted/un-subdivided land, the owners of the affected properties may submit a contractual agreement (which becomes a deed restriction on both properties) whereby the bufferyard for the development parcel is reduced or waived.
D. When a development parcel is proposed adjacent to vacant, un-platted/un-subdivided land, the following provisions shall apply:

1. The owners of the affected properties may submit a contractual agreement (which becomes a deed restriction on both properties) whereby the bufferyard for the development parcel is reduced or waived, provided that the owner of the development parcel agrees to develop, at no greater intensity than as shown on his approved sited/subdivision plan; and if any additional bufferyard is required by this section at a future date, it will be provided on the vacant land; or

2. The required bufferyard for the development parcel, derived by using the existing zoning of the undeveloped tract, shall be equal to one-half of the minimum width prescribed in Table 13-05 or ten (10) feet in width, whichever is the greater. However, any development parcel proposed for non-residential use, which lies contiguous to a tract of undeveloped/subdivided land zoned for residential use or is designated as "Rural Preservation Residential" "Low Residential Density," "Medium Residential Density," or "High Residential Density" on the approved Land Use Plan Maps of Gallatin, Tennessee (1996-2010), shall be required to fulfill the bufferyard requirements of this Article utilizing the existing zoning on the undeveloped tract as the determinant of the bufferyard requirement.

E. Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense zoning district (e.g., from R-40 to R-20 or from CS to CG), the Planning Commission shall, during the site plan or subdivision review process, determine if an additional bufferyard is needed and, if so, to what extent and type.

F. Special Conditions Bufferyard Provisions: In addition to the requirements provided in this section, the following bufferyard provisions shall apply to proposed development tract/lot/parcels. In general, the owner, developer, or operator of a proposed use within a development tract/lot/parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development, as set forth in this section.

1. Parcels with Intervening Major Street: When an arterial or collector street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee,) separates adjacent development tract/lot/parcels requiring a bufferyard, the bufferyard shall be one-half of the width of the required bufferyard set forth in Table 13-05 or fifteen (15) feet, whichever is greater.

2. Parcels with Intervening Local Street: When a local street (as identified on the Major Thoroughfare Plan of Gallatin, Tennessee, or any other public right-of-way separates adjacent development parcels requiring a bufferyard, the bufferyard shall be one-half of the width of the required bufferyard set forth in Table 13-05, or twelve (12) feet, whichever is greater.

3. Railroad Right-of-Way: Any tract/lot/parcel or site zoned or planned for non-residential use, which is adjacent to an active railroad right-of-way, shall be exempt from any bufferyard requirement along the common property line with such right-of-way.
4. Lot Size Compatibility Provision: For any residential development tract/lot/parcel, including residential tracts/lots/parcels in a PUD District or a PRD - Planned Residential Development District, located along a common property line of an adjacent developed and/or platted residential use, the following provisions may be applied in lieu of the requirements of Table 13-05:

(a) No bufferyard shall be required if the average tract/lot/parcel size of a development tract/lot/parcel's contiguous lots is less than twenty (20) percent of the average tract/lot/parcel size of an adjacent, developed, residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

(b) The required bufferyard shall be reduced to ten (10) feet, if the average tract/lot/parcel size of a development parcel's contiguous tract/lots/parcels is equal to or greater than twenty (20) percent but no more than forty (40) percent of the average lot size of an adjacent, developed residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

(c) A standard bufferyard as required by Table 13-05 shall be provided if the difference in the width of the adjacent tract/lot/parcel used for residential purposes exceeds 40 percent of the average tract/lot/parcel width.

5. Bufferyards for Planned Residential Development Districts: Subject to the provisions of Section 06.09, for all proposed Planned Residential Development Districts, the required bufferyard along a common property line shall be determined by utilizing Table 13-05 and the site’s base zoning district and then increasing the required bufferyard (utilizing the adjacent tract’s, lots or parcel’s zoning and the Planned Residential Development District base zoning as the determinants) up to the next bufferyard type (i.e., a R-10 Planned Residential next to an existing R-20 subdivision would require a bufferyard type 15).

6. On any tract/lot/parcel or development tract/lot/parcel platted before the effective date of this section (July 7, 1998), which requires a bufferyard and has a lot depth dimension of less than two hundred (200) feet perpendicular to and adjacent to such bufferyard, such bufferyard may be reduced to no less than fifty (50) percent of the applicable dimension.

7. Existing landscaping, including trees, may be counted as contributing to the total bufferyard requirement as described in Sections 13.04.050 A. and 13.04.100.A. The bufferyards specified are to be provided on each tract, lot or parcel independent of adjoining uses or adjoining bufferyards.

G. Table of Bufferyard Width Requirements. Table 13-05 shall be used to determine the bufferyard requirements of a development parcel.
### TABLE 13-05
#### BUFFERYARD REQUIREMENTS

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>INDUSTRIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>R40</td>
<td>R20</td>
<td>R15</td>
</tr>
<tr>
<td>A</td>
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<td>*</td>
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</tr>
<tr>
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<td>10</td>
<td>*</td>
</tr>
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</tr>
<tr>
<td>IG</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

NOTE: Bufferyard requirements stated above are in terms of the average width of the bufferyard along a common boundary of an applicable zoning of developing or developed property. Consult all other paragraphs of this section for additional bufferyard provisions and landscape screening requirements of the bufferyard. The base residential zoning of all Planned Residential developments shall be utilized as the applicable zoning of developing or developed properties.

* No bufferyard required.
13.04.070  Unassigned

13.04.080  Bufferyard Landscaped Area and Minimum Width Regulations

A. General Design Standards. The following general provisions shall apply to the design and construction of landscaping and opaque barriers in bufferyards as described herein. The layout, design, and arrangement of the prescribed numbers and types of landscape materials within a bufferyard shall be in accordance with this section.

1. Existing landscaping, including trees, may be counted as contributing to the total bufferyard requirement as described in Sections 13.04.050 A. and 13.04.100.A. The bufferyards specified are to be provided on each tract, lot or parcel independent of adjoining uses or adjoining bufferyards.

2. In those bufferyards which require the construction of an opaque barrier, the following provisions shall apply:

An opaque barrier shall be provided, at the height prescribed in the specific bufferyard design type standards in this section, which visually screens the development tract/lot/parcel uses from the adjacent properties as follows:

(a) A masonry wall, when constructed with a berm a minimum of three (3) feet or more in height, but with a combined height of no less than six (6) feet in height, of a design approved by the City Planner, or

(b) An opaque barrier hedge-like screen or a random or informal screen plantings of evergreen shrubs or approved deciduous plant material, capable of attaining a minimum height of six (6) feet within three (3) years of planting. A landscaped berm may be used with the landscaping to achieve the required height.

(c) Any combination of these methods that achieves the cumulative minimum height prescribed in each bufferyard type.

3. To the maximum extent feasible under these regulations, the proposed bufferyard and berm shall be designed to permit easy maintenance of these areas by the owners or owners association.

13.04.090  Description and Standards of Bufferyard Design Types

Bufferyards of the following types shall be provided as identified in Table 13-05:

A. Bufferyard Type "10": Bufferyard Type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, as follows:

1. Residential Bufferyards (planted adjacent to residential development): One medium evergreen tree (ultimate height 20-40') spaced apart a minimum of every fifteen (15) feet and planted on triangular staggered spacing, or two small deciduous trees (ultimate height
8 feet to 15 feet) for every sixty (60) linear feet measured along the common property line.

2. Commercial Bufferyard (planted adjacent to non-commercial development): One large deciduous tree (ultimate height 15+ feet) for every sixty (60) linear feet, and two (2) small deciduous or ornamental trees (spaced generally 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees or the residential bufferyard design standard described above.

If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080 A., the opaque barrier shall be placed within the non-residential or multi-family residential bufferyard.

B. Bufferyard Type "15": Bufferyard Type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, as follows:
   1. Residential Bufferyards (planted adjacent to residential development): One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, plus one medium deciduous tree (ultimate height -30+ feet) for every sixty (60) linear feet measured along the common property line.

2. Commercial Bufferyard (planted adjacent to non-commercial development): One medium deciduous tree (ultimate height 30+ feet) for every sixty (60) linear feet, and two (2) small deciduous or ornamental trees (spaced generally 30 feet on centers) for every sixty (60) linear feet (planted) between the medium deciduous trees or the residential bufferyard design standard. If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080 A., the opaque barrier shall be placed within the non-residential or multi-family residential bufferyard.

C. Bufferyard Type "20": Bufferyard Type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, as follows:
   - one medium deciduous tree (ultimate height 30+ feet) for every seventy-five (75) linear feet,
   - three (3) medium evergreen trees (planted generally on 15 feet triangular staggered spacing) for every 60 feet, and
   - two small deciduous or ornamental tree for every seventy-five (75) linear feet.

If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080 A, the opaque barrier shall be placed within the non-residential or multi-family residential bufferyard.

D. Bufferyard Type "25": Bufferyard Type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet wide, as follows:
   - one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet,
   - two (2) small deciduous or ornamental trees (spaced generally 30 feet on center) for every sixty (60) linear feet, or
   - a Type “15” residential bufferyard design standard.
If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080.A., the opaque barrier shall be placed within the non-residential or multi-family residential bufferyard. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

E. Bufferyard Type "30": Bufferyard Type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, as follows:
   - one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, and
   - one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet

If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080.A., the opaque barrier shall be placed within the non-residential bufferyard. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

F. Bufferyard Type "35": Bufferyard Type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, as follows:
   - one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, and
   - one small deciduous or ornamental tree for every eighty (80) linear feet, and
   - one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet

If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080.A., the opaque barrier shall be placed within the non-residential bufferyard. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

G. Bufferyard Type "40": Bufferyard Type 40 shall consist of a strip of landscaped area, a minimum of forty (40) feet wide, as follows:
   - one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, and
   - one small deciduous or ornamental tree for every eighty (80) linear feet, and
   - one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier.

If an opaque barrier is required per Sections 13.04.050. D. and 13.04.080.A., the opaque barrier shall be placed within the non-residential bufferyard. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

H. Bufferyard Type "50": Bufferyard Type 50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, as follows:
   - one medium evergreen tree (ultimate height 20-40 feet) for every ten (10) feet planted on triangular staggered spacing, and
   - one small deciduous or ornamental tree for every eighty (80) linear feet, and
• one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet.

If an opaque barrier is required per Section 13.04.050. D, the opaque barrier shall be placed within the non-residential bufferyard. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

13.04.100 Additional Bufferyard Provisions

The following additional provisions shall apply to the design standards for required bufferyard landscaping:

A. Preservation of healthy existing trees and other vegetation within a required bufferyard is strongly encouraged. Existing landscaping, including trees, may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each tract, lot or parcel independent of adjoining uses or adjoining bufferyards. Preservation of each healthy existing tree, of species and size (at least four and one-half inches caliper), shall count as one tree towards the fulfillment of the landscape requirements of this section if approved by the City Planner.

B. A development parcel may shall continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its initial building permit, regardless of whether an adjacent lot, site, or common development is rezoned to a less intense district which requires additional bufferyards or screening.

C. Alternative Plan Approval. Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative bufferyard plan is clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property, the suitability of any alternative screening or buffering proposals, and other similar factors.

13.04.110 Time of Completion of Required Landscaping

The landscaping required of this section shall be installed and completed in accordance with the following:

A. Except as otherwise provided in Section 13.04.110 B, all landscaping must be completed in accordance with the approved site/landscape plan before a certificate of completion may be issued for any new development on a lot/tract/parcel or subdivision.

B. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months of the completion of all other site improvements, the Zoning Administrator may issue one six-month temporary certificate of completion and permit the property owner to complete the landscaping during the six-month
period provided that all required landscaping not installed in accordance with the approved plan is covered by a site surety as required by Section 15.03.080. For purposes of this subsection, documented assurance means:

1. A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or

2. Recorded deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
   
   (a) expressly provide that they may be enforced by the City of Gallatin;

   (b) be approved as to form by the City Attorney; and

   (c) be filed in the Official Record Books of Sumner County.

3. If a temporary certificate of completion is issued under Section 13.04.110 B. and, at the end of the six-month period, no permanent certificate of completion has been issued because the landscaping has not been installed in accordance with the site/landscape plan, the owner of the property is liable to the City for a civil penalty in the amount of $200 a day for each calendar day thereafter until the landscaping is properly installed. The City Planner shall give written notice to the property owner of the amount owed to the City in civil penalties, and shall notify the City Attorney of any unpaid civil penalty. The City Attorney shall collect unpaid civil penalties in a suit on the City’s behalf.

4. The civil penalty provided for in Section 13.04.110 B.3 is in addition to any other enforcement remedies the City may have under city ordinances and state law.

13.04.120 Maintenance of Required Landscaping Improvements

The landscaping required of this section shall be installed and maintained in accordance with the following:

A. Landscaping required by this Section shall be maintained in a healthy condition and replaced when directed by the city, if necessary. Landscaping shall not be removed from a development site unless deemed unsafe or determined dead by the City.

B. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed.

C. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
D. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb line consistent with approved plans for the development.

E. All plantings will be subject to periodic inspections by Officials of the City of Gallatin.

F. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed $200 for each day. Each day of such an infraction shall be deemed a separate offense.
13.05 **Intent of Parking Area Screening and Landscaping Design Standards**

This section is to delineate minimum standards for parking areas. This includes screening the perimeter of parking lots from adjacent public streets and from adjacent properties and establishes standards for the planting within parking areas.

13.05.010 **Applicability**

The following requirements are cumulative, not exclusive.

A. Perimeter and Interior Parking Area Landscaping Required. The perimeter parking area landscaping requirements of this section shall apply to all off-street parking facilities in all zone districts adjacent to a public streets or to a property lines which:

1. include five (5) or more parking spaces; or,
2. are larger than two thousand (2,000) square feet in area.

