

ORDINANCE NO. 2019-1077

**AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE
TO AMEND
THE FISCAL YEAR 2019 BUDGET ORDINANCE
TO MAKE APPROPRIATIONS
FOR
SPECIAL FUNDS**

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

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

WHEREAS, the City Charter, Article XIV, provides for the adoption of an annual budget for all departments of the City of Shelbyville; and

WHEREAS, an annual budget process appropriating funds to the various departments and divisions of City government for the fiscal year beginning July 1, 2018, has been completed in accordance with state law and local ordinances; and

WHEREAS, the Pro-Tempore City Recorder has caused to be published in a newspaper of general circulation a budget summary and Notice of Public Hearing; and

WHEREAS, a Public Hearing was held on the 14th day of June 2018 for FY 2019; and

WHEREAS, it is now deemed in the public interest to amend the FY 2019 Annual Budget to provide legal authority to make expenditures for. Special funds 180, 201, 202, 303, 304, 305, 610, 703, 705, 706 and 707.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Shelbyville, Tennessee, as follows:

1. That the FY 2019 Annual Budget be should be amended to include the following estimated anticipated revenues for the following funds:

1st Reading 12/13/18
Public Hearing 1/10/19
2nd Reading 1/10/19
Effective Date 1/25/19

180 - City TV Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Interest Income	-	-	-
Donations	-	-	-
Total Cash Receipts	-	-	-
Beginning Cash Balance	30,000.00	30,000.00	30,000.00
Total Available Funds	30,000.00	30,000.00	30,000.00

201 Budget Reserve	Actual FY 2017	Final FY 2018	Final FY 2019
Transfers from General Fund	259,514.00	263,702.00	265,407.00
Total Cash Receipts	259,514.00	263,702.00	265,407.00
Beginning Cash Balance	147,320.00	306,834.00	470,536.00
Total Available Funds	406,834.00	570,536.00	735,943.00

202 Debt Reserve	Actual FY 2017	Final FY 2018	Final FY 2019
Insurance Recoveries	-	-	-
Transfers from General Fund	478,542.00	491,105.00	496,220.00
Total Cash Receipts	478,542.00	491,105.00	496,220.00
Beginning Cash Balance	295,474.00	145,057.00	216,019.00
Total Available Funds	774,016.00	636,162.00	712,239.00

303 State Road Projects	Actual FY 2017	Final FY 2018	Final FY 2019
Grant Revenue	-	-	-
STP Grant Revenue	333,121.00	225,046.00	844,228.00
Transfers from General Fund	486,665.00	212,024.00	100,000.00
Interest Income	-	-	-
Total Cash Receipts	819,786.00	437,070.00	944,228.00
Beginning Cash Balance	585,758.67	877,000.67	680,498.00
Total Available Funds	1,405,544.67	1,314,070.67	1,624,726.00

304 Greenway Fund	Actual FY 2017	Final FY 2018	Final FY 2019
DOT Grant	-	-	-
STP Grant	-	-	-
Transfers from General Fund			
Total Cash Receipts	-	-	-
Beginning Cash Balance	30,000.00	30,000.00	30,000.00
Total Available Funds	30,000.00	30,000.00	30,000.00

305 Pass Thru Grant	Actual FY 2017	Final FY 2018	Final FY 2019
Chamber Pass Thru Grant	7,697.00	10,000.00	10,000.00
SPS Pass Thru Grant	-	50,000.00	400,000.00
Total Cash Receipts	7,697.00	60,000.00	410,000.00
Beginning Cash Balance	-	-	-
Total Available Funds	7,697.00	60,000.00	410,000.00

610 Industrial Park Fund	Actual FY 2017	Final FY2018	Final FY 2019
Transfers from General Fund	30,000.00	50,000.00	-
Loan Revenue	-	-	-
County Allocation	-	357,694.00	-
TVA Grant	133,358.00	301,172.00	-
Miscellaneous Revenue	-	18,226.00	-
Interest Income	969.00	1,435.00	-
Total Cash Receipts	164,327.00	728,527.00	-
Beginning Cash Balance	270,656.77	584,809.07	100,870.04
Total Available Funds	434,983.77	1,313,336.07	100,870.04

703 State Street Aid	Actual FY 2017	Final FY 2018	Final FY 2019
State Gasoline Tax	568,227.00	569,141.00	570,057.00
Interest Income	464.00	325.00	200.00
Total Cash Receipts	568,691.00	569,466.00	570,257.00
Beginning Cash Balance	217,966.89	175,453.83	112,843.90
Total Available Funds	786,657.89	744,919.83	683,100.90

705 Police Equipment Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Court Fines	24,979.00	13,383.00	3,000.00
Total Cash Receipts	24,979.00	13,383.00	3,000.00
Beginning Cash Balance	30,481.89	47,748.23	53,134.89
Total Available Funds	55,460.89	61,131.23	56,134.89

706 Drug Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Court Fines	-	-	1,000.00
Forfeits	7,400.00	15,500.00	2,500.00
Interest Income	40.00	166.00	-
Sale of Property	-	-	-
Total Cash Receipts	7,440.00	15,666.00	3,500.00
Beginning Cash Balance	23,694.74	14,820.49	29,988.06
Total Available Funds	31,134.74	30,486.49	33,488.06

707 Hotel Motel Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Hotel Motel Tax	215,382.00	269,798.00	226,639.00
Interest Income	-	-	-
Total Cash Receipts	215,382.00	269,798.00	226,639.00
Beginning Cash Balance	-	-	-
Total Available Funds	215,382.00	269,798.00	226,639.00

2. The governing body appropriates from these anticipated revenues and unexpended and unencumbered funds as follows for:

180 - City TV Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	-	-	-
Total Appropriations	-	-	-
Surplus/ (Deficit)	-	-	-
Ending Cash Balance	30,000.00	30,000.00	30,000.00

201 Budget Reserve	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	100,000.00	100,000.00	100,000.00
Total Appropriations	100,000.00	100,000.00	100,000.00
Surplus/ (Deficit)	159,514.00	163,702.00	165,407.00
Ending Cash Balance	306,834.00	470,536.00	635,943.00

202 Debt Reserve	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	628,959.00	420,143.00	526,784.00
Total Appropriations	628,959.00	420,143.00	526,784.00
Surplus/ (Deficit)	(150,417.00)	70,962.00	(30,564.00)
Ending Cash Balance	145,057.00	216,019.00	185,455.00