B. Parking Area landscaping standards may be waived for a Final Master Development Plan or Final Site Plan approved by the Planning Commission if the approved Final Master Development Plan or Final Site Plan provides alternative landscaping area and screening materials in excess of this regulation.

13.05.020 **Parking Area Screening and Landscaping Standards**

A. Perimeter Requirements. Unless supplanted by more stringent standards in Section 13.04, parking areas which qualify under this Section shall be landscaped as follows:

1. Parking Areas Adjacent to Public Streets. Parking areas adjacent to public rights-of-way shall be separated from the edge of the right-of-way by a perimeter landscape strip which shall be landscaped per the standards set out in Section 13.05.020 A. 3 herein. The public right-of-way and areas reserved for future rights-of-way in compliance with the Official Street Map shall not be used to satisfy the requirements of this section, unless approved by the Planning Commission as part of a Final Master Development Plan. Perimeter landscape areas and *bufferyards* shall be continuous and unbroken except for driveways or sidewalks required to access the parking area and building. Such driveways or sidewalks shall cross the perimeter landscape area as close to perpendicularly as possible, to minimize interruption of the landscape area.

   (a) Perimeter landscape area adjacent to public streets classified as major and minor Arterials or Collectors on the Official Thoroughfare Plan shall be a minimum of fifteen (15) feet in width, unless:

   - An existing building in any district or a proposed building in the CC district is placed between a zero (0) and fifteen (15) feet building setback.
• A building complying with minimum building setbacks is placed/proposed in the area, in which case the remaining area shall be landscaped, and/or
• the required trees are planted in landscaped islands placed within the parking spaces. In such cases, the perimeter landscape strip may be reduced to ten (10) feet in width.

(b) Perimeter landscape strips areas adjacent to public streets classified as Collectors or Locals on the Major Thoroughfare Plan of the Comprehensive Plan shall be a minimum of ten (10) feet in width, unless an existing building in any district or a proposed building in the CC district is placed between a zero (0) and ten (10) feet building setback.

2. Parking Areas Adjacent to Side or Rear Property Lines. A parking area which lies adjacent to a side or rear property line shall provide a minimum perimeter landscape area equal to the required bufferyard as described in Table 13-05 and-measured from the outermost edge of pavement or back of curb to the common property line. Two adjacent properties may each share in the development of a landscape bufferyard along their common property line. In instances where a plan for a shared driveway access prevents construction in compliance with these provisions, each owner may count an interior area, adjacent but internal to the tract/lot/parcel, toward the interior planting area requirements of for the tract/lot/parcel. The resulting area shall be landscaped per the standards set out herein. No common landscape strip is required where two adjacent property owners use a joint-access easement for a drive aisle when placed over adjacent property boundaries as described in subsection 5 below.

3. Landscape Materials in Perimeter Parking Areas Abutting Public Rights-of-Way and Side/Rear Property Lines. Within designated Perimeter Parking Areas abutting public rights-of-way, a minimum of one (1) medium or large tree shall be preserved or planted for each fifty (50) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of two and one-half (2 1/2) inches in caliper, as applicable for the type of material specified. The remaining perimeter landscape area, which fronts on a street right-of-way, shall be planted with one (1) continuous row of evergreen shrubs which shall be expected to mature at a height not greater than two and one-half (2-1/2) feet. The remainder of the perimeter area not occupied by trees or shrubs shall be covered by organic mulches, other shrubs, groundcover plants, or grassed lawns or aggregates. The use of concrete, asphalt, or other impervious surfaces is prohibited.

Within designated perimeter parking areas at side/rear property lines, a minimum of one (1) tree shall be preserved or planted for each sixty (60) feet of parking area perimeter, or portion thereof. Trees planted to meet this requirement shall measure a minimum of two and one-half (2 1/2) inches in caliper, as applicable for the type of material specified. The remaining area within the perimeter landscape strip not occupied by trees shall be covered by organic mulches, other shrubs, groundcover plants, or grassed lawns or aggregates. The use of concrete, asphalt, or other impervious surfaces is prohibited.
All shrubs and trees within the above described areas shall be placed no less than four (4) feet from the edge of any curb or wheel stop within a parking area.

4. Corner Visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Section 12.01.010 and Section 13.06.050.

5. Adjacent Parking Areas with Shared Access. Parking areas on adjacent properties, which are designed to share a common access from the public right-of-way and a vehicular travel way within a joint access easement along their common property line, shall be exempt from the requirement for a parking area perimeter landscape strip along their common property line. The recorded easement agreement shall provide for the mutual right of ingress and egress for both property owners.

B. Interior Planting Areas.
1. General Requirements. At least six (6) percent of the gross area of the parking area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as canopy tree islands at the end of the parking bays or inside seven (7) foot wide or greater medians (where the median area is to be included as a part of the calculations for the interior planting area). Interior planting areas shall be located so as not to impede but to enhance storm water treatment and conveyance and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
   
   (a) Canopy trees shall be spaced not to exceed a maximum of eighty (80) feet apart or

   (b) One canopy tree shall be provided for every eight (8) interior parking spaces. One small or ornamental trees shall be planted every forty (40) feet or for each four parking spaces and shall represent no more than one-half of the required interior parking area trees. All vehicular use areas which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required number of trees, notwithstanding ownership. Required trees shall be at least two and one-half (2-1/2) inches caliper.

   (c) Parking rows shall contain no more than 20 contiguous parking spaces without providing a landscaped island. Interior parking lot landscape islands shall include at least one tree.


   (a) A minimum of two-hundred (200) square feet of planting area shall be required for each new canopy tree and a minimum of one-hundred (100) square feet of planting area shall be required for each new ornamental tree.
(b) A minimum area representing no less than seventy (70) percent of the drip line area of existing trees shall be required for all existing trees to remain and included as part of the required landscaping. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than seventy (70) percent of the dripline coverage, the lesser area may be approved by the City Planner.

13.05.030 Non-conforming Parking Area Landscaping Requirements

When an expansion is proposed to the gross area of a non-conforming parking area, compliance with this section is required as follows:

A. Expansion by Twenty-Five (25) Percent or Less. When a parking area is expanded by not more than twenty-five (25) percent, only the expanded area must be brought into compliance with this section. This shall not apply to cumulative expansions.

B. Expansion by More than Twenty-Five (25) Percent. When a parking area is expanded by more than twenty-five (25) percent, the entire parking area (pre-existing and expanded) must be brought into compliance with this section.

C. Repeated Expansions. Repeated expansions of a parking area over a period of time commencing with the effective date of this section shall be combined in determining whether the twenty-five (25) percent threshold has been reached.

13.05.035 Preservation of Existing Vegetation and Alternative Plans.

Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative landscape plan is clearly superior to a plan that would be in strict compliance with this section. In making the determination, the Commission may consider the topography, shape, size, or other natural features of the property (including existing vegetation to be preserved); the suitability of an alternative landscaping; and other similar factors.

13.05.040 Completion of Required Landscaping.

The landscaping required of this section shall be installed and completed in accordance with the following:

A. Except as otherwise provided in Subsection 13.05.040 A. 2 all landscaping must be completed in accordance with the approved site/landscape plan before a certificate of completion may be issued for any building site on the lot.

B. If the property owner provides the Zoning Administrator with documented assurance that the landscaping will be completed within six months of completion of all other site
improvements, the Zoning Administrator may issue one six-month temporary certificate of completion and permit the property owner to complete his landscaping during the six-month period provided that all required landscaping not installed consistent with the approved plan is covered by a site surety as required by Section 15.03.080. For purposes of this subsection, documented assurance means:

(1) A copy of a valid contract to install the landscaping in accordance with the landscape plan within the six-month period; or

(2) Recorded deed restrictions containing a covenant to install the landscaping in accordance with the landscape plan within the six-month period. The deed restrictions must:
   (a) expressly provide that they may be enforced by the City of Gallatin;
   (b) be approved as to form by the City Attorney; and
   (c) be filed in the official records books of Sumner County.

(3) If a temporary certificate of completion is issued under Section 13.05.040 B. and, at the end of the six-month period, no permanent certificate of completion has been issued because the landscaping has not been installed in accordance with the approved site/landscape plan, the owner of the property is liable to the City for a civil penalty in the amount of $200 a day for each calendar day thereafter until the landscaping is properly installed. The Zoning Administrator shall give written notice to the property owner of the amount owed to the City in civil penalties, and shall notify the City Attorney of any unpaid civil penalty. The City Attorney shall collect unpaid civil penalties on the City’s behalf.

(4) The civil penalty provided for in Section 13.05.04. B (3) is in addition to any other enforcement remedies the City may have under city ordinances and state law.

13.05.050 Maintenance of Required Landscaping Improvements.

The landscaping required of this section shall be installed and maintained in accordance with the following:

A. Landscaping required by this Section shall be maintained in a healthy condition and replaced, if necessary. Landscaping shall not be removed from a development site unless deemed unsafe or determined dead by the City.

B. The developer, his successor, and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed. Landscaping shall not obstruct pedestrian or vehicular travel paths.

C. Plant materials which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plant materials shall be replaced.
D. The property owner of land abutting a constructed public right-of-way is responsible for landscaping and maintenance of any right-of-way area between his property line and the curb/pavement line consistent with approved plans for the development.

E. All plantings will be subject to periodic inspections by local, county, or state agencies.

F. In the event the required maintenance is not being performed, the developer or the property owner shall be subject to a fine not to exceed $200 for each day. Each day of such an infraction shall be deemed a separate offense.
13.06  Intent of Traffic Control and Access Management Design Standards

The following standards are applied to all developments in all districts as set forth herein. The design standards require the efficient, attractive and safe design and construction of access points, driveways and other vehicular circulation elements within new development.

13.06.010  Traffic Impact Studies’ Requirements and Provisions

A. Requirements for a Traffic Impact Study. A Traffic Impact Study (TIS) shall be required for any proposed development or project which proposes:
   1. residential developments with a daily trip generation of 1000 gross daily trips or more as determined using the ITE Trips Generation Manual, latest edition;
   2. non-residential developments with a daily trip generation of 1000 gross daily trips or more as determined using the ITE Trips Generation Manual, latest edition;
   3. combinations of residential and non-residential uses which would be expected to generate 1,000 vehicle trips or more per day, or 100 or more peak hour trips.

B. Levels of Traffic Impact Study Required: - Three levels of Traffic Impact Studies have been identified based on the number of trips that a development is projected to generate in a 24 hour period. See Table 13-06.

Level 1 studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.

Level 2 studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where traffic control device does not exist, the City Engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the City Engineer will determine if ramps need to be included in the study.

Level 3 studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the City Engineer. The exact area to be studied will be determined by the City Engineer with input from the study preparer.

**TABLE 13-06**

<table>
<thead>
<tr>
<th>24 Hour Trip Generation</th>
<th>Level of Study Required</th>
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<tbody>
<tr>
<td>1,000 to 3,000 Average Daily Trips</td>
<td>Level 1</td>
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<tr>
<td>3,000 to 6,000 Average Daily Trips</td>
<td>Level 2</td>
</tr>
<tr>
<td>6,000 or Higher Average Daily Trips</td>
<td>Level 3</td>
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</tbody>
</table>
C. Waiver of a Traffic Impact Study. Any property located within the Downtown Redevelopment Area (as identified in The Downtown Gallatin Master Plan September, 2005) shall be exempt from Traffic Impact Studies. Furthermore, a property owner who can show that a development will not have a significant impact on the transportation system or adversely affect the existing level of service of a roadway or an intersection may seek a waiver of a TIS from the City Engineer. Such a request shall be made in writing and shall be in accordance with guidelines established by the City Engineer. A Traffic Impact Study also may be waived by the City Engineer in cases where the applicant and the City Engineer agree on the nature and scope of the applicant's responsibilities for mitigating the impacts of traffic generated by the development. A waiver granted by the City Engineer must be documented in writing and must accompany an application to the Zoning Administrator.

D. Approval of Traffic Impact Study. The Traffic Impact Study shall be approved by the City Engineer, with all applicable performance requirements incorporated into any site and building plans submitted to the Zoning Administrator.

E. Implementation of a Traffic Impact Study. The Traffic Impact Study may take into account the Capital Improvements Budget of the City and/or State of Tennessee and may rely on improvements which have been funded and scheduled for construction. Any required traffic improvements which have not been funded or otherwise completed by the City of Gallatin or the State of Tennessee shall be completed by the developer prior to the issuance of a use and occupancy permit by the Zoning Administrator. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Zoning Administrator may require a pro-rata contribution under guidelines established by the Gallatin Regional Planning Commission and the City Engineer. The Zoning Administrator will certify that all traffic improvements to be provided by the developer or property owner have been completed before a use and occupancy permit shall be issued.

If the development is to be phased, the sequence and timing of a development shall be incorporated into the Traffic Impact Study. For projects which include multiple phases and/or multiple buildings, the Zoning Administrator shall certify the scheduling of improvements through the site plan approval process. If no phasing is identified in the Traffic Impact Study as approved by the City Engineer, all study recommendations shall be satisfied at the initial stage of development.

13.06.020 Traffic Control and Access Management Standards - Protection of Residential Areas

A. In order to minimize deterioration and de-stabilization of residential areas, commercial access for non-residential properties which abut residential zoned areas shall be designed so as to minimize the intrusion of non-residential and non-local traffic onto residential local and minor local streets.

13.06.030 Traffic Control and Access Management Standards - Access from Local and Collector Streets
Driveways providing vehicular access from streets which are designated by the Planning Commission as local or collector streets shall comply with the following provisions:

A. Driveway Location. The following provisions apply to the location of driveways providing access to and from local and collector streets in addition to the standards listed in Table 13-07. Access control is based upon the functional classification of the roadway on which access is requested. Driveway access spacing should be measured from the centerline of the proposed driveway pavement to the nearest edge of the roadway pavement (paved shoulder or back of curb) of the adjacent or opposite driveway or street as indicated in the Figure 4-10 of the Gallatin on the Move 2020 Plan. However, the driveway spacing requirements are not applicable to single family lots accessing local streets.