303 State Road Projects	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	528,544.00	626,529.00	1,372,057.00
Total Appropriations	528,544.00	626,529.00	1,372,057.00
Surplus/ (Deficit)	291,242.00	(189,459.00)	(427,829.00)
Ending Cash Balance	877,000.67	687,541.67	252,669.00

304 Greenway Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	-	-	-
Total Appropriations	-	-	-
Surplus/ (Deficit)	-	-	-
Ending Cash Balance	30,000.00	30,000.00	30,000.00

305 Pass Thru Grant	Actual FY 2017	Final FY 2018	Final FY 2019
Shelbyville Power System	-	50,000.00	400,000.00
Chamber of Commerce	7,697.00	10,000.00	10,000.00
Total Appropriations	7,697.00	60,000.00	410,000.00
Surplus/ (Deficit)	-	-	-
Ending Cash Balance	-	-	-

610 Industrial Park Fund	Actual FY 2017	Final FY2018	Final FY 2019
Administration	262,265.00	817,005.00	1,419.00
Total Appropriations	262,265.00	817,005.00	1,419.00
Surplus/ (Deficit)	(97,938.00)	(88,478.00)	(1,419.00)
Ending Cash Balance	172,718.77	496,331.07	99,451.04

703 State Street Aid	Actual FY 2017	Final FY 2018	Final FY 2019
Public Works	594,289.00	624,557.00	589,696.00
Total Appropriations	594,289.00	624,557.00	589,696.00
Surplus/ (Deficit)	(25,598.00)	(55,091.00)	(19,439.00)
Ending Cash Balance	192,368.89	120,362.83	93,404.90

705 Police Equipment Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Police	4,712.00	11,711.00	37,413.00
Total Appropriations	4,712.00	11,711.00	37,413.00
Surplus/ (Deficit)	20,267.00	1,672.00	(34,413.00)
Ending Cash Balance	50,748.89	49,420.23	18,721.89

706 Drug Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Police	16,317.00	1,324.00	1,660.00
Total Appropriations	16,317.00	1,324.00	1,660.00
Surplus/ (Deficit)	(8,877.00)	14,342.00	1,840.00
Ending Cash Balance	14,817.74	29,162.49	31,828.06

707 Hotel Motel Fund	Actual FY 2017	Final FY 2018	Final FY 2019
Administration	4,577.00	4,930.00	4,816.00
Chamber	210,805.00	264,868.00	221,823.00
Total Appropriations	215,382.00	269,798.00	226,639.00
Surplus/ (Deficit)	-	-	-
Ending Cash Balance	-	-	-

3. At the end of the current fiscal year (June 30, 2018), the governing body estimates fund balances as follows:

	FY 2018 Beginning Fund Balance	Projected Budgeted Revenue	Projected Budgeted Expenses	Net of Revenue and Expenses	FY 2018 Est. Ending Fund Balance	Budgeted Revenue	Budgeted Expenses	Net of Revenue and Expenses	FY 2019 Est. Ending Fund Balance
110 General Fund	9,365,952	19,342,090	19,007,116	334,973	9,700,925	18,584,361	18,493,647	90,714	9,791,640
201 Budget Reserve	306,834	263,702	100,000	163,702	470,536	265,407	100,000	165,407	635,943
202 Debt Reserve Fund	145,057	491,105	420,143	70,962	216,019	496,220	526,784	(30,564)	185,455
610 Industrial Fund	203,282	728,527	817,005	(88,479)	114,803	-	1,419	(1,419)	113,385
807 Capital	952,070	1,586,843	1,693,445	(106,602)	845,468	6,234,150	6,800,260	(566,110)	279,358
180 Cable TV	30,000	-	-	-	30,000	-	-	-	30,000
303 State Road Projects	869,956	437,070	626,529	(189,458)	680,498	944,228	1,372,057	(427,829)	252,669
304 Greenway	30,000	-	-	-	30,000	-	-	-	30,000
703 State Street Aid	244,764	569,466	624,557	(55,091)	189,673	570,257	589,696	(19,439)	170,234
705 Police Equipment	47,748	13,383	11,711	1,672	49,420	3,000	37,413	(34,413)	15,007
706 Police Drug	14,772	15,666	1,324	14,342	29,113	3,500	1,660	1,840	30,953
707 Hotel Motel	-	269,798	269,798	-	-	226,639	226,639	-	-
	12,210,435				12,356,456				11,534,644
Inventory	31,208				31,208				31,208
	12,241,643				12,387,664				11,565,852

4. That each department of the City shall limit its expenditures to the amount appropriated; that any changes or amendments to the appropriations set forth in the budget shall be made in accordance with the City Code, Article XIV, as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-203. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accord with Section 6-56-205 of the *Tennessee Code Annotated*.
5. All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.
6. This Ordinance shall take effect 15 days after its passage on second and final reading, and after public hearing, the general welfare of the City requiring same.

APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder, Lisa Smith

APPROVED AS TO FORM:



City Attorney, Ginger B. Shofner

Public Hearing Held:

Passed First Reading:

Passed Second Reading:

Effective Date:

ORDINANCE 2019-1078

AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE TO AMEND ARTICLE V,
SECTION 5.7, SUBSECTION D5 "HISTORIC ZONING" OF THE ZONING ORDINANCE OF
THE CITY OF SHELBYVILLE.

WHEREAS, the City of Shelbyville wishes to promote Historic Zoning; and

WHEREAS, the Planning Department should work with the Codes Department; and

WHEREAS, the Planning Commission recommended the amendment at the December 27th,
2018 meeting;

NOW, THEREFORE, LET IT BE ORDAINED THAT:

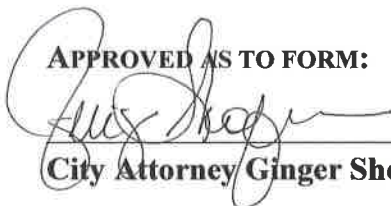
The City Council of the City of Shelbyville adds the following text (in bold) to Article V, Section
5.7, Subsection d5 of the Zoning Ordinance of the City of Shelbyville:

"The Planning Director will work the Building Official to review applications for Building Permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of Building Permit applications outside of the H-I District, and final issuance or rejection shall additionally be based upon the adopted Building Codes of the City of Shelbyville. The fee charged for Building Permits within the H-I District shall conform to existing fee schedules for Building Permits in any other zoning district within the City of Shelbyville."