1. A driveway providing access to a single-family or two-family lot shall be located at least thirty (30) feet from a local street intersection and fifty (50) feet from a collector street intersection.
2. A driveway providing access to a use other than a single-family or two-family dwelling shall be located at least:
   - Fifty (50) feet from a local street intersection.
   - Seventy-Five (75) feet from a collector street intersection.
   - One-hundred (100) feet from a minor arterial intersection.
   - One-hundred and twenty (120) feet from a major arterial intersection. These driveways may be restricted to right-in/right-out only movements.
3. All driveways on local streets shall be separated by at least thirty (30) feet except for instances where two single-family or two-family lots are being accessed by a single shared-use driveway.
4. All driveways on collector streets shall be separated by at least one-hundred and eighty-five (185) feet.
5. Where feasible, commercial driveways shall be aligned and placed across from existing or planned driveways or across from an intervening street intersection.
6. All driveway curb cuts shall conform to the requirements additionally set forth in the Gallatin Municipal Code, Section 15-160.
7. Private driveways/access points shall not be signalized except under situations where alternate driveways can not be provided to reduce the traffic loadings onto an arterial or collector street.

B. Number of Driveways. The maximum number of driveways providing access to and from local and collector streets shall be as follows:

1. There shall be no more than two (2) driveways for the use of any single property fronting on any local or collector street.
2. Driveway spacing on single parcels and adjacent parcels shall be located as described in Table 13-07. There shall be no more than one (1) driveway provided for development with less than 490 feet of frontage on collector roadways. There shall be no more than two (2) driveways permitted for properties of with between 490 feet and 735 feet of frontage on a local or collector roadway. There shall be no more than three (3) driveways permitted for properties of over 735 feet of frontage on local and collector roadways.
3. At the intersection of two local or collector streets where property is located on a corner lot, there shall be no more than one (1) driveway on each street for the use of the property unless the corner lot meets the size and dimensions described herein.

4. Deviations. The City Engineer may authorize deviations from the provisions of Section 13.06.030, based upon an adopted corridor specific access management plan or demonstration by the applicant that improvement of the property is impractical under the standards of this section and a determination that granting the requested deviation will not be contrary to public health, safety, and welfare.

C. Permits. A permit for the construction of a driveway crossing a curb or sidewalk, which has been duly accepted by the City of Gallatin shall be obtained prior to the commencement of any such work.

13.06.040 Traffic Control and Access Management Standards - Access from Arterial Streets

Driveways providing vehicular access from streets which are designated by the Regional Planning Commission on the Official Major Thoroughfare Plan as major or minor arterial streets, or a Class 3 arterial consisting of SR 109 from the north Planning Region boundary to the Cumberland River and Long Hollow Pike (SR 174) from Veterans Parkway (SR 386) to SR 109, shall comply with the following provisions:

A. Driveway Location. Table 13.07 sets forth maximum number of driveways based on the amount of arterial lot frontage. Driveways on adjacent and separate parcels or lots shall be a minimum distance apart as described in Table 13-07.

1. The City Engineer may require a greater minimum distance between driveways if it is in the best interest of public safety or may permit a reduced standard taking into consideration the location of driveways established prior to adoption of the standards.
2. Where feasible, all new driveways shall be placed directly across from driveways on the opposite side of the street to enhance traffic flow and public safety.

B. Driveway Distances from Intersecting Streets Driveways of developments which have property frontage along an arterial street shall not be located:

1. within 185 feet of the right-of-way line of any intersecting arterial street; or
2. within 100 feet of the right-of-way line of any other intersecting street; or
3. within 250 feet of an interchange ramp. In such cases the City Engineer may to a restricted access to directional driveways or limited access driveways.

C. Permit Restrictions. If an undeveloped lot or un-platted parcel has less street frontage than the minimum spacing required in this Section and is adjacent to another lot under common ownership on the effective date of this Section, no building or use permit shall be issued until a joint access driveway is approved by the City Engineer.
### TABLE 13-07
ACCESS MANAGEMENT STANDARDS

<table>
<thead>
<tr>
<th>Roadway Class and Type</th>
<th>Standard Connection Minimum Spacing</th>
<th>Substandard Connection Allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Right-in or out only #</td>
<td>Right-In and Right Out</td>
</tr>
<tr>
<td></td>
<td>Posted Speed &gt; 45mph</td>
<td>Posted Speed &lt;= 45mph</td>
</tr>
<tr>
<td></td>
<td>Posted Speed &gt; 45mph</td>
<td>Posted Speed &lt;= 45mph</td>
</tr>
<tr>
<td></td>
<td>Posted Speed &gt; 45mph</td>
<td>Posted Speed &lt;= 45mph</td>
</tr>
<tr>
<td></td>
<td>Posted Speed &gt; 45mph</td>
<td>Posted Speed &lt;= 45mph</td>
</tr>
<tr>
<td></td>
<td>Posted Speed &gt; 45mph</td>
<td>Posted Speed &lt;= 45mph</td>
</tr>
<tr>
<td>Class 3 Arterial</td>
<td>660 feet</td>
<td>660 feet</td>
</tr>
<tr>
<td>Major Arterials</td>
<td>660 feet</td>
<td>660 feet</td>
</tr>
<tr>
<td>Arterials w/Median</td>
<td>660 feet</td>
<td>660 feet</td>
</tr>
<tr>
<td>Minor Arterials</td>
<td>N/A</td>
<td>245 feet</td>
</tr>
<tr>
<td>Minor Arterial w/median</td>
<td>N/A</td>
<td>245 feet</td>
</tr>
<tr>
<td>Collectors</td>
<td>N/A</td>
<td>245 feet</td>
</tr>
<tr>
<td>Collectors w/median</td>
<td>N/A</td>
<td>245 feet</td>
</tr>
</tbody>
</table>

# = depends on the corner location site approaching or departing an intersection.

Section 13.06.045 **Alternative Access.**

A. **Alternative Access.** Where the configuration of properties located on arterial and collector streets precludes spacing of driveway access in accordance with the requirements of this section due to topography, or a prior site development layout or an adopted corridor specific access management plan, the City Engineer shall be authorized to require joint access driveways or cross access corridors. The following provisions set forth standards for joint use driveways and cross access corridors for reduced spacing situations.

1. **Joint Use/Shared or Cross Access Driveways.** Wherever feasible, the City Engineer shall require the establishment of a joint use driveway serving two (2) or more abutting properties. If a proposed development abuts an existing development which contains an existing joint access driveway, the vehicular circulation of the proposed development shall be designed to connect to the abutting access and circulation areas. If a proposed development abuts an existing undeveloped property, the vehicular circulation of the proposed development shall contain a joint access driveway which is designed to connect to the abutting property at a later date.

2. **Cross Access Corridors.** The Planning Commission and staff, in coordination with the City Engineer, shall be authorized to designate cross access corridors on properties adjacent to arterials or collectors. The developments within the affected cross access area shall be designed so as to provide for mutually coordinated parking, access, and circulation systems. Such designation shall be referenced on a plat of subdivision and/or site plan.
Additionally, if a development within the cross access area abuts an existing developed property which is not in the cross access area, but has an abutting joint access driveway, it shall be designed to connect with the abutting access and circulation system.

3. Recording Easements. Wherever cross access corridors or joint use driveways are provided in accordance with this section, the final site plan shall not be approved unless the plan grants an easement for cross access to and from abutting properties where such cross access easements provide for circulation to public roadways. Such easement shall be recorded by the applicant in the public records of the City of Gallatin and Sumner County, and constitute a covenant running with the land.

4. Closing of Interim Driveways. Wherever a permanent joint use driveway or cross access easement is constructed in accordance with this section, all preceding interim driveways shall be closed and eliminated. In the case of a joint use driveway, the property owner shall enter into a written agreement with the City of Gallatin, recorded in the public records of the City of Gallatin and Sumner County and running with the land, that existing driveways shall be closed and eliminated after the construction of both sides of a joint use driveway.

5. Where Unified Access and Circulation is not Practical. The City Engineer shall be authorized to waive the requirements of this subsection when abutting properties have been developed in such a manner that it is clearly impractical to create a unified access and circulation system with all or part of the affected areas.

13.06.050 Traffic Control and Access Management Standards – Visibility (Also see Section 13.05.020 and Section 12.02.010.)

In order to safely accommodate vehicular movements to and from public streets, the following sight distance and visibility provisions shall be required.

A. Visibility Areas

1. At the intersection of public and private streets, no fence, wall, hedge, or other planting or structure that will obstruct vision at any point above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the said right-of-way lines and a straight line joining said right-of-way lines in accordance with Table 13-08 and Figure 13-08. (Also see Section 13.07.125)

2. In all zoning districts except CC, no fence, wall, hedge, or other planting or structure shall be allowed on private property that will obstruct vision at any point where private driveways intersect a public street in such a manner as to interfere with traffic visibility of any driver using an authorized driveway, alley, or roadway.
## TABLE 13-08
### SITE VISIBILITY AREAS

<table>
<thead>
<tr>
<th>Major Approach</th>
<th>Minor Approach</th>
<th>Public/Private</th>
<th>Driveway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Arterial</td>
<td>L = 325'</td>
<td>R = 150'</td>
<td>M = 30'</td>
</tr>
<tr>
<td></td>
<td>L =235'</td>
<td>R =150'</td>
<td>M = 25'</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>L = 275'</td>
<td>R = 150'</td>
<td>M = 25'</td>
</tr>
<tr>
<td>Collector</td>
<td>L = 200'</td>
<td>R = 150'</td>
<td>M = 20'</td>
</tr>
<tr>
<td></td>
<td>Non-Residential</td>
<td>R = 150'</td>
<td>M =20'</td>
</tr>
<tr>
<td>Local Street</td>
<td>L = 175'</td>
<td>R = 130'</td>
<td>M =15'</td>
</tr>
<tr>
<td></td>
<td>L = 75'</td>
<td>R = 55'</td>
<td>M = 15'</td>
</tr>
</tbody>
</table>

L= Left sight distance   R= Right Sight Distance   M= Measurement from Center of intersection to vehicle

### NOTES:

1. The table assumes right angle intersections and straight intersection street approach movements within the sight distance. Situations involving skewed intersections, curvilinear streets, and other mitigating factors shall have sight distances as determined by the City Engineer.
2. In the CC zone, the sight triangle may be modified as determined by the City Engineer.
3. All landscaping within the triangular areas described above shall provide unobstructed cross-visibility at a level between 30 inches and 9 feet above street grade. Where rigid enforcement of the landscaping and screening standards contained in Sections 13.04 and 13.05 creates a conflict with the provisions of this section, the regulations of this section shall take precedence. Placement of the required landscaping and screening elements shall be revised to the extent necessary to alleviate this conflict.
Figure 13-08

SIGHT TRIANGLES AT INTERSECTIONS

13.06.060 Traffic Control and Access Management Standards – Measurement

For the purpose of Section 13.06, distances shall be measured in the following manner:

A. Distance between Driveways. Distances between driveways shall be measured along the right-of-way line from the nearest points of intersection of the driveways with the right-of-way line. In the event that the curb return of a driveway begins outside of the right-of-way, the point of intersection of the extension of the driveway curb or edge shall be used for measurement purposes.

B. Distance from Intersection. The distance from street intersections shall be measured from the nearest intersection of the existing right-of-way lines or extensions thereof. For streets designated to be widened at a future time by the adopted Thoroughfare Plan, measurement shall be made from the ultimate right-of-way.

C. Distance from a Limited Access Highway Ramp. The distance from limited access highway ramps shall be measured from that point where the right-of-way for the interstate limited access highway ramp intersects the right-of-way for the arterial street serving the lot.

13.06.070 Driveway Widths and Radii

Driveway widths shall be no less than as described in Table 13-09.
### TABLE 13-09
MINIMUM DRIVEWAY WIDTHS AND RADI

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Driveway Width</th>
<th>Maximum Driveway Width</th>
<th>Maximum Return Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Family/Two-Family Residential</td>
<td>10 Feet</td>
<td>20 Feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>24 Feet</td>
<td>35 Feet</td>
<td>25 Feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>24 Feet</td>
<td>40 Feet</td>
<td>35 Feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>24 Feet</td>
<td>40 Feet</td>
<td>35 Feet</td>
</tr>
</tbody>
</table>

One-way directional driveways shall be a minimum of 15 feet wide.

13.06.080 Minimum Driveway Throat Lengths

Driveway Throat lengths shall be no less than as described in Table 13-10.

### TABLE 13-10
MINIMUM DRIVEWAY THROAT LENGTHS

<table>
<thead>
<tr>
<th>Land Use/Driveway Type</th>
<th>Minimum Driveway Depth (length)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One and Two Family Residential</td>
<td>20 feet</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>40 feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>40 feet</td>
</tr>
<tr>
<td>Large Scale Commercial*/Industrial</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

*Large Scale Commercial is greater than 100,000 square feet.

Cross access driveways and aisles and off-site parking spaces shall not be permitted within the minimum required throat lengths. All driveway lanes shall be clearly delineated.

13.06.090 Minimum Driveway Grades from Public Streets

Driveway grades from public streets shall comply with the standards described in Table 13-11.