APPROVED:

 2/14/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

 2/14/19
City Attorney Ginger Shofner Date

ATTESTED:

 2/14/19
Lisa Smith, City Recorder Date

ORDINANCE 2019-1079

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING 2.2 ACRES OWNED BY STEVE BREWER LOCATED AT THE CORNER OF ANTHONY LANE AND GARRETT ROAD (REFERENCED ON BEDFORD COUNTY TAX MAP 089, PARCELS 017.00 & 018.02) FROM R-4 (HIGH DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the City of Shelbyville wishes to facilitate commercial development; and,

WHEREAS, this area of land is better suited for commercial development and borders similar C-2 zoning on three boundaries; and,

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from R-4 to C-2 at the January 24, 2019 meeting;

NOW, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 089, Parcels 017.00 & 018.02 from R-4 to C-2
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 3/14/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 3/14/19
City Attorney Ginger Shofner Date

ATTESTED:

Lisa Smith 3/14/19
Lisa Smith, City Recorder Date

ORDINANCE NO. 2019-1080

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, TITLE 3, CHAPTER 1 ANIMAL AND FOWLS IN GENERAL BY AMENDING OR DELETING CERTAIN SECTIONS; PROVIDING AN EFFECTIVE DATE OF MAY 24, 2019

WHEREAS, it is the responsibility of the City to ensure the public health, safety, and welfare of its citizens, and

WHEREAS, the City has certain In General rules and regulations for Animals and Fowls within the City, and

WHEREAS, these rules and regulations are codified as Title 3, Chapter 1 of the Municipal Code, and

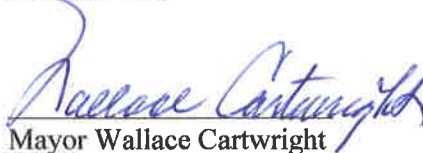
WHEREAS, it is now deemed in the public interest to review and revise various provisions of Title 3, Chapter 1, and

WHEREAS, a public hearing on this Ordinance was held on the 9th day of May 2019.


NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBYVILLE, TN, that:

- Section 1. That the Attached "Exhibit A" providing for a new Title 3, Chapter 1, to be incorporated within the City Code, and
- Section 2. That any and all Ordinances or parts of Ordinances in conflict herewith are expressly repealed,
- Section 3. That this Ordinance shall take effect on May 24, 2019, following its passage on Second and Final Reading.


APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder Lisa Smith

APPROVED AS TO FORM:


City Attorney Ginger Bobo Shofner

First Reading: 4-11-19
Public Hearing: 5-9-19
Second Reading: 5-9-19
Effective Date: 5-24-19

TITLE 3
ANIMALS AND FOWLS

CHAPTER

1. IN GENERAL.
2. DOGS.
3. POULTRY and FOWL

CHAPTER 1
IN GENERAL

SECTION

- 3-101. Running at large.
 - 3-102. Livestock dealings on streets.
 - 3-103. Keeping hogs within city.
 - 3-104. Location of pens, etc., of livestock traders.
 - 3-105. Pens or enclosures to be kept clean.
 - 3-106. Adequate food, water, and shelter, etc., to be provided.
 - 3-107. Keeping in such manner as to become a nuisance.
 - 3-108. Cruel treatment.
 - 3-109. Appointment of Director of Animal Control
 - 3-110. Impoundment and disposition of animals.
 - 3-111. Impoundment and maintenance charges.
 - 3-112. Director of Animal Control to keep impounded animals or contract for feeding, etc.
 - 3-113. Animal Control Enforcement Officers clothed with police powers.
 - 3-114. Quarantines.
- 3-101. Running at large. It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, cats or any other animals, or any chickens, ducks, geese, turkeys, birds, or any other fowl, domestic or otherwise, or any reptile of any kind, to knowingly or negligently

allow or permit any of them to run at large upon any street, alley, unenclosed lot, or upon any neighbor's land within the corporate limits. (1979 code, § 3-101, as replaced by ord. No. 305)

3-102. Livestock dealings on streets. It shall be unlawful for any person to load, unload, sell, purchase, or offer to sell or purchase, any livestock of any kind upon any of the public streets, squares, or other thoroughfares of the city. (1979 code, § 3-102)

3-103. Keeping hogs within city. It shall be unlawful for any person to keep or maintain any hog or hog pen within the city.

3-104. Location of pens, etc., of livestock traders. It shall be unlawful for any person trading in livestock to maintain or operate any yard, pen, or other place in the city where any hogs, cattle, or sheep are kept except within the areas where such uses are permitted under the terms and provisions of the zoning ordinance of the city. (1979 code, § 3-104)

3-105. Pens or enclosures to be kept clean. When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1979 code, § 3-105)

3-106. Adequate food, water, and shelter, etc., to be provided. No animal or fowl of any kind shall be kept or confined in any place where the food, water, shelter and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended. (1979 code, § 3-106)

3-107. Keeping in such manner as to become a nuisance. No animal or fowl shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease, or other reason. (1979 code, § 3-107)

3-108. Cruel treatment. It shall be unlawful for any person to unnecessarily beat or otherwise abuse or injure any dumb animal or fowl. (1979 code, § 3-108)

3-109. Appointment of Director of Animal Control. It shall be the duty of the city manager to appoint a Director of Animal Control who shall be in charge of the enforcement of these ordinances and the animals impounded within the Shelbyville Animal Control Shelter.

3-110 Impoundment and Disposition of Animals. (1) Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in the Shelbyville Animal Control Shelter. If the owner is known, he or she shall be given notice in person, by telephone, or by a postcard addressed to his or her last known mailing address. If the owner is not known or cannot be located, reasonable steps will be taken in order to identify and contact the owner. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or made available for adoption. If not claimed by the owner, the animal or fowl shall be adopted or humanely destroyed, or it may otherwise be disposed of as authorized by the City Manager.

3-111. Impoundment and maintenance charges. An impoundment fee and charge for the maintenance of impounded animals and fowl shall be charged in accordance with a schedule approved by the city council. The Director of Animal Control shall accept these fees in full satisfaction of all claims for impoundment and maintenance of impounded animals and fowl.

3-112. Director of Animal Control to keep impounded animals or contract for feeding, etc. The Director

of Animal Control shall properly and safely feed and keep all animals and fowl impounded under the provisions of this chapter or he may contract with any competent person for their feeding and keeping.