### TABLE 13-11
MINIMUM DRIVEWAY GRADES FROM PUBLIC STREETS

<table>
<thead>
<tr>
<th>Driveway Type</th>
<th>Minimum Grade from adjacent Street</th>
<th>Maximum Grade from adjacent Street</th>
<th>Required Minimum Apron Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>On and Two Family Residential</td>
<td>.5% - 1%</td>
<td>12%</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>.5% - 1%</td>
<td>5%</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Commercial</td>
<td>.5% - 1%</td>
<td>3%</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>.5% - 1%</td>
<td>3%</td>
<td>30 Feet</td>
</tr>
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## Section 13.07  Sign Regulations

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</tbody>
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ADMINISTRATION

13.07.005  Purpose and Intent

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

A. Enable the identification of places of residence and business.
B. Allow for the communication of information necessary for the conduct of commerce and to inform the public of community events and activities.
C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
D. Enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business.
E. Protect the public from the dangers of unsafe signs.
F. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
G. Encourage signs that are appropriated to the zoning district in which they are located and consistent with the category of use to which they pertain.
H. Curtail the size and number of signs and sign messages to the minimum reasonably necessary, to identify a residential or business location and the nature of any such business.
I. Establish sign size in relationship to the scale of the lot and building on which the sign is to be located or to which it pertains.
J. Preclude signs from creating conflicts with the signs, or structures on adjoining sites.
K. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
L. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
M. Preserve and enhance the natural and scenic characteristics of this community and to promote community aesthetics and traffic safety.
N. Protect the future of public rights-of-way. Regulate the location of signs so that reasonable expansion of the public right-of-way can occur in conformance with the City’s General Development and Transportation Plan and without disturbance of the existing conforming signs.
O. Encourage the removal of non-conforming signs or the replacement of non-conforming signs with conforming signs.

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

A. Rationale – The word “sign” is chosen to signify all non-verbal communication in public viewed area because of its traditional use. The word “graphic” is synonymous with “sign” and the two may be used interchangeably within the context of this sign code. A sign shall not be considered a principal use except where legally permitted as a non-conforming sign for outdoor advertising as defined in Tenn. Code Annotated, Title 54, Chapter 21.

B. Applicability - A sign shall be erected, placed, established, painted, created, or maintained on private property only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

C. Effect - The effect of this ordinance, as more specifically set forth herein, is:
   1. To establish a permit system to allow a variety of types of signs in commercial, industrial, and some mixed use zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
   2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
   3. To provide for temporary signs in limited circumstances;
   4. To prohibit all signs not expressly permitted by this ordinance; and
   5. To provide for the enforcement of the provisions of this ordinance.

D. System for Regulation - Before erecting, altering, or relocating any signage, the owner or his agent shall obtain a sign permit from the City pursuant to 13.07.030, except as otherwise exempted herein. If any person, company, or facility violates the provisions of this ordinance, the Zoning Administrator or designee, shall take any or all of the enforcement actions prescribed in the Zoning Ordinance to ensure compliance with, and/or to remedy a violation of this Ordinance.

E. Message Substitution Clause – Subject to the land owner’s consent, a non-commercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed non-commercial message; provided, that the sign structure or mounting device is legally permitted. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or
favoring any particular non-commercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

13.07.015 Code Compliance, Construction, and Maintenance

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

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

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

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

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

13.07.020 Permits and Inspections

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

1. Completed sign permit application(s).
   If applying for more than one (1) sign, all signs shall be submitted on a separate application, however if submitted at the same time may be processed on the same permit.

2. Illustration/Sketch of sign(s) showing all dimensions of sign(s).
   Refer to Subsections 13.07.100 and 13.07.105 as a guide in determining proper sign area and dimensions for wall-mounted and freestanding signs.
3. Illustration/Sketch or picture of:
   a. Front façade showing width of business frontage and location of proposed sign as well as all other existing signs if wall-mounted sign.
   b. Site plan showing width of street frontage and location of proposed sign if freestanding.

4. Additional information may be required such as but not limited to:
   a. Engineered footer drawing
   b. Electric permit
   c. Proof of legal non-conformance if applicable
   d. Survey

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

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

B. Fees - Each application for a sign permit shall be accompanied by the applicable fees. An application and fee schedule can be obtained by contacting the City.

C. Inspections - Inspections by the Zoning Administrator or designee are required at the footing phase of all new freestanding signs and commercial flagpoles. Final inspections are required after the completion of all approved and permitted signs.

D. Expiration - If an approved sign is not erected and completed within a period of six (6) months from the date the sign permit was originally issued, the permit shall expire and become null and void.

E. Complaints and Revocations - The Zoning Administrator or designee shall investigate any complaints of violations of these regulations and shall revoke a sign permit if there is any violation of the provisions of these regulations or there was misrepresentation of any material facts in either the application or plans.

13.07.025 Violations

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

A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign on the zone lot on which the sign is located.

B. To install, create, erect, or maintain any sign requiring a permit without such permit.

C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed.

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

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

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

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

13.07.035 Severability Clause

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


Existing Permits - All holders of permits for signs issued legally prior to the effective date of this ordinance may erect the signs which are the subject of such permits within the times allowed by such permits, and such signs shall then be treated as though they had been erected prior to the effective date of this ordinance. However, such permits shall not be extended or amended unless the sign which is the subject of such permit will conform to all of the requirements of this ordinance.

DEFINITIONS

13.07.045 Definitions

Words and phrases used in this sign ordinance shall have the meanings set forth herein. Words and phrases not defined in this sign ordinance, but defined elsewhere in the zoning ordinance of the City of Gallatin shall be given the meanings set forth therein.
A-Frame Sign – See, Sandwich Board Sign

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

Airborne Sign – See, Inflatable and Airborne Sign

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

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

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

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

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

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

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

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

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

Canopy Signs – A canopy sign is any lettering, numbering or logo that is placed on a canopy and is considered wall-mounted signage.
Changeable Copy Sign (Automated Changeable Copy) - A sign or portion thereof that displays letters or numbers, characters, symbols, graphics or illustrations, (1) which are not themselves an illumination device, and (2) which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs such as “flip matrix,” and “segmented.” Excludes electronic display screen and electronic message center signs.

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

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

Channel Letters - Individual letters mounted directly to the wall.

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

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

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

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

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

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

Display Surface Area - The area of a sign that is used for display purposes excluding the minimum frame and supports. In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. See Subsections 13.07.100 and 13.07.105.
**Educational Campus** - An area of land made up of ten (10) or more contiguous acres constituting and making up the grounds of a college or university. It contains the main building or buildings and other accessory buildings or uses on the site.

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

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

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

**Face/Sign Face** – See, Display Surface Area

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

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

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

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

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

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

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

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

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

**Graffiti** – non-approved artistic work or random markings applied to buildings, walls, accessory structures or uses as an act of vandalism on public or private property. (This excludes temporary soluble chalk markings or paint marking used for marking utility locations made by a utility company or surveyor.)

**Historical marker** - a placard or fixture erected by a historic board, the state, county or city describing in text and/or with photos an event of prominence or community interest that occurred on or near the property or right-of-way on which it is placed.

**Historic scene** – a graphic depiction of a place, event or person which is presented on an image captured at least 50 years from a current date and used as or on a mural.

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

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

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

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

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

**Illuminated Sign (Indirect)** - Illumination of a sign that is affected by a source of light not contained within or on the sign itself.
**Incidental Sign** - A sign which includes information of a general directive or informational nature such as no parking, handicapped parking, loading area, self-service, and rest room; which bears no advertising matter.

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

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

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

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

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

**Multi-Tenant Wall-Mounted Sign** - An identification sign for a commercial site with two (2) or more tenants, displaying the names of each tenant on the site.

**Mural Image** – A professionally prepared artwork design or representation, comprised of two or more colors or hues, applied to a building wall, free-standing wall or fixed accessory structure or use, expressed in a form and manner as to garner viewer interest. (A mural is not considered a sign.)

**Neon Sign** - A sign containing glass tube lighting that is bent to form letters, symbols, or other shapes. Gas and phosphors are used in combination to create a colored light.

**Nonconforming Sign** - A sign lawfully existing and maintained at the time of adoption, revision, or amendment of this ordinance, which has subsequently come under the requirements of this ordinance, but no longer conforms because of said revision or amendment.

**Off-Premises Sign** - A permanent or temporary sign that directs attention to a profession, business, commodity, service, product, event or entertainment not located or sold on the premises on which the sign is located.

**On-Premises Sign** - Any sign identifying or advertising a profession, business, commodity, service, product, event or entertainment located on the premises where the sign is installed and maintained.
Out Parcel - Individual lots located within a multi-tenant development; a tract of land adjacent to a larger tract of which it was originally an integral part.

Pennant Streamer - A geometric shaped sign, with or without a logo, made of flexible materials suspended from one (1) or two (2) corners on a stringer with other such signs to create the impression of a line.

Political Sign - A temporary sign expressing support for a candidate for public office or another position regarding a public figure or a public issue, but bearing no commercial message whatsoever.

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

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

Public Purpose Sign - A temporary or permanent sign erected by a governmental or quasi-governmental entity for the sole purpose of displaying public awareness or public health, safety and welfare information. Public purpose signs may be erected on public property with permission from the appropriate governmental entity/agency.

Raceway - Individual letters mounted on a track (raceway). Track (raceway) is then mounted to the wall.

Real Estate Sign - A sign advertising property or a building for sale, lease, rent, or auction upon which the sign is located.

Real Estate/Auction Directional Sign - A temporary sign that provides off-premise directional assistance to the property for sale, auction or lease.

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

Right-Of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, utility poles and drainage facilities.

Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof Sign - A sign erected on a roof or signs that project above the highest point of the roof line.
Sandwich Board - A sandwich board sign, also known as an A-Frame sign, is a double faced temporary sign that is placed on the sidewalk in front of a business only during business hours.

Sign - Any writing (including letter, word, or numeral); pictorial presentation (including illustration or decoration) containing a commercial or non-commercial message or representation of services or products provided on the property; emblem (including device, graphic, symbol, or trademark); flag (including banner or pennant); inflatable structure; or any other figure or similar character, which:
1. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure, and;
2. Is used to announce, direct attention, or advertise.

Suspended Sign - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign - A sign intended to display messages of a temporary nature. Portable signs or any sign not permanently embedded in the ground or permanently affixed to a building or structure embedded in the ground are considered temporary signs.

Traffic Control Sign - Temporary or permanent signs identifying traffic control measures, such as stop, yield, and similar signs, the sign face of which meet the Manual for Uniform Traffic Control Devices and which contain no logo or commercial message of any sort.

Vehicle Sign - A permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

Wall-Mounted Sign - A sign fastened parallel to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign.

Warning Sign - Indicates the dangers of trespassing, swimming, animals, or similar hazards for non-residential uses.

Wind Sign - Any banner, pennant, ribbon, spinner, streamer, inflatable sign, balloons, or similar device, or object or material, fastened in such a manner as to move upon being subjected to pressure by wind.

Window Sign - A sign posted, placed, painted, or affixed to the interior or exterior surface of a window or door of a building with its message intended to be visible and readable from the public way.
REGULATIONS

13.07.050 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained, any sign not expressly authorized by, or exempted from, this Section. Refer to Subsection 13.07.045 for definition of each type of sign.

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

B. Beacons and/or searchlights.

C. Billboards, however, existing billboards may be replaced with a digital sign as identified herein.

D. Digital Signs are prohibited within Historic districts, on any property designated by the City Council as an historic property, and on buildings. No such signs shall be visible from the street through windows or openings in the building, including any digital signs displaying a video or continuous message and animated signs.

E. Mural Image with commercial or non-commercial messages.

F. Flashing Signs or strobing signs (Applies to interior if visible from outside, and exterior signage)

G. Human Directionals are prohibited in the rights-of-way

H. Pennant Streamers

I. Portable Signs

J. Roof Signs

K. Vehicle Signs

1. Residential Districts: Any sign which is contained in, suspended from, attached to, or painted on a vehicle such as, but not limited to, vehicular trailers, trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implants or implements of husbandry, parked on any street or on private or public property for more than seventy-two (72) consecutive hours and which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating, or other similar purposes are prohibited. This is separate from the provisions of Section 12.14 Home Occupations. Vehicles parked on the property for the purpose of current construction shall be permitted for a maximum of thirty (30)
consecutive days or, until an approved final inspection is received for construction in which a permit is required.

2. Non-Residential Districts: Any sign which is contained in, suspended from, attached to, or painted on a vehicle or vehicular trailer, unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation in the everyday and ordinary course of business of the owner thereof and parked in a single designated parking place. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign.

Delivery vehicles used primarily for the transportation of goods, containing any form of company signage advertising the identity of a business or products available are strictly prohibited and shall be parked behind the front line of the building unless being actively loaded or unloaded. If parking on the property behind the front line is not possible, a delivery vehicle shall be parked in a single designated parking place, or as shown on an approved final master development plan or site plan.

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

M. Nonconforming sign(s), except as permitted by T.C.A. 13-7-208 as amended from time to time.

N. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Article or other regulations of the City of Gallatin.

O. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device

P. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals

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

R. Signs that emit audible sound, odor, or visible matter such as smoke or steam
S. Signs containing red, green or blue lights that might be confused with traffic control lights which are: (1) located within five (5) feet of public rights-of-way or (2) located within one hundred (100) feet of traffic control lights

T. Signs that are of such intensity or brilliance as to cause glare or impair vision. The Zoning Administrator or designee shall determine whether the intensity or brilliance causes glare or impede vision according to Subsection 13.07.090

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

V. The following signs are generally prohibited unless special conditions apply as specified under Subsection 13.07.060:
   1. Banners
   2. Inflatable and Airborne Signs
   3. Off-Premise Signs, except replacement signs as described herein.
   4. Temporary Signs
   5. Wind Signs

W. Temporary signs with digital display.

X. Bench signs on public property.

13.07.055 Exempt Signs

A. Guidance and Restrictions for the Use of Sign

   1. The following exempt signs shall not require a permit, but may be subject to the restrictions imposed by Section 13.06 and other relevant parts of this Article, and/or other City code approval requirements.

   2. An exempt sign shall not be erected so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

   3. The Zoning Administrator or designee shall determine whether a sign’s placement is hazardous or vision is obstructed.

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

B. Permissible Exempt Signs

   1. Building Marker
   2. Commemorative Sign/Historical Marker
   3. Equipment/Machinery Signage
4. Flags on flagpoles in residential districts
5. Holiday lights and decorations with no commercial message
6. Incidental Signs
7. Legal Notices and Official Instruments
8. Traffic Control Signs which meet the requirements in the Manual for Uniform Traffic Control Devices.
9. Warning Signs
10. Signs placed within an athletic field intended for be viewed from within the field

13.07.060  Temporary Signs

A. Guidance and Restrictions for the Use of Signs

1. Temporary signs are permitted to indicate temporary special events activities or messages without regard to content. Special events include, but are not limited to, grand openings, new business locations, business closings and special promotional events such as seasonal sales, services and product promotions.