3-113. Animal Control Enforcement Officers clothed with police powers. For the purpose of enforcing the provisions of this chapter, the Animal Control Enforcement Officers shall be clothed with police powers.

3-114. Quarantines. If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the Director of Animal Control or Animal Control Enforcement Officers may cause such dog to be confined or isolated for such time as he or she reasonably deems necessary to determine if such dog is rabid.

ORDINANCE 2019-1081

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING ADJUSTMENT C-2 AND R-4 SECTIONS OF 23.54 ACRES LOCATED ON MADISON STREET (REFERENCED ON BEDFORD COUNTY TAX MAP 090, PARCEL 115.00) AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the City of Shelbyville wishes to facilitate residential and commercial development; and,

WHEREAS, this adjustment will bring the commercially zoned section in line with the Madison Street Corridor; and,

WHEREAS, the attached map labeled as Exhibit "A" will show the new zoning sections; and,

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning at the March 28, 2019 meeting;

NOW, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning adjustment for the property located on Bedford County Tax Map 090, Parcel 115.00 as shown in Exhibit "A".
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 5/9/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 5/9/19
City Attorney Ginger Shofner Date

ATTESTED:

Lisa Smith 5/9/19
Lisa Smith, City Recorder Date

First Reading - 4/11/19
Public Hearing - 5/9/19
Second Reading - 5/9/19
Effective Date: 5/24/19

ORDINANCE 2019-1082

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING 51.03 ACRES OWNED BY JOHN FLOYD LOCATED ON RABBIT BRANCH ROAD (REFERENCED ON BEDFORD COUNTY TAX MAP 079, PARCEL 46.00) FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (MEDIUM DENSITY RESIDENTIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the City of Shelbyville wishes to facilitate residential development; and,

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from R-1 to R-3 at the March 28, 2019 meeting;

NOW, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 079, Parcel 46.00 from R-1 to R-3
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 5/9/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 5/9/19
City Attorney Ginger Shofner Date

ATTESTED:

Lisa Smith 5/9/19
Lisa Smith, City Recorder Date

First Reading: 4/11/19
Public Hearing: 5/9/19
2nd Reading: 5/9/19
Effective Date: 5/24/19

ORDINANCE NO. 2019-1083

AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, TITLE 7, CHAPTER 4, "FIREWORKS; TO REPEAL ANY AND ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE;

WHEREAS, The City Council of the City of Shelbyville, TN has established rules and regulations for the storage, distribution, and sale of fireworks within the City, and

WHEREAS, The City Council of the City of Shelbyville, TN amended Title 7, Chapter 4, "Fireworks" by Ordinance 2017-1035 on March 9, 2017; and

WHEREAS, it is now deemed in the best interest to further amend said regulations for consistency with State guidelines; and

WHEREAS, a public hearing was held on the 18th day of June 2019.


NOW THEREFORE BE IT ORDAINED By the City of Shelbyville, Tennessee, as follows:

- Section 1: That City Code of Ordinances Title 7, Chapter 4 be deleted in its entirety, and a new Title 7, Chapter 4 (Exhibit A, attached) be substituted, therefore.
- Section 2: That all other Ordinances or parts of Ordinances in conflict herewith are hereby replaced.
- Section 3: That this Ordinance shall be effective immediately after its passage on second and final reading.

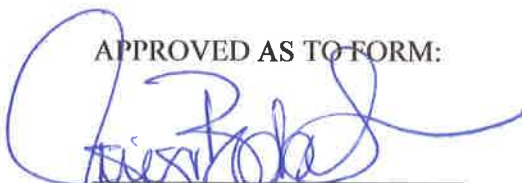
APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder Lisa Smith

APPROVED AS TO FORM:


City Attorney Ginger Bobo Shofner

First Reading: 5/9/18
Public Hearing Held: 6/18/19
Second Reading: 6/18/19
Effective Date: 6/18/19

EXHIBIT ONE

CHAPTER 4

FIREWORKS

SECTION

- 7-401 Purpose
- 7-402 Definitions
- 7-403 Permits and permits fees
- 7-404 Permit revocation
- 7-405 Permissible fireworks
- 7-406 Storing and structures
- 7-407 Limitations on structures
- 7-408 Location of fireworks outlets
- 7-409 Parking for retail fireworks sales site
- 7-410 Additional standards for fireworks retailers
- 7-411 Unlawful sale to certain children and other persons; unlawful use of fireworks
- 7-412 Limited time period to use fireworks
- 7-413 Separate sales and use tax numbers required
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 - 7-416 Exception to Applications
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7-401 Purpose

The purpose of this chapter is to provide an ordinance for regulating the temporary manufacturing, sale, display, use and storage of certain fireworks for both private and public display within the corporate limits of the City of Shelbyville, Tennessee, setting certain guidelines which shall provide for the general safety and welfare of the citizens thereof and property therein.

7-402 Definitions

- (1) As used in this chapter, unless the content otherwise requires:
 - (a) "Fireworks" means any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of
 - (i) All articles of fireworks classified as 1.40, or referred to as "Consumer Fireworks", or "Class C Common Fireworks,"
 - (ii) Theatrical and novelty, classified as 1.4S, or
 - (iii) Display fireworks, classified as 1.30, as set forth in the U.S. Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal Regulations (CFR), Parts 171-180.
 - (iv) Exceptions
 - (A) Toy caps for use in toy pistols, toy canes, or toy guns, and novelties and trick noisemakers manufactured in accordance with DOT regulations, 49 CFR 173.100(p),

- and packed and shipped according to those regulations;
 - (B) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;
 - (C) Propelling or expelling charges consisting of a mixture of sulfur, charcoal, saltpeter are not considered as designed to produce audible effects.
- (b) "Special fireworks." All articles of fireworks that are classified as Class B explosives in the regulation of the United States Department of Transportation and includes all articles other than those classified as Class C.
 - (c) "Storage." A place where merchandise is stocked or supply is reserved for future use.
 - (d) "Storage facility." A place where fireworks are stockpiled or kept for future use.
 - (e) "Mobile Retailer" means a vendor operating from motor vehicles, trailers, bicycles, or motorbikes.
 - (f) "Permit" means the written authority of the City of issued under the authority of this section.
 - (g) "Person" means any individual, firm, partnership, or corporation.
 - (h) "Retailer" means any person engaged in the business of making retail sales of fireworks to the general public.
 - (i) "Sale" means an exchange of articles of fireworks for money and also includes barter, exchange, gift, or offer and each such transaction made by any person, whether as principal, proprietor, salesperson, agent, association, co-partnership, or one (1) or more individual(s),
 - (j) "State Fire Marshal permit" means the appropriate fireworks permit issued by the Tennessee Fire Marshal under the authority of Tennessee Code Annotated § 68-104-101, *et seq.*

(2) Singular words and plural words used in the singular include the plural and the plural as singular.