2. Temporary signs are also permitted to indicate the availability of goods for sale within a temporary structure, such as a tent.

3. A temporary sign shall not be constructed of or operated by electrical, electronic, or mechanical parts or erected so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

4. Temporary signs shall be non-illuminated and shall not harmful to minors as defined by this Subsection include profane messages.

5. The Zoning Administrator or designee shall determine whether a sign’s placement is hazardous or vision is obstructed.

6. Temporary signs shall not be mounted on a street sign or a public utility pole.

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

8. Temporary signs shall not include a digital display.
B. Permissible Temporary Signs and Restrictions

The following temporary signs are subject to the restrictions imposed by this Subsection and other relevant parts of this Article.

<table>
<thead>
<tr>
<th>Types of Signs</th>
<th>Permissible Zone District</th>
<th>Maximum Sign Face Area per side</th>
<th>Maximum Height</th>
<th>Minimum Setback</th>
<th>Maximum Number of Signs</th>
<th>May be Displayed Beginning</th>
<th>Must be Removed</th>
<th>Sign Permit Required</th>
<th>Other Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banners</td>
<td>Non-Residential and Mixed Use</td>
<td>60 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>1 banner</td>
<td>1 banner is permitted at a time. It is permissible to change the message displayed on the banner during the display period authorized by the sign permit.</td>
<td>See Other Conditions</td>
<td>See Other Conditions</td>
<td>Yes</td>
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<td>On-premise only. Permitted for 30 consecutive days, 3 times a year. Banner must be wall-mounted, hung flat on the building and secured at all corners and sides.</td>
</tr>
<tr>
<td>Banners (Grand Opening)</td>
<td>Non-Residential and Mixed Use</td>
<td>60 sq. ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>1 banner</td>
<td>7 days prior to the official grand opening to the public, or upon issuance of the Certificate of Occupancy or Use and Occupancy Permit, whichever applies</td>
<td>See other Conditions</td>
<td>Yes</td>
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<td>On-premise only, permitted for 30 consecutive days, shall be wall-mounted, grand opening banners are not applicable 45 days after the official grand opening to the public</td>
</tr>
<tr>
<td>Community Event</td>
<td>All</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>No sooner than 14 days prior to event</td>
<td>Within 3 days after the event</td>
<td>No</td>
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<td>May be on or off-premise, wall-mounted or freestanding.</td>
</tr>
<tr>
<td>Contractor</td>
<td>All</td>
<td>6 sq. ft.</td>
<td>3 ft.</td>
<td>N/A</td>
<td>1 lot</td>
<td>After issuance of permit if a permit is required, or first day of project if no permit is required</td>
<td>Within 14 days after completion of project</td>
<td>No</td>
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<td>On-premise only. If a sign is displayed pursuant to this section, but the project is discontinued for a period of 60 days, the message shall be removed pending continuation of project activities.</td>
</tr>
<tr>
<td>Development- In-Progress</td>
<td>All</td>
<td>32 sq. ft.</td>
<td>10 ft.</td>
<td>10 ft. from right-of-way</td>
<td>1 per development entrance</td>
<td>After the issuance of a building permit</td>
<td>Prior to issuance of Certificate of Occupancy in non-residential and mixed use zone districts; upon 80% build out or 3 years whichever occurs first in residential and mixed use zone districts</td>
<td>No</td>
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<td></td>
<td>On-premise only. Signs are not permitted on single residential lots. Signs shall be spaced at least 100 ft. from all other signs on property.</td>
</tr>
<tr>
<td>Types of Signs</td>
<td>Permissible Zone District</td>
<td>Maximum Sign Face Area per side</td>
<td>Maximum Height</td>
<td>Minimum Setback</td>
<td>Maximum Number of Signs</td>
<td>May be Displayed Beginning</td>
<td>Must be Removed</td>
<td>Sign Permit Required</td>
<td>Other Conditions</td>
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<tr>
<td>Garage/Yard Sale</td>
<td>All</td>
<td>6 sq. ft.</td>
<td>3 ft.</td>
<td>N/A</td>
<td>1 per lot</td>
<td>No sooner than 4 days before event</td>
<td>Within 2 days after event</td>
<td>No</td>
<td>May be on or off-premise. Only permitted Friday through Sunday, and on holidays.</td>
</tr>
<tr>
<td>Inflatable &amp; Airborne Signs (Tethered)</td>
<td>All</td>
<td>18 inches in diameter or 1 sq. ft.</td>
<td>Shall not extend above roofline</td>
<td>15 ft. from right-of-way</td>
<td>N/A</td>
<td>Friday</td>
<td>Within 7 days after a primary election</td>
<td>Sunday</td>
<td>No</td>
</tr>
<tr>
<td>Political</td>
<td>All</td>
<td>16 sq. ft.</td>
<td>6 ft.</td>
<td>5 ft.</td>
<td>N/A</td>
<td>No sooner than 30 days prior to a primary election</td>
<td></td>
<td>No</td>
<td>Approval by Mayor or City Council required. May be on or off-premise.</td>
</tr>
<tr>
<td>Public Purpose</td>
<td>All</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>See Other Conditions</td>
<td></td>
<td>No</td>
<td>See Other Conditions</td>
</tr>
<tr>
<td>Real Estate</td>
<td>Non-Residential and Mixed Use</td>
<td>32 sq. ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>1 per street front</td>
<td>As long as property is for sale, lease or auction</td>
<td>No</td>
<td>On-premise only</td>
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<td></td>
<td>Residential and Mixed Use</td>
<td>12 sq. ft.</td>
<td>6 ft.</td>
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</tr>
<tr>
<td>Real Estate Open House</td>
<td>Residential</td>
<td>12 sq. ft.</td>
<td>6 ft.</td>
<td>5 ft. from right-of-way</td>
<td>1 per street front</td>
<td>Friday</td>
<td>Saturday</td>
<td>No</td>
<td>May be on or off-premise. Only permitted Friday through Sunday only, and on holidays.</td>
</tr>
<tr>
<td>Real Estate Development</td>
<td>All</td>
<td>32 sq. ft.</td>
<td>10 ft.</td>
<td>10 ft. from right-of-way</td>
<td>1 per development entrance</td>
<td></td>
<td>No</td>
<td>On-premise only</td>
<td></td>
</tr>
<tr>
<td>Real Estate Auction Directional</td>
<td>All</td>
<td>24 sq. ft.</td>
<td>6 ft.</td>
<td>10 ft. from right-of-way</td>
<td>4</td>
<td>No sooner than 14 days prior to event</td>
<td>Within 3 days after the event</td>
<td>No</td>
<td>Off-premise</td>
</tr>
<tr>
<td>Real Estate Directional</td>
<td>All</td>
<td>6 sq. ft.</td>
<td>3 ft.</td>
<td>10 ft. from right-of-way</td>
<td>1 per street front</td>
<td>As long as property is for sale, lease or auction</td>
<td>No</td>
<td>Off-premise</td>
<td></td>
</tr>
<tr>
<td>Sandwich Board/A-Frame</td>
<td>Non-Residential and Mixed Use</td>
<td>8 sq. ft.</td>
<td>4 ft.</td>
<td></td>
<td>1</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>On-premise only. Must be located on the sidewalk directly in front of the business</td>
</tr>
<tr>
<td>Interior Window Signs</td>
<td>Non-Residential and Mixed Use</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Window panels separated by muntins, Mullions or piers shall be considered as one continuous window area</td>
</tr>
</tbody>
</table>
13.07.061 Non-Conforming Off-Premises/Off-Site (Billboard) Signs

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

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

B. Cap and Replacement Restrictions

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

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

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

4. Replacement signs. A permit for the construction of a replacement off-site/billboard sign with a digital billboard may only be issued after the removal of the existing off-site sign(s) and support structures unless said pole is to be used as a replacement sign per Section 13.07.061 C.4.. Said sign permit application shall be submitted within 180 days of the removal of the billboard (off-site signs) being replaced.

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

1. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be placed in the same location as the previously permitted sign. For purposes of permitting the replacement sign the same location shall mean within five (5) feet of the location of the previous sign and the replacement sign shall comply with all required setbacks for signs as required by Section 13.07.065.

2. Any off-premises (off-site/billboard) sign replaced shall be the same height or lesser height of the sign being replaced.
3. Any off-premises (off-site/billboard) sign replaced with an digital sign shall be no less than 2000 feet from any other existing or permitted billboard signs utilizing an electronic display screen (digital) sign.

4. Any off-premises (off-site/billboard) sign replaced as permitted herein shall be erected on a single pole or ground mounted column constructed completely with, or sheathed in, decorative material including brick, stone, stucco treated frame or ornamental iron base and shall contain a border around the face of the sign matching the color of the support column.

5. No single-faced off-premise (off-site/billboard) sign shall be replaced with a double-faced or more faced billboard or digital sign.

6. Any off-premises (off-site/billboard) sign replaced shall require the installation of low-level landscaping consisting a continuous hedge row of shrubs and trees of a species on the leased or owned parcel surrounding the base of the sign extending a minimum of five (5) feet from the base of the sign. No chain link or wire fencing shall be placed around the base of the sign.

7. Any replacement off-premises (off-site/billboard) sign shall be located at least two-hundred and fifty (250) feet from any residentially zoned property measured from the closest point of any structural element of the sign to the residentially zoned property boundary.

8. No replacement sign shall be permitted to be placed on-top or under an existing billboard or besides an existing billboard. To be eligible for the replacement with a digital sign, any side-by-side or stacked billboards must be removed and replaced, within the timeframe described herein, only with a single digital billboard sign of a size no larger than the larger of the two billboards.

9. All existing billboards replaced with a digital or automatic changeable message copy may include a digital sign face for 100% of the coverage of the sign or display surface area.

10. All text size on any replacement billboard shall of such sufficient size to be clearly legible from a distance of 500 feet.

11. Any billboard replaced with a digital copy shall be limited message to remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds.

12. The digital sign shall contain a default design that will freeze the sign face in a legible image or position if a malfunction occurs or the sign will turn off.

13. All billboard replacements as authorized herein shall, in addition to this code, comply with the requirements of Title 54, Chapter 21, Section 122, Tenn. Code Annotated.
14. Owners of digital billboards shall coordinate with the City of Gallatin to convey real time emergency information such as Amber Alerts or other emergency directives. Any conflicts between the Code and the Statute the more restrictive standard shall apply.

13.07.065 General Provisions for Permanent On-Premises Signs

A. Guidance for the Use of Signs

1. An on-premises sign is for the purpose of conveying information in clear, concise, safe, and compatible units to general motorists and pedestrians on travel ways and within each site.

2. A permanent on-premises sign may be permitted as a freestanding or wall-mounted sign subject to the restrictions imposed by this Subsection and other relevant restrictions imposed by this Article.

3. A single tenant or multi-tenant sign shall be considered an on-premises sign when located within the boundaries of the same approved site plan or final master development plan authorized by this ordinance.

4. A permit is required for all permanent signs unless otherwise exempt under Subsection 13.07.055.

5. All electrical service to freestanding signs shall be placed underground. Electrical service to all other signs shall be concealed from public view.

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

7. No on-premises freestanding/monument sign shall be permitted on a parcel or lot if a non-conforming freestanding/monument sign is located on the same parcel/lot.

B. Setback and Height Requirements

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

1. The height of freestanding/ground signs shall be computed as the distance from the base of the sign at grade level to the top of the sign structure. The maximum height for all freestanding/ground signs is eight (8) feet above grade level. The maximum ground clearance between the bottom of the sign and grade level shall be three (3) feet.

2. The leading edge of free-standing/ground signs shall have a minimum setback of five (5) feet from the right-of-way, provided the placement of the sign does not interfere with the sight triangle per Subsection 13.06.050. Refer to Subsection 13.07.125 for an example on determining the sight triangle. Should the City’s General Development and Transportation Plan state a greater right-of-way width than currently exists, the greater right-of-way width shall apply. Said sign setback shall be established based on the projected extent of the right-of-way as determined by the City.
3. Wall-mounted signs shall not extend above the roof line of the structure. Wall-mounted signs shall not extend above the top of the wall or parapet more than twenty-five percent (25%) of the height of such sign, to a maximum of eighteen (18) inches for a solid panel sign, or fifty percent (50%) of the height of the letter for individual mounted letters.

4. The setback requirement from all electrical lines for flagpoles shall be equal to the length of the flagpole plus an additional ten (10) feet. (Ex. The setback for a twenty (20) foot tall flagpole would be thirty (30) feet.)

C. Calculation of Sign Area


2. All signs shall be measured by standard geometric shapes.

3. The combined calculation of all wall-mounted signs shall be less than or equal to the maximum signage permitted per business.

4. Cabinet signs shall not project more than ten (10) inches from the building or structure.

5. Channel Letter signs shall not project more than a total of sixteen (16) inches from the building or structure.

6. Raceway signs shall not project more than a total of sixteen (16) inches from the building or structure.

7. When a freestanding sign has more than one sign face, the area of the sign shall be the area of largest display that is visible from any single direction.

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

D. Material and Style

1. The various parts of a sign shall be compatible.

2. Any multi-faced sign shall have the same name and same message on all used faces.

3. Appropriate Materials
   The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation.
   a. Brick
   b. Natural stone, including panels, or imitation stone;
   c. Stained split-face block;
   d. Finished wood;
e. Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split face block, or stone;
f. Metal panels, when used in combination with brick, split-face block, or stone; and
g. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

4. Prohibited Materials

The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

a. Exposed metal poles, when not enclosed by a masonry veneer;
b. Smooth-face concrete blocks, whether painted or unpainted;
c. Metal panels, when used without brick, split-face block, or stone; and
d. Plastic, or other synthetic materials, when used without brick, split face block, or stone.
e. Unfinished wood

E. Master Signage Plan

A Master Signage Plan shall be submitted for approval to the Codes/Planning Department before a sign permit is issued.