7-403 Permits and permit fees

- (1) It is unlawful for any person to sell or to offer for sale in City of Shelbyville any item of fireworks without first having secured a State Fire Marshal Permit and a Permit issued by the City of Shelbyville.
 - (a) Permits are not transferable.
 - (b) A permit (to sell fireworks to the general public) is valid only from midnight June 20th through July 5th at 12:00 a.m. or December 21st through January 2nd at 12:00 p.m.
 - (c) The permit fee for retail permits is \$1,000 for the summer period and \$500 for the winter period.
 - (d) The fee for public displays using Special Display (1.30) Fireworks is five dollars (\$5).

- (e) Schools, wedding groups, businesses, and civic clubs that desire to have a 1.3G Special Display or 1.4 G Consumer Fireworks display may obtain a permit to use fireworks for any time of the year by paying a \$5 permit fee and obtaining a permit from the City.

(2) A permit to sell fireworks in the City of Shelbyville must be obtained at least one week prior to the date on which the applicant begins making sales. Each application shall contain the following:

- (a) The application must include the name, address, and telephone number of applicant.
- (b) The applicant must be the natural person who will operate or be responsible for sales.
- (c) The applicant's name must be the same as the name on the State Fire Marshal Permit.
- (d) The applicant is liable for all violations of this chapter by persons under his/her supervision.
- (e) Applicant, if not the owner of the property, shall provide to the City a consent letter signed and dated by the property owner.

Possession of said permits shall be a condition prerequisite to selling, putting on a public display, offering for sale, shipping or causing to be shipped into, or storing any fireworks in the City of Shelbyville, except as herein provided. Permits issued under this section are not transferable.

(3) A copy for the State Fire Marshal Permit. (For a state permit to be obtained by a retailer, the Mayor must sign in behalf of the retailer an Application for Fireworks Permit that the state requires before a state permit is issued to a retailer for a specific location.)

(4) A person that applies for a retail fireworks permit must show proof that a state sales tax number has been obtained for sales tax purposes.

(5) A site plan must be submitted that includes the dimensions of the lot, size and location of the structure, setback of structure from the right-of-way, location of other structures in the area that are occupied, location and number of parking places, location of any nearby residences, location of the nearest fuel outlets, and location of other fireworks outlets if located within 750 feet of a retail structure.

(6) Flashing signs are not permitted.

(7) One double faced sign is permitted; however, each sign face may not exceed thirty-six (36) square feet.

(8) The application must contain evidence that general liability insurance has been obtained by applicant naming the City of Shelbyville as additional insured for at least \$2,000,000 for each occurrence, whether in respect to bodily injury liability or property damage liability or bodily injury liability and property damage liability combined.

(10) The application must disclose the location where the applicant will conduct the business of selling fireworks and the dates for which the right to do business is desired.

(11) Applicant shall pay \$100 cleanup deposit per location, which shall be refunded after the fireworks season or used by the city to clean up the retail fireworks site if needed.

(12) Mobile vendors are not permitted.

(13) After the application, has been submitted and approved, a city codes inspector shall inspect the site for compliance with applicable codes and ordinances. No permit shall be issued for manufacturing of fireworks within the City of Shelbyville as the same is prohibited.

(14) A statement as to whether or not the applicant has been convicted of any felony or misdemeanor or for the violation of any municipal ordinance; the nature of the offense; and the punishment and penalty assessed therefore.

7-404 Permit revocation

(1) The Codes Director or fire official may revoke any permit upon failure of retailer to correct any of the following conditions within thirty-six (36) hours after the Codes Director and Fire Chief or the Fire Chief's Designee gives written notice.

- (a) When the permittee or the permittee's operator violates any lawful rule, regulation, or order of the City Codes Director and the Fire Chief or the Fire Chief's Designee.
- (b) When the permittee's application contains any false or untrue statements.
- (c) When the permittee fails to timely file any report or pay any tax, fee, fine, or charge.
- (d) When the permittee or the permittee's operator violates any fireworks ordinance or statute.

(2) When any activities of the permittee constitute a distinct hazard to life or property, the Codes Director or Fire Chief, or both, may revoke the permit immediately.

7-405 Permissible fireworks

(1) It is unlawful for any individual, firm, partnership, or corporation to sell or use within the City of Shelbyville, except as provided in this chapter, any "fireworks" as defined in § 7-401(1)(a), other than the following:

- (a) Those items classified by the U.S. Department of Transportation as 1.40 Consumer Fireworks, or
- (b) Those items that comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public under its regulations.

- (2) Any display using 1.3G Display Fireworks must be under the control of a licensed pyrotechnics technician.

7-406 Storing and structures

No person may smoke within a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs within 50 feet at the entrance of the Booth with the words "Fireworks-No Smoking" in letters not less than four (4) inches high. An inspected and currently tagged fire extinguisher with a minimum 2A rating and one pressurized water type fire extinguisher must be present at each retail fireworks site. Fireworks sold at retail may be sold only from a freestanding structure. Fireworks are not permitted to be stored in residential districts, except for personal use.

7-407 Limitations on structures

Tents meeting the current adopted International Building Code and the Life Safety Code (NFPA 101) may be used for the retail sale of fireworks. Ground fault interrupter protection must be used for power cords that supply power to tents and other outdoor structures. Electrical wiring inside tents and other outdoor locations shall be securely installed, without splices, and lamps shall be protected from accidental breakage by a suitable fixture or guard. No structure from which fireworks are sold may exceed 3,200 square feet. Fireworks may not be stored in a permanent building unless the building has a sprinkler system and is constructed of non-flammable materials such as metal or concrete block.

7-408 Location of fireworks outlets

Fireworks sales structures must be no closer than 60 feet from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the Planning Department and the sales structure must be located a minimum of 45' from the right of way. Any fireworks sales structure must be at least 150 feet from a residence. Fireworks sales are not allowed on any property where there is an existing retail business that is operated from a building in excess of 125,000 square feet.

7-409 Parking for retail fireworks works sales site

The site for a fireworks retailer shall be improved to provide at least twelve (12) graveled or paved parking places for off street and right-of-way customer parking. In addition, the retail fireworks site must provide for an on-site turn-around area so that backing of vehicles onto the street will not be necessary.

7-410 Additional standards for fireworks retailers

- (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 100 feet at any source.

(2) The parcel in which a fireworks retail use is required shall be a minimum of seven hundred and fifty (750) feet from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

(3) Each retailer must provide for each site toilet facilities for the retailer's employees.

(4) Each retailer must conspicuously post a sign notifying the public of the requirements of §§7-410, 7-411, and 7-413 of this chapter. Such signs shall not exceed six (6) square feet in size and shall not contain advertising.

(5) Each retailer shall provide adequate generators, which shall be placed no closer than ten (10) feet from any tent or structure, and protected from rain.

(6) Fireworks stored or displayed must be kept a minimum of five (5) feet from the exterior edge of the tent, building, or similar structures approved for permitted fireworks sales.

7-411 Unlawful sale to certain children and other persons: unlawful use of fireworks

It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within six hundred (600) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within two hundred (200) feet of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or in any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Tennessee or the City of Shelbyville Fire Department, except for public (and/or group) displays for which permits have been granted.

7-412 Limited time period to use fireworks

Limited time period to use fireworks. It is unlawful to discharge or use fireworks except for the following time periods.

(1) July 1 through July 4 - The permissible hours are from 10 a.m. to 10:30 p.m., except for July 4, when permissible hours are from 10 a.m. to 11:30 p.m.

(2) December 31 and January 1 - The permissible hours from 8:00 p.m. on December 31 to 1:00 a.m. on January 1.

7-413 Separate sales and use tax numbers required

A separate sales and use tax number shall be required for each location where D.O.T. Class C Fireworks are sold.

7-414 Exclusions

Nothing in this chapter prohibits:

- (1) The sale of any kind of fireworks that are to be shipped directly out of the corporate limits of the city in accordance with the regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail, and water.
- (2) The sale, transportation, handling, or use of industrial pyrotechnic devices or fireworks, such as railroad torpedoes, fuses, automotive, aeronautical, and marine flares and smoke signals.
- (3) The sale or use of blank cartridges for theater, for signal or ceremonial purposes, in athletics or sporting events, or legal power tools.
- (4) The transportation, handling, or use of any pyrotechnic devices by the armed forces of the United States.
- (5) The use of pyrotechnics in training by the fire service, law enforcement, or similar government agencies.
- (6) The use of fireworks for agricultural purposes under conditions approved by the fire chief or his designee.
- (7) Supervised displays of fireworks as provided for in this chapter.

7-415 Due process: penalty for violation

Violations of any of the provisions of this chapter may result in the issuance of a citation, the revocation of any applicable permit or the refusal to issue any future permits for a period of not to exceed three (3) years.

The permit holder shall be held responsible in the event of a fire, personal injury, physical injury, and/or any property damage as a result of the permit holder's or the permit holder's employees' actions. If permit is suspended or revoked the permit holder may request a due process hearing in front of the City Manager of the City of Shelbyville within three (3) days.

If a person or organization fails to obtain any required permits prior to manufacturing, possession, use, sales or storage of fireworks, the required permit fees shall be doubled.

7-416 Exceptions to application

Nothing in this chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private

transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, of the State of Tennessee or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical, or athletic events, nor as applying to the transportation, sale or use of fireworks solely for agricultural purposes, providing the purchaser first secures a written permit to purchase and use fireworks for agricultural purposes from the state fire marshal's office, and after approval of the local county agricultural agent and the fireworks must at all times be kept in possession of the farmer to whom the permit is issued. Such permits and fireworks shall not be transferable. Items sold for agricultural purposes shall be limited to those items that are legal for retail sale and use within the City of Shelbyville.

7-417 Violations and penalties

Violations of any provision of this chapter shall be subject to a penalty of up to \$50 per violation.

ORDINANCE NO. 2019-1084

AN ORDINANCE TO AMEND THE ADOPTED BUDGET ORDINANCE (AS AMENDED) OF THE CITY OF SHELBYVILLE, TENNESSEE VARIOUS FUNDS, FOR THE FISCAL YEAR 2018-2019 THE PERIOD ENDING JUNE 30, 2019.

WHEREAS, The Mayor and City Council of the City of Shelbyville on June 14, 2018, following public hearing adopted Ordinance No. 2018-1068 establishing the Fiscal Year 2018-2019 Annual Budget; and

WHEREAS, the City of Shelbyville, Tennessee is in need to make various adjustments and amendments to various funds within the Budget for FY 2018-2019 to reflect changes in revenues and expenditures.

NOW, THEREFORE, BE IT ORDAINED by the City of Shelbyville, Tennessee, as follows:

Section 1: That the FY 2018-2019 Annual Budget is amended in the following amounts:

SEE ATTACHMENT 1

General Fund

Section 2: That this Ordinance shall repeal any Ordinance or parts of any Ordinance in conflict herewith, and shall take effect immediately after passage on second and final reading, and after public hearing, the general welfare of the City requiring same.


APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder Lisa Smith

APPROVED AS TO FORM:


City Attorney Ginger Shofner

1st Reading: 5/9/19

Public Hearing: 6/18/19

2nd Reading: 6/18/19

Effective Date: 6/18/19

General Fund Expenses

110-27100	General Fund - Undesignated Fund Balance	292,835
110-42200-121	Fire - Wages - Permanent Employees	232,025
110-42200-121	Fire - Wages - Permanent Employees	40,000
110-41990-141	Other Gen. Govt - OASI (Employer's Share)	20,810

ORDINANCE NO. 2019-1085

“AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE ESTABLISHING THE MUNICIPAL PROPERTY TAX RATE FOR THE FISCAL YEAR 2019-2020 AT \$1.77 ON EACH \$100 OF ASSESSED VALUATION OF PROPERTY AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 1, 2019”

WHEREAS, the City Charter Article XII and Article XIV provides for the assessment, levy and collection of City taxes; and

WHEREAS, the Mayor and City Council each year establishes the property tax levy based upon the assessed values within the City as established by the Bedford County Property Assessors Office; and

WHEREAS, the City Recorder has caused to be published in a newspaper of general circulation a Notice of Public Hearing on the tax rate for the City of Shelbyville; and

WHEREAS, a public hearing was held before the Mayor and City Council on the 18th day of June 2019; and

WHEREAS, it is now deemed in the public interest to establish the municipal tax rate for tax year 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Shelbyville, Tennessee, as follows:

1. That the owners of all property, real, personal and mixed, within the corporate limits of the City of Shelbyville (except such property as shall be exempt by the laws of the State of Tennessee) shall for the fiscal year 2019-2020 pay a tax of \$1.77 on each \$100 of assessed valuation of such property to and for the use of the City of Shelbyville, and pay a proportional amount of tax for each amount of assessed valuation under \$100. All said taxes to be collected by the proper officers of the City of Shelbyville for use in funding in whole or in part the budget as adopted by this Ordinance.
2. This Ordinance shall take effect from and after its passage on Second and Final Reading, the health, safety and welfare of the citizens of Shelbyville requiring it.