1. A Master Signage Plan shall be included in final master development plans, site plans, or any other plans required by the City of Gallatin for the proposed development. If applicable, flagpoles shall be included in the master signage plan for all residential and non-residential developments.

2. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of this ordinance currently in effect.

3. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan shall be enforced in the same way as any provision of this ordinance. In case of any conflict between a provision of a Master Signage Plan and one (1) or more provisions of the City of Gallatin ordinances, the City of Gallatin ordinances shall control.

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

Permanent on-premises freestanding signs and on-premises wall-mounted signs that serve the specific function of identifying a residential development are permitted subject to the following restrictions:

A. Each residential development containing three (3) through fifteen (15) dwelling units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premise freestanding sign per development entry from a public street, up to a maximum of two (2) from a public street, with a maximum size sign face of eighteen (18) square feet each. The following provisions shall apply:
1. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;

2. No residential freestanding sign shall exceed eight (8) feet in height;

3. All residential freestanding signs may be illuminated by direct and steady means only but shall not include any digital sign;

4. Each residential freestanding sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

B. Each residential development containing at least sixteen (16) units and approved under one (1) plat, final master development plan or site plan shall be permitted one (1) on-premise freestanding sign per development entry from a public street, up to a maximum of three (3) from a public street, with a maximum size sign face of thirty-two (32) square feet each. The following provisions shall apply:

The on-premises signage at each development entry shall be one (1) of the following:

1. A double-sided freestanding sign located perpendicular to the public street and containing up to thirty-two (32) square feet per sign face;

2. A single-sided freestanding sign located parallel to the public street and containing up to thirty-two (32) square feet for the one (1) sign face.

3. A flared wall, or similar, to which two (2) single-sided signs are attached or imbedded and each sign does not exceed twenty-four (24) square feet. This includes two (2) one-sided signs located on each side of a subdivision entrance;

4. The leading edge or face of the sign or any building or other structure to which the sign is attached must be setback from the right-of-way a minimum of five (5) feet;

5. No residential identification sign shall exceed eight (8) feet in height;

6. All residential identification signs may be illuminated by direct and steady means only;

7. Each residential identification sign shall be maintained perpetually by the developer, sign owner, owner's association, or some other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

C. One (1) flat wall-mounted sign with a maximum of thirty-two (32) square feet in area, for each street frontage, may be placed on the street facing facade of a building that contains a minimum of sixteen (16) dwelling units, provided that it is:

1. Illuminated by direct and steady means only; and
2. Does not extend more than six (6) inches from the facade of the building.

D. Flagpoles, Residential Development – Each residential development approved under one (1) plat, final master development plan or site plan shall be permitted up to a maximum of two (2) ground flagpoles per development; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Combined size and weight of all flags must meet the wind load requirements per pole.

E. Home Occupation Signs – There may be one (1) home occupation sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building. Refer to Home Occupations in Section 12.14 of the Gallatin Zoning Ordinance. Home Occupation Signs do not require a permit.

F. Residential Signs – No permit required. Any sign of a type described below which does not exceed two (2) square feet in area:

1. A sign giving a property identification name or number or name(s) of occupant, one (1) sign per lot;

2. A mailbox sign [one (1) sign per dwelling unit], and;

3. A sign(s) posted on property relating to private parking, trespassing, or dangerous animals (limited to one (1) sign per zone lot if less than one (1) acre in size).

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

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

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

A. Awning Signs – Awning signs shall be displayed on the valance/curtain area of the awning only. Signage shall be non-illuminated; the display surface area (lettering) shall not exceed six (6) square feet; and the height of letters shall not exceed one (1) foot. Such signs shall be limited to identification of the name and/or address of the buildings or establishment contained therein and such awning shall not extend to within two (2) feet of any public vehicular travel way.

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

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

C. Directional Signs permitted within non-residential and mixed use zone districts. Signs shall not exceed six square feet in sign face area, two and one-half (2.5) feet in height, and shall have a minimum setback of two (2) feet from the right-of-way. Signs shall not be located in the rights-of-way. No directional sign shall consist of a digital signs.

D. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Only one (1) flag may contain a commercial logo or message. Combined size and weight of all flags must meet the wind load requirements per pole.

E. Flagpoles, Outrigger Wall-Mounted – Shall be outrigger wall-mounted flagpoles only; a maximum of three (3) per principal building; no more than two (2) flags per pole. Only one (1) flag may contain a commercial logo or message. Flagpoles shall not exceed a maximum of twelve (12) feet in length.

F. Freestanding/Ground Sign - The face of any one (1) freestanding/ground sign shall be less than or equal to one (1) square foot per one (1) linear foot of street frontage. One (1) freestanding/ground sign shall be permitted along a public right-of-way for any commercial business whether the development has a single or multiple occupant(s). In no case however, shall more than three (3) freestanding/ground signs be permitted for any development regardless of the number of roadways which front the development. See Subsection 13.07.110 for maximum square footage per zone district. See Subsection 13.07.120 for Multi-Tenant Development and Out Parcel Signs.

G. Menu Boards

1. Freestanding – Two (2) freestanding menu board signs shall be permitted per drive-thru lane. Each freestanding drive-thru menu board shall be spaced a minimum of ten (10) feet apart, and from other freestanding signs on the property. A single freestanding menu board sign shall not exceed fifty (50) square feet in area including all attached signs. The total aggregate of all freestanding menu board signs in a single drive-thru lane shall not exceed sixty (60) square feet in area. The maximum sign height shall not exceed eight (8) feet. A Menu Board may consist of a digital sign provided that copy may only change 3 times per day.

2. Wall-Mounted – Two (2) wall-mounted menu board signs shall be permitted in a drive-thru lane. The total aggregate of all wall-mounted menu board signs shall not exceed twenty-four (24) square feet.

H. Suspended Signs – Suspended signs shall be permitted under covered walkways attached to buildings at entrances to businesses. There shall only be one (1) suspended sign per entrance, and the suspended sign may have copy on both sides. A suspended sign shall not exceed two (2) square feet in area, and the bottom edge of a suspended sign shall be no less than seven and a half (7.5) feet above the sidewalk. A suspended sign shall not be illuminated.

I. Wall-Mounted Signs
1. **Single Business Frontage**

   Each business with an outside public entrance shall be allowed signage in an amount equal to one (1) square foot per one (1) linear foot of the front width of the business.

2. **Multiple Business Frontages – as defined in Subsection 13.07.045**

   a. **Primary Business Frontage** - The business shall be allowed signage in an amount equal to one (1) square foot per one (1) linear foot of the façade of the business that abuts the required front yard as stipulated in this zoning code. The entrance door does not have to be in this façade. In no case shall more than the above calculated amount be permitted on the primary business front.

   b. **Secondary Business Frontage** – The business shall be allowed signage in an amount equal to twenty-five percent (25%) of one (1) square foot per one (1) linear foot of the width of one (1) secondary business front. The amount of signage allowed for the secondary business frontage may be divided up and used on additional sides of the business except for on the primary business front.

3. **Canopy Signs** – Whether the canopy is attached or freestanding, canopy signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for the business.

4. **Multi-Tenant Signs** – Shall be allowed signage equal to one (1) square foot per one (1) linear foot of the front width of the business. Each retail use or office use, or multiple retail and office uses sharing a common entrance, shall be allowed to have at least one (1) wall-mounted sign not to exceed thirty (30) square feet.

   In buildings where multiple businesses or tenants share a common outside public entrance and have individual inside public entrances, one (1) additional wall-mounted sign, not exceeding forty (40) square feet, shall be allowed for building identification.

5. **Window Signs** – Exterior window signs shall not cover more than twenty (20%) percent of the window area per facade. Window panels separated by muntins, mullions or piers shall be considered as one continuous window area. Window signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for business.

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13.07.080 **Permanent Signs in the CC Zone District**

A. **Purpose and Intent**

   The purpose of this Subsection is to establish specific context sensitive requirements for signage and awnings permitted in the CC zone district that are reflective of the unique urban development patterns permitted in the CC zone downtown district.

B. **Permitted Signs**
1. **Projecting Signs:**

   a. A projecting sign is considered a double faced sign.

   b. The maximum size of a projecting sign shall be fourteen (14) square feet [seven (7) square feet per face].

   c. A projecting sign shall not project more than three and a half (3.5) feet from the wall of the building.

   d. The bottom edge of a projecting sign shall be no less than seven and a half (7.5) feet above the sidewalk.

   e. There shall be no more than one (1) projecting sign per business entrance per elevation.

   f. The top edge of the sign bracket shall be located no higher than the bottom of the second story window sill, unless necessary to meet clearance requirements in Subsection 13.07.080B.1.d.

   g. The use of a projecting sign shaped to illustrate the business, also known as a Symbol Sign, is appropriate.

2. **Wall-Mounted Signs:**

   a. The following design guidelines shall apply to wall-mounted signs for buildings that are located within five (5) feet or less of the right-of-way.

      i. The sign area of a wall-mounted sign shall not exceed one (1) square foot of sign for every linear foot of street frontage of the building, up to a maximum of fifty (50) square feet.

      ii. A wall-mounted sign shall have a maximum height of twenty-four (24) inches.

      iii. The lettering or logo on a wall-mounted sign shall not exceed sixteen (16) inches in height.

      iv. A wall-mounted sign shall not extend more than six (6) inches from the wall of the building.

      v. A wall-mounted sign shall be located between the top of the storefront and the bottom of the second story windows and shall not cover any part of the storefront or second story windows.

   b. The following design guidelines apply to wall-mounted signs for buildings that are located more than five (5) feet away from the right-of-way.
i. The sign area of a wall-mounted sign shall not exceed one (1) square foot of sign for every linear foot of the front face of the building, up to a maximum of one hundred (100) square feet.

ii. A wall-mounted sign shall have a maximum height of thirty (30) inches.

iii. A wall-mounted sign shall not extend more than six (6) inches from the wall of the building.

iv. There shall be no more than one (1) wall-mounted sign per primary business entrance and a maximum of two (2) wall-mounted signs per building.

3. Window Signs:

a. Window signs shall not cover more than twenty percent (20%) of the glass area of a window.

b. The lettering of a window sign shall not exceed a height of eight (8) inches.

c. There shall be no more than two (2) window signs per business.

d. Window signs shall be made of vinyl letters and/or logo or painted by a sign painter. Large hand painted signs and temporary signs shall be avoided.

4. Multi-Tenant or Directory Signs:

a. If the multi-tenant sign is a projecting sign it shall follow the guidelines for projecting signs in Subsection 13.07.080.B.1, with the following exception:

   i. The maximum size of a multi-tenant projecting sign shall be fourteen (14) square feet [seven (7) square feet per face].

b. If the multi-tenant sign is a wall-mounted sign it shall be:

   i. Considered a single sided sign.

   ii. The sign shall be a maximum of twelve (12) square feet.

   iii. The sign shall be a maximum width of three (3) feet.

5. Sandwich Board or A-Frame Signs:

a. The maximum size of sandwich board signs shall be sixteen (16) square feet [eight (8) square feet per face] with a maximum height of four (4) feet.

b. There shall be no more than one (1) sandwich board sign per business and the sign shall be located in front of the business it advertises.
c. There shall be a minimum distance of five (5) feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.

d. No sandwich board shall be located that interferes with vehicular sight distances at intersections, vehicular parking, or usage of street furniture. No lighting of any kind is permitted on sandwich boards.

6. Awning Signs:

a. Lettering on an awning shall be confined to the valance area on the front and sides of the awning.

b. A space shall be provided between the top and bottom of the valance and the edge of the lettering on the valance.

c. Business logos are not permitted on any part of the awning, only lettering for the business name and/or address.

d. Backlit or internally lit awnings shall not be permitted within the CC zone district.

7. Canopy Signs – Whether the canopy is attached or freestanding, canopy signs are considered wall-mounted signage and shall be included in the total calculation of all wall-mounted signage permitted for the business.

8. Monument Sign:

a. The maximum height of a freestanding sign in the CC district is six (6) feet from grade level.

b. The maximum square footage of a freestanding sign is thirty (30) square feet total or fifteen (15) square feet per sign face.

c. A freestanding sign shall have a minimum setback of five (5) feet from the public right-of-way.

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

9. Flagpoles, Ground – Maximum of three (3) per lot; no more than two (2) flags per pole; and a maximum of thirty five (35) feet in height. Only one (1) flag may contain a commercial logo or message. Combined size and weight of all flags must meet the wind load requirements per pole.

10. Flag Poles, Outrigger Wall-Mounted

a. The maximum number of wall mounted flag poles is two (2) per building.
b. The maximum number of flags is two (2) per building.

c. The wall mount shall not be installed above the top of the storefront windows or the top of the primary entrance.

d. The maximum height of the flagpole tip is sixteen (16) feet above the sidewalk.

e. The bottom edge of a flag, flying on the wall mounted pole, shall be no less than seven and a half (7.5) feet above the sidewalk.

C. Maximum Number of Signs:

1. Each building is permitted two (2) sign types facing each street upon which the building fronts.

2. Each of the two (2) permitted signs shall be a different type.

3. Two (2) windows signs count as one (1) sign when more than one (1) sign type is being installed.

D. Sign Materials

1. Permitted Materials:

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

2. Prohibited Materials:

   Signs permitted under Subsection 13.07.080 shall not be constructed of extruded plastic, unfinished wood, and/or unfinished metal. This Subsection shall not prohibit the use of extruded plastic lettering.