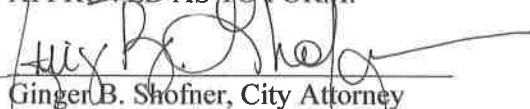
APPROVED:


Wallace Cartwright, Mayor

ATTEST:


Lisa Smith, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney

First Reading: 5/23/19
Public Hearing: 6/18/19
Second Reading: 6/18/19
Effective Date: 7/1/19

ORDINANCE NO. 2019-1087

“AN ORDINANCE (AS AMENDED) TO MAKE FINAL AMENDMENTS TO THE BUDGET ORDINANCE (#2018-1068) OF THE CITY OF SHELBYVILLE, TENNESSEE, FOR THE FISCAL YEAR 2018-2019, THE PERIOD ENDING JUNE 30, 2019; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE”

WHEREAS, The Mayor and City Council of the City of Shelbyville on June 14, 2018 following public hearing, adopted Ordinance No. 2018-1068 establishing the Fiscal Year 2018-2019 Annual Budget; and

WHEREAS, the 2018-2019 Fiscal Year will be complete as of June 30, 2019; and

WHEREAS, the City of Shelbyville, Tennessee is in need to make final adjustments and amendments to its Budget for the year 2018-2019 to reflect actual revenues received and expenses incurred.


NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SHELBYVILLE, TENNESSEE, AS FOLLOWS;

Section 1: That the FY 2018-2019 Annual Budget is amended in the following amounts:


Attachment 1

Section 2: That this Ordinance shall repeal any ordinance or parts of any Ordinance in conflict herewith, and shall take effect upon its passage on second and final reading and after public hearing, the general welfare of the City requiring same.

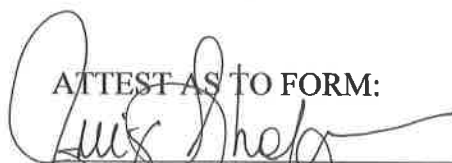
APPROVED:


Mayor Wallace Cartwright

ATTEST:


Lisa Smith, City Recorder

ATTEST AS TO FORM:


Ginger Shofner, City Attorney

First Reading: 5/23/19
Public Hearing: 6/18/19
Second Reading: 6/18/19
Effective Date: 6/18/19

Budget Amendment
Attachment 1
6/18/2019

General Fund Amendments

110-27100	General Fund - Fund Balance	4,347	Defensive Driving School training materials needed in order to meet
110-42100-148	Police - Employee Education & Training	4,347	current standards. Curriculum generally changes every 5 yrs.
110-27100	General Fund - Fund Balance	8,704	Truck #10 repair - replaced turbo's and gaskets
110-43200-261	Solid Waste - Mtn & Repair - Vehicles	8,704	
110-27100	General Fund - Fund Balance	5,800	
110-36350	Insurance Recoveries	1,485	To appropriate insurance recovery funds to be used for related Animal
110-44143-127	Animal Control - Professional Services	2,300	Control truck repair. Also, appropriate funds for additional vaccinations for
110-44143-261	Animal Control - Mtn & Repair - Vehicles	1,485	rabies, vet services, etc.
110-44143-310	Animal Control - Office Supplies	500	
110-44143-320	Animal Control - Expendable Materials	3,000	
110-34780	General Fund - Allocated Donations - Rec Ctr.	9,000	Appropriate \$9,000 of \$25,000 Rec Ctr donation to the Rec Ctr budget for
110-44500-255	Recreation Ctr - Recreational Programming	2,000	kitchen appliances and shuffleboard.
110-44500-341	Recreation Ctr - Expensable Tools	7,000	

Additional Amendment:

110-43500-450	Stormwater - Construction Materials	40,000	Transfer funds from Stormwater Management to Solid Wast Dept.
110-43200-295	Landfill Services	40,000	to cover additional Landfill expenses.

Budget Amendment
Attachment 1
6/18/2019

Special Fund Amendments

304-27100	Greenway Fund Balance	30,000	
304-41990-764	Greenway Transfer to Capital Fund	30,000	Transfer of Fund Balance from Greenway Fund to Capital for the Park
807-37815	Transfer in From Greenway Fund	30,000	Property Project as approved by Council.
807-44400-959	Capital - Parks Infrastructure	30,000	
703-33554	State Street Aid - State Gas Incr. of 2017	9,480	
703-43100-247	SSA - Street Lighting	5,000	To appropriate a portion of the State Gas Increase of 2017 to offset
703-43100-269	SSA - Street Mtn. - Paving	2,980	additional projected expenditures in street lighting, paving, etc.
703-43100-957	SSA - Other Equipment	1,500	
705-27100	Police Equipment Fund - Fund Balance	6,845	
705-42100-957	Police Equipment Fund - Other Equipment	1,500	Appropriate funds for the purchase of equipment for the drug dog car and
705-42100-958	Police Equipment Fund - Vehicles	5,345	materials for the construction of an outdoor dog house and kennel run.
706-27100	Police Drug Fund - Fund Balance	16,740	
706-42100-148	Police Drug Fund - Education & Training	7,800	Appropriate funds for drug dog purchase, canine and canine officer
706-42100-781	Police Drug Fund - Drug Dog Expense	2,440	training, and other drug dog related expenditures.
705-42100-900	Police Equipment Fund - Capital	6,500	
110-34780	General Fund - Allocated Donations - Rec Ctr.	16,000	
110-49000-764	General Fund - Transfer to Capital Projects Fund	16,000	Transfer \$16,000 of \$25,000 Rec Ctr. donation from the General Fund to
807-37850	Capital Projects Fund - Transfer from General Fund	16,000	the Capital Projects Fund for Rec Ctr kitchen renovation including cabinets,
807-44500-951	Capital Projects Fund - Bldg Improvements	16,000	sink, faucets, painting, etc.
610-27100	Industrial Development - Fund Balance	500	
610-41990-127	Industrial Development - Professional Services	500	Appropriate funds for additional professional services.