E. Performance Standards for Glare and Maximum Illumination

1. All signage in the CC zone district shall conform to the performance standards for glare and illumination found in Subsection 13.07.090

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

   a. Have blinking, flashing, or fluttering lights or other illuminating devices which change light intensity, brightness, or color.

   b. Have colored lights that may be confused with or construed as a traffic control device.

   c. Have exposed bulbs illuminating the exterior surface of any sign.

   d. Internally illuminated signs are not permitted, except as digital signs or with backlighting.
F. Awnings

1. Awning Shapes:
   a. An awning shall follow the shape of the door or window it is being installed over.
   b. Awnings shall be a sloped, curved, or arched in terms of their shape.

2. Materials:
   a. Awnings shall be constructed of a fabric material.
   b. Metal awnings may be appropriate and will be reviewed for appropriateness on a case by case basis.

3. General Awning Guidelines:
   a. Retractable awnings are not permitted within the CC zone district.
   b. An awning shall be installed to fit within the width and height of the storefront or doorway on which it is being installed.
   c. The bottom edge of an awning shall be no less than seven and a half (7.5) feet above the sidewalk and such awning shall not extend to within two (2) feet of any public vehicular travel way.
   d. For any building containing a single business the color, pattern, and mounting characteristics for awnings shall be the same.
   e. All awnings for a single business shall be aligned horizontally unless severe topography requires an awning to slope.
   f. All awnings shall be properly maintained and kept in good repair.
   g. Liability insurance and a signed hold harmless agreement are required.

G. Liability Insurance

1. If a sign or awning projects above or is located on a public sidewalk as permitted by the provisions of this ordinance, the issuance of and continuation of any permit sought shall be conditioned upon the owner furnishing and maintaining adequate liability insurance coverage for the protection of the general public in an amount and form satisfactory to the City Attorney. The owner shall also agree to hold the City harmless from any damages resulting from the placement and maintenance of said sign or awning and this shall be accomplished by a separate written agreement provided on forms approved by the City Attorney binding upon the applicants, their heirs, personal representatives, assigns, and successors.
2. The sign or awning owner, its servants, agents or employees, shall be fully and completely responsible for the repair and maintenance of said structure or device at all times and as a condition precedent to the issuance of any permit sought, by separate written agreement binding upon it, its heirs, personal representatives, assigns or successors, agree that in the event it becomes necessary to widen or relocate the public way, alley, street, or thoroughfare, the applicant, their heirs, its personal representatives, assigns and successors, shall be required to bear the expense of the removal or relocation of the sign or awning and without compensation from the city.

13.07.085 Community Facility On-Premises Signs in Residential Zone Districts

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

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

A. Signs for Community Facilities:

1. Wall signs: Each service/institution/public facility shall be permitted one (1) on-premises wall sign less than or equal to one (1) square foot per one (1) linear foot of business frontage not to exceed thirty-two (32) square feet.

2. Free-standing/monument sign: Each service/institution/public facility shall be permitted one (1) on-premises free-standing/monument sign less than or equal to one (1) square foot per one (1) linear foot of street frontage not to exceed sixty (60) square feet. The maximum height of a free-standing sign shall be eight (8) feet. The minimum setback shall be fifteen (15) feet from the right-of-way. The sign shall not encroach in required side yard setbacks of the zone district and only one (1) such freestanding sign shall be permitted per street frontage except where street frontage exceeds 1000 feet where two signs shall be permitted. On property in excess of 1000 linear feet of roadway frontage, where two (2) signs are proposed, such signs shall be a minimum of three-hundred (300) feet apart.

B. Flagpoles, Ground – Maximum of three (3) per lot, a maximum of thirty five (35) feet in height and with no more than two (2) flags per pole. Combined size and weight of all flags must meet the wind load requirements per pole.

C. Educational Campus – A comprehensive plan for the signage of a college or university campus, as defined in Subsection 13.07.045, must be prepared by an architect or engineer and submitted to the Codes or Planning Department for review and approval before a sign permit is issued.

D. All Other Districts - Community Facilities shall be permitted the signage of the zone district occupied by the facility.
13.07.090 Performance Standards Regulating Glare and Illuminated Sign Brightness

A. Definitions

Foot Candle: a unit of illumination. Technically, the illumination at all points one (1) foot distance from a uniform point source of one (1) candela.

B. Limitation of Glare

In all zone districts, any operation or activity, including signage, producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles and digital signs shall not exceed 0.3 foot candles and comply with Title 54, Section 54-21-122, Tenn. Code Annotated.

C. Illuminated Sign Brightness - The brightness and surface illumination of all illuminated signs shall not exceed the provisions below in the zone district indicated:

<table>
<thead>
<tr>
<th>Luminous Background:</th>
<th>Indirect Illumination:</th>
<th>Districts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>150-Foot Lamberts</td>
<td>50-Foot Candles</td>
<td>PNC, MRO, MUG, MUL, CSL, OR, MPO</td>
</tr>
<tr>
<td>200-Foot Lamberts</td>
<td>75-Foot Candles</td>
<td>CG, CS, PGC, GO, PBP, IR, IG</td>
</tr>
</tbody>
</table>

a. If illuminated, signs shall be illuminated only by the following means:
   i. A steady, stationary light of reasonable intensity in accordance with Performance Standards, shielded, and directed solely at the sign;
   ii. Light sources to illuminate signs shall be shielded from all adjacent buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent residential districts, in accordance with Performance Standards; and
   iii. Internal illumination, steady, and stationary through translucent materials. This Subsection includes steady, non-flashing neon lighting.

13.07.095 Alternative Plan Approval

Upon the request of any owner of property to which this Subsection applies, the Planning Commission may approve an alternative master signage plan which is not in strict compliance with the requirements of this Subsection, if the Planning Commission finds that such alternative plan meets the purpose and intent of the requirements of this Subsection and the alternative master signage plan is clearly equal to or superior to a plan that would be in strict compliance with this Subsection. In making the determination, the Planning Commission may consider the topography, shape, size, or other natural features of the property and the size, location, materials, design, color, and other natural or man-made elements of the proposed signage which could impact the proposal’s conformance to these standards.
13.07.100 Freestanding Sign Height, Setback Requirements and Display Surface Area

Signs display without changeable (digital) message.

**Display Surface Area**

**A-1 Signs**

The minimum setback shall be five (5) feet from the leading edge of the sign structure to the right-of-way.

**Display Surface Area**

The maximum ground clearance for freestanding signs shall be three (3) feet from the bottom of the sign to grade level.

**Display Surface Area**

The maximum height of freestanding/ground signs shall be eight (8) feet from the top of the sign structure to grade level.

**Display Surface Area**

The maximum ground clearance for freestanding signs shall be three (3) feet from the bottom of the sign to grade level.
Any digital signs shall be limited to no more than fifty percent (50%) of the total display surface/sign area as indicated below.

Display Surface Area

A-1 Tire Service Center

Maximum 50% of sign display area can be Electronic Message Center Sign.

The minimum setback shall be five (5) feet from the leading edge of the sign structure to the right-of-way.

Display Surface Area

Maximum 50% of sign display area can be Electronic Message Center Sign.

The maximum height of free-standing/ground signs shall be eight (8) feet from the top of the sign structure to grade level.
**Raceway**
Individual letters mounted on a track (raceway). Track (raceway) is then mounted to the wall.

**Channel Letters**
Individual letters mounted directly to the wall.

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

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

**Canopy Sign**
Calculated as part of the wall-mounted signage
- Made of rigid or non-rigid material
- Attached or detached

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

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

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

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

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

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

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

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

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

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

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

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

12. The illuminance of a digital sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimal points. Illuminance shall be measured with the digital sign turned off, and again with the digital sign displaying a white image for full color-
capable signs, or a solid message for a single color signs. All measurements shall be taken perpendicular to the face of the digital sign as distance determined by the total square footage of the signs as set forth in the Table” below:

Digital /Brightness Compliance Measurement Distances

<table>
<thead>
<tr>
<th>Area of Sign (Square footage)</th>
<th>Measurement from Sign (Distance in Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>15</td>
<td>39</td>
</tr>
<tr>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>30</td>
<td>55</td>
</tr>
<tr>
<td>35</td>
<td>59</td>
</tr>
</tbody>
</table>
**13.07.110  Non-Residential and Mixed-Use Zone Districts Freestanding Sign Basic Allowances**

<table>
<thead>
<tr>
<th>Zone District</th>
<th>75 sq. ft.</th>
<th>100 sq. ft.</th>
<th>125 sq. ft.</th>
<th>150 sq. ft.</th>
<th>200 sq. ft.</th>
<th>225 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG, CS, CSL, PGC, PNC, GO, OR, MRO, MU, MUG, MUL, MPO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PB, IR, IG</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Zone District</th>
<th>120 sq. ft.</th>
<th>150 sq. ft.</th>
<th>180 sq. ft.</th>
<th>200 sq. ft.</th>
<th>225 sq. ft.</th>
<th>300 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GO, OR, MRO, MU, MUG, MUL, MPO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PB, IR, IG</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*CC, CG, CS, CSL, PGC, PNC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The face of any one (1) primary business frontage sign may be equal to one (1) square foot per one (1) linear foot of the width of the primary business frontage. The face of any one (1) secondary business frontage sign may be equal to twenty-five percent (25%) of one (1) square foot per one (1) linear foot of the width of the secondary business frontage. In no case shall a single sign face or the total aggregate of all wall signs per business exceed the maximum allowed as noted above per the property's zone district.

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

** In buildings where multiple retail or office uses share a common outside public entrance and have individual inside public entrances, one (1) additional wall sign not exceeding forty (40) square feet may be allowed for building identification.
<table>
<thead>
<tr>
<th><strong>Maximum Number of Signs</strong></th>
<th>1 per development access, minimum of 350 feet apart, maximum of 2 per street front</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Height</strong></td>
<td>12 feet from grade level</td>
</tr>
<tr>
<td><strong>Ground Clearance</strong></td>
<td>Maximum of 3 feet from grade level to bottom of sign</td>
</tr>
<tr>
<td><strong>Minimum Setback</strong></td>
<td>10 feet from right-of-way</td>
</tr>
<tr>
<td><strong>Materials</strong></td>
<td>Shall match the architectural design of the building</td>
</tr>
<tr>
<td><strong>Maximum Per Sign Face</strong></td>
<td>120 square feet</td>
</tr>
<tr>
<td><strong>Maximum Total Aggregate of all Multi-Tenant Development Signs</strong></td>
<td>300 square feet</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>The base of all Multi-Tenant Development signs shall be fully landscaped with plants and/or shrubbery</td>
</tr>
<tr>
<td><strong>Out Parcel(s)</strong></td>
<td>Maximum of 70 square feet per sign face, maximum height shall not exceed 6 feet tall</td>
</tr>
</tbody>
</table>
The illustration is not drawn to scale and is only for the purpose of providing an example for determining the sight and traffic visibility areas for the placement of signs. Refer to Subsection 13.06.050 for the required distance per approach.

Ord. O16-05-16, 6-2016
13.08  Architectural Character and Compatibility Standards

13.08.010  Basic Design Criteria

A. Materials – To ensure a consistent and high quality design standards throughout the City in all districts, with the exception of A, R-40, R-20, R-15, R-10, R-8, IR and IG districts, any new or substantially expanded buildings shall be constructed with stone and/or brick materials as the predominant (minimum 70%) on exterior facades. Concrete block, split face block, other related concrete-masonry block materials, and/or manufactured/pre-cast panels are not considered stone or brick materials, but may be approved as an alternative material under Section 13.08.010.D.

In the A, R-40, R-20, R-15, R-10, R-8 districts, any use and building, other than single family detached residential units, shall use brick and/or stone materials as the predominant (minimum 70%) exterior facade materials. One-family detached dwelling units shall be exempt from this requirement unless otherwise specified in Section 13.08.010.E.

In the IR and IG districts all buildings shall be constructed with at least 50% brick or stone material on facades of the building used for offices and fronting on a public or private roadway. Buildings, or portions of buildings, not fronting on public or private roadways may be constructed with other materials including but not limited to concrete block, split face block, other related concrete-masonry block materials, and/or manufactured/pre-cast panels. Non-industrial uses and activities in the IR and IG districts shall use brick and/or stone materials as the predominant (minimum 70%) exterior facade materials.

Building additions representing less than a 50% increase in the size of the primary existing structure, in other than the A, R-40, R-20, R-15, R-10, R-8 and all commercial districts, may be constructed with materials compatible with the existing building to match the existing façade/building materials and color. However, any building addition may be constructed of brick or stone regardless of the construction materials used on an existing primary structure.

B. Compatibility with Adjacent Buildings - In most cases, buildings are not viewed in isolation, but rather in the context of other buildings. To this end, the following criteria are required:

1. Building forms shall be tailored to fit within the existing topography and site features as much as possible.

2. While architectural styles may vary, buildings of a proposed development shall be compatible with surrounding buildings (within the site and with adjacent properties) with regard to massing, scale, proportion of openings, roof types, types of glazed openings, and degree of detail.

3. The use of materials and colors compatible with buildings adjacent to a site is required.

C. Adapting Prototypical Designs to Particular Sites: National standard designs shall be adapted to reflect the specific site context within the City by careful siting, use of compatible materials, and landscaping of the site so that it blends with its surroundings.
D. Alternative Plan Approval: Upon the request of any owner of property to which this Section applies, the Planning Commission may approve an alternative plan which is not in strict compliance with the requirements of this Section, if the Commission finds that such alternative plan meets the purpose and intent of the requirements of this section and the alternative architectural plan and materials are clearly superior to a plan that would be in strict compliance with this Section. In making the determination, the Commission may consider the materials, design, color, and other natural or man-made elements which could impact a proposal’s conformance to these standards.

E. Residential Infill Development Design Standards: To ensure the conservation and protection of established housing and residential neighborhoods in the City of Gallatin, the Planning Commission may establish architectural character and compatibility standards as a prerequisite of approval of any sketch, preliminary, or final plat for residential developments containing one-family detached dwelling units that are determined by the Planning Commission to be classified as an infill development. For the purposes of this section, an infill development shall be defined as follows:

1. Any proposed residential development involving the re-subdivision of an existing lot or lots of record, which are also a lot or lots in a subdivision recorded in the office of the County Register of Deeds, into a major subdivision containing five (5) or more lots as defined by the Gallatin Municipal-Regional Planning Commission.

2. Any proposed residential development that is located adjacent to, or across a local or collector street from, existing residential neighborhoods. For the purposes of this section, a residential neighborhood shall be deemed “existing” if it has been platted and recorded for a period of ten years or more and is more than sixty (60) percent built out.

Architectural character and compatibility standards established by the Planning Commission may more restrictive than district and/or supplementary regulations and may include, standards regulating building materials, size, scale, proportion of openings, roof types, and degree of architectural detail to which new buildings or structures shall be constructed in order to ensure that the new construction will be compatible with the established character of existing residential neighborhoods.

The establishment of architectural character and compatibility standards shall be based on a determination by the Planning Commission that a proposed development is classified as an infill development and it has been determined that establishment of such standards is necessary to promote and protect the health, safety, morals, general welfare and character of existing residential neighborhoods in the City of Gallatin. The decision of the Planning Commission to establish architectural character and compatibility standards may be appealed to the City Council upon the request of any owner of property to which this Section applies.

F. Screening - To ensure that roof mounted equipment is not visible from any public right-of-way the following criteria is required:

1. Roofs shall not be visually cluttered. All roof level electrical transformers, heat and air conditioning equipment and similar facilities shall be screened from public view, along
all building elevations, with materials compatible with and well integrated into the overall design.

2. If no roof top equipment exists on a flat roof, a parapet may still be required to be installed on all elevations of the building.
13.09 Pedestrian and Bicycle Path Standards

13.09.010 Purpose and Intent

The purpose of this section is to provide for the health, safety and welfare of the citizens of Gallatin by requiring the construction of pedestrian and bicycle access ways in new residential and commercial developments in order to:

(1) maximize pedestrian safety and make pedestrian travel a more attractive alternative;
(2) provide a safer environment for pedestrians by separating pedestrian and vehicular traffic;
(3) provide a bicycle route system throughout the City of Gallatin; and
(4) improve the aesthetics and connectivity of neighborhoods within the City of Gallatin.

13.09.020 Applicability

The provision of safe and convenient pedestrian access shall be incorporated into all new developments in residential zones R-6, R-8, R-10, R-15, R-20 and PRD, in mixed-use zones MRO, MU, GO and OR and in commercial zones CS, CG, CC, PGC, PNC and PBP. Such pedestrian systems may include conventional sidewalks or alternative walkways and new trails, as approved by the Gallatin Municipal Regional Planning Commission. New construction should be completed with consideration of pedestrian safety, handicapped access and visual quality.

13.09.030 Sidewalks

A. Residential and Mixed Use Developments: Sidewalks shall be required for all residential and mixed-use site plans with the exception of those developments that received final site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.

B. Commercial Developments: Sidewalks shall be required for all commercial site plans with the exception of those commercial subdivisions that received site plan approval prior to the enactment of this Pedestrian and Bicycle Path Ordinance.

C. Design Standards: The design, dimensions, dedications, easements, and reservations for all sidewalks shall conform to all applicable City of Gallatin regulations. Sidewalks constructed within the public rights-of-way shall be installed in accordance with the adopted standards of the City of Gallatin.

1. Sidewalks are required to be constructed along all streets within or abutting a development and shall connect to sidewalks in adjoining developments.
2. Sidewalks shall be constructed of concrete and shall be a minimum of five (5) feet in width on all streets for residential site plans and developments, and six (6) feet in width for non-residential site plans and developments.
3. Sidewalks shall maintain minimum thickness of four (4) inches except at driveway areas where the minimum thickness is six (6) inches.
4. Along streets where concrete curbs are required, a median strip of grassed or landscaped area of at least five (5) feet wide shall be provided between the curb and sidewalk.

5. Upon the request of any owner of property to which this section applies, the Planning Commission may approve an alternative pedestrian walkway design which is not in strict compliance with the requirements of this Section, if the Commission finds that such an alternative meets the purpose and intent of the requirements of this Section. In making the determination the Commission may consider issues such as impeding road construction, significant trees, severe roadside conditions, or recommendations from approved traffic studies that could impact a proposals conformance to these standards.

D. Internal Sidewalk Network Requirements: A continuous internal sidewalk network shall be provided in all commercial developments to connect all building entryways and exits to parking areas and shall conform to all applicable City of Gallatin regulations and be improved as required by the City Engineer. This shall include providing a sidewalk connection from the building entrance(s) to existing or proposed sidewalks within adjacent roadways or easements except where the Planning Commission finds there is extreme difficulty in meeting the design standard due to extreme slope or grade conditions or when a waterbody or large ditch prevent the practical construction of the connection.

E. Permit Requirements: Unless otherwise provided for in a permit issued for other construction work, a permit from the City of Gallatin Public Works Department shall be required for the original construction or any replacement or reconstruction of a sidewalk, or portion thereof.

F. Surety Requirements: In any case where the reconstruction or construction of a sidewalk or other pedestrian walkway is required, the City of Gallatin may require the contractor to post surety in the form specified in Section 15.03.080, for the construction of the sidewalk or walkway.

G. Maintenance of Sidewalks: It shall be the duty of all owners of property abutting or adjacent to any sidewalk, whether such sidewalk is in a public right-of-way, or subject to public easement, to maintain such sidewalks in good repair.

H. Completion of Required Sidewalk Improvements: The required sidewalk improvements must be installed prior to the final inspection for a building permit for residential developments and prior to the issuance of a Certificate of Occupancy for non-residential developments.

13.09.040 Alternate Pedestrian Walkway Systems, Bicycle Lanes and Paths

The Planning Commission may require or approve an alternate pedestrian walkway system or bicycle paths for a given development. Alternative pedestrian walkways and bikeways may include walking trails, multi-use trails, bicycle lanes, or bicycle paths.
A. Design Standards

1. Bicycle lanes and paths where required by the Planning Commission, shall be improved as required by the City Engineer and shall be a designed portion of the roadway included within the dedicated street right-of-way.


3. Alternate pedestrian walkways, bikeways, and multi-use trails may be considered internal to the development and are not restricted to alongside streets. These facilities must conform to all applicable City of Gallatin regulations and improved as required by the City Engineer.

B. Access to Nearby Public Facilities: The Planning Commission may require, in order to facilitate pedestrian and bicycle access from developments and roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed public access easements at least twenty (20) feet in width. Access easements shall be indicated on the site plan.

13.09.050 Establishment of a Bikeways/Sidewalk Trust Fund

If it is determined that a bikeway facility or bicycle lane, pedway, or sidewalk is required, and the property has frontage on a roadway classified as a major or minor arterial or collector street, then the city may require the owner or developer to make a cash payment or post a surety to the city in lieu of constructing the bikeway facility or bicycle lane, pedway or sidewalk along the street frontage. The cash payment shall be the equivalent to the estimated cost of providing the bikeway or bicycle lane, pedway and sidewalk as determined by the city engineer and shall include administration, design, construction and contingency costs. In such cases, the city shall retain the cash payment in the “Bikeways/Sidewalks Trust Fund” for use in constructing a bicycle facility or bicycle lane, pedway and sidewalk.

13.09.060 Administration of “Bikeways/Sidewalk Trust Fund.”

Funds collected through the bikeways/sidewalks trust fund shall be collected by the engineering division and maintained by the city’s financial department. A book, file or permanent electronic spreadsheet entitled “Bikeways/Sidewalk Trust Fund” shall be kept for the purpose of recording information pertaining to developments that have provided payment into the trust fund. This file shall provide information by legal description of the lots or parcels of land and the name of the development and file number associated with the payment into the bikeways/sidewalks trust fund and the name of the property owner, the date of the payment, name of the propose bikeways, pedway and/or sidewalk, the facility length for which the trust fund payment has been made, and the amount of funds contributed to the project by the project owner/developer. Funds collected for the construction of a bikeway/bicycle lane, pedway, and/or sidewalk improvement consistent with the comprehensive plan and/or bicycle-pedestrian master plan and this ordinance.
under the requirements of this ordinance shall be allocated within six years from the date of payment, or the owner/developer, or contributor to the trust fund shall be entitled to a refund of the payment minus any cost already expended to administer, design, or construct such facility. Funds collected and assessments made prior to adoption of this ordinance shall be maintained and used for the timely construction of improvements consistent with this ordinance. Should a project, other than the project previously approved which owner has made payment into the trust fund, be submitted for review and approval by the city a new payment may be required. In such cases, the owner/payer of the fee for the original project shall be entitled to a refund or partial refund as provided for herein. Payment dates for purposes of determining compliance with this ordinance shall be based on the date the actual payment for the required facility is made to the city.
13.10 Grading Standards

13.10.010 Purpose

The purpose and intent of this ordinance is to promote the health, safety and public welfare of the inhabitants of the City of Gallatin and the Planning Region; to improve surface drainage in the City of Gallatin; to ensure that activities in one area do not adversely affect activities within adjacent areas; to limit land clearing and alteration of natural topography prior to development review; to protect water quality throughout the City; to promote land development and site planning practices that are responsive to the City’s character without preventing the reasonable development of land; and, to prevent overload of existing drainage facilities.

13.10.020 Applicability

The provisions of this section shall apply to all new developments on each lot, site or common development which has not received final plat approval, final site plan approval or a building permit prior to the effective date of this ordinance. No person shall undertake land clearing or grading activities of an area greater than one (1) acre or change the elevation of a property without first obtaining a grading permit from the City Engineer; provided, however, that no permit shall be required incidental to construction on a parcel of land for the purpose of constructing a one-family detached dwelling or an addition to an existing one-family detached dwelling; accessory buildings; routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants and/or to contain noxious weeds; or, agricultural land management activities.

13.10.030 Definitions

The following definitions shall be used for terms contained within this article:

A. Clearing: Removal or causing to be removed, through either direct or indirect actions, trees, shrubs and/or topsoil from a site, or any material change in the use or appearance of the land. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

B. Cross-drain: A culvert used to convey flow under a road or other obstruction between channels or surface flow.

C. Culvert: A man-made conveyance of stormwater flows. This may include a pipe or other constructed conveyance.

D. Cut: Portion of land surface area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

E. Detention: The temporary delay of storm runoff prior to discharge into receiving waters.

F. Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials [as defined as materials of like nature stored in whole or in part for more than six (6) months].
G. **Erosion:** The disintegration or wearing away of soil by the action of water in the form of flowing water or precipitation impact.

H. **Excavation:** See “Cut”

I. **Existing Grade:** The slope or elevation of existing ground surface prior to cutting or filling.

J. **Filling:** The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

K. **Finished Grade:** The final slope or elevation of the ground surface, after cutting or filling.

L. **Grading:** Any excavating, filling, clearing, or the creation of impervious surface, or any combination hereof, which alters the existing surface of the land.

M. **Grading Permit:** A special permit issued by the City Engineer authorizing land clearing and grading activities in the City of Gallatin and the Planning Region.

N. **Impervious Surface:** A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

O. **Natural Ground Surface:** The ground surface in its original state before any grading, excavating, or filling.

P. **Retention:** The prevention of storm runoff from direct discharge into receiving waters.

Q. **Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

R. **Slope:** Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

S. **Subsoil:** The layer of soil just below the surface of the ground.

T. **Topsoil:** The original upper layer of soil material to a depth of six (6) inches that is usually darker and richer than the subsoil.

13.10.040 **General Standards**

A. **Grading Permits**

Before commencing the site grading upon any site for which a permit is required by this Section and before commencing any excavation or fill for the purpose of construction, reconstruction, alteration, or extension of any building or other structure which is located or to be located upon such site, the owner or his agent shall receive approval for grading and/or building permits as required by the City of Gallatin Zoning Ordinance.

A grading permit will be issued by the City Engineer upon approval of a grading, drainage, and erosion control plan. This permit is required for any grading activity on a site which meets the criteria of Section 13.10.020 of this article. A grading permit is not required if a building permit has been issued.

B. **Process and Requirements**

The grading plan for any lot shall include the following basic information:

1. Three (3) sets of plans on a scale no less than 1’’ (one inch) = 100’ (one hundred feet).
2. Existing and proposed site contours of an interval no greater than five (5) feet.
3. Existing and proposed buildings on the property (including floor elevations).
4. Existing and proposed drainage structures on, and in the immediate vicinity of, the property. Must include size, type, slope and invert elevations of the structures.
5. Submit drainage and runoff calculations (including drainage area worksheet) and temporary sediment/detention pond design as required by the City Engineer. Calculation should be for pipes and ditches as well as areas where the runoff sheet flows.
6. Existing and proposed paving on the property (including parking and roadway improvements).
7. Erosion and sediment control measures to be implemented prior to construction (i.e. straw bales, silt fence, etc.). Plans shall include details on erosion control structures, spillway designs, types of sediment traps, pipe sizes, outlet lengths, etc.

13.10.050 **Enforcement**

If any person, company, or facility shall violate the provisions of this ordinance, the City Engineer, or his designee, may give notice to the owner or to a person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice. The City of Gallatin may take any or all of the enforcement actions prescribed in this Zoning Ordinance to ensure compliance with, and/or remedy a violation of this ordinance. The City Engineer may post the site with a Stop Work Order directing that all grading activities not authorized under a grading permit and/or building permit shall cease immediately. The issuance of a Stop Work Order may include remediation or other requirements, which must be met before grading activities may resume. Further, the City Engineer may require submission of a grading plan, drainage calculations, and review of the site conditions prior to the continuation of grading activities.

13.10.060 **Severability**

If a court of competent jurisdiction holds any provision of this ordinance invalid, the remainder of the ordinance shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the City of Gallatin’s Zoning Ordinance.
## ARTICLE 13.00 AMENDMENTS

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