ORDINANCE 2019-1088

AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 27.3 (+/-) ACRES OWNED BY ROBBIE GREGORY, JOHNNY CAMPBELL, AND THOMAS LANDERS ON SOUTH CANON BOULEVARD (REFERENCED ON BEDFORD COUNTY TAX MAP 100, PARCELS 55.00, 56.00, and 57.01) FROM C-2 (GENERAL BUSINESS DISTRICT) TO R-2 (LOW DENSITY RESIDENTIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the City of Shelbyville Planning Commission wishes to correct split zoned lot situations; and

WHEREAS, the prevailing land use in the area is single-family residences and adjacent properties are zoned Residential-2 (R-2); and

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from C-2 to R-2 at the May 23, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 100, Parcels 55.00, 56.00 and 57.01 from C-2 to R-2.
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 7/11/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shorner 7/11/19
City Attorney Ginger Shorner Date

ATTESTED:

Lisa Smith
Lisa Smith, City Recorder Date

First Reading: 6/18/19
Public Hearing: 7/11/19
Second Reading: 7/11/19
Effective Date: 7/26/19

ORDINANCE 2019-1089

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 5.21 (+/-) ACRES OWNED BY JAMES G. WESTMORELAND, SUSAN LAVIGNE, AND PATRICIA A. WESTMORELAND AT 1204 FAIRFIELD PIKE (REFERENCED ON BEDFORD COUNTY TAX MAP 078G, GROUP D, PARCEL 24.00) FROM R-4 (HIGH DENSITY RESIDENTIAL) TO R-2 (LOW DENSITY RESIDENTIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the City of Shelbyville Planning Commission wishes to correct non-conforming use situations; and

WHEREAS, this property contains a single family residence which is not a permitted use within the Residential-4 (R-4) zone district; and

WHEREAS, the adjacent properties to the North, South, East, and West are all zoned Residential-2 (R-2); and

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from R-4 to R-2 at the May 23, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

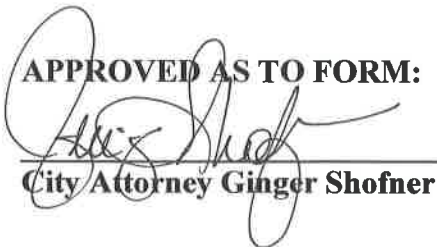
1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 078G, Group D, Parcel 24.00 from R-4 to R-2
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:


Wallace Cartwright, Mayor

7/11/19
Date

APPROVED AS TO FORM:


City Attorney Ginger Shofner

7/11/19
Date

ATTESTED:


Lisa Smith, City Recorder

7/11/19
Date

First Reading: 6/18/19
Public Hearing: 7/11/19
Second Reading: 7/11/19
Effective Date: 7/26/19

ORDINANCE NO. 2019-1092

AN ORDINANCE TO AMEND THE ADOPTED BUDGET ORDINANCE (AS AMENDED) OF THE CITY OF SHELBYVILLE, TENNESSEE VARIOUS FUNDS, FOR THE FISCAL YEAR 2019-2020, THE PERIOD ENDING JUNE 30, 2020.

WHEREAS, The Mayor and City Council of the City of Shelbyville on June 18, 2019, following public hearing adopted Ordinance No. 2019-1086 establishing the Fiscal Year 2019-2020 Annual Budget; and

WHEREAS, the City of Shelbyville, Tennessee is in need to make various adjustments and amendments to various funds within the Budget for FY 2019-2020 to reflect changes in revenues and expenditures.

NOW, THEREFORE, BE IT ORDAINED by the City of Shelbyville, Tennessee, as follows:

Section 1: That the FY 2019-2020 Annual Budget is amended in the following amounts:

SEE ATTACHMENT 1


General and Capital Funds

Section 2: That this Ordinance shall repeal any Ordinance or parts of any Ordinance in conflict herewith, and shall take effect upon its passage on second and final reading, and after public hearing, the general welfare of the City requiring same.

APPROVED:


Mayor Wallace Cartwright

ATTEST:


City Recorder Lisa Smith

APPROVED AS TO FORM:


City Attorney Ginger Shofner

1st Reading:

7/11/19

Public Hearing:

8/8/19

2nd Reading:

8/8/19

Proposed Amendments - General and Capital Funds

110-27100	Fund Balance - General Fund	999,991	
110-49000-764	Transfer to Capital Fund	999,991	
807-37850	Transfer from General Fund	999,991	To appropriate and transfer funds from the General Fund, Fund Balance to the Capital Projects Fund to purchase an HR100 Aerial Fire Truck and take advantage of a \$37,494 pre-pay bonus.
807-42200-958	Fire Capital - Vehicles	999,991	
807-27100	Fund Balance - Capital Projects Fund	10,500	
807-44800-959	Airport Capital - Infrastructure	10,500	Related to Change Order #1 for Airport Runway Project - The \$10,500 represents the City's 5% share of the excess above the contingency amount that was originally included in the \$6,300,000 project.

ORDINANCE 2019-1093

AN ORDINANCE OF THE SHELBYVILLE CITY COUNCIL TO AMEND ARTICLE III SUPPLEMENTARY PROVISIONS AND ADMINISTRATIVE PROCEDURES OF THE SHELBYVILLE ZONING ORDINANCE BY UPDATING SECTION 3.6 PRINCIPAL STRUCTURES AND REPEAL ALL PREVIOUS ORDINANCES AND RESOLUTIONS PERTAINING TO SECTION 3.6 PRINCIPAL STRUCTURES AND TO REPEAL ANY ORDINANCE OR PART OF AN ORDINANCE IN CONFLICT HEREWITH.

WHEREAS, Article 3 of the Shelbyville Zoning Ordinance was amended in 2015 to address issues of single-wide mobile homes and recreation vehicles being used as secondary dwelling units on lots; and

WHEREAS, the current language of Section 3.6 Principal Structures of the Shelbyville Zoning Ordinance does not clearly express the intent of the 2015 amendments to Article 3, and Section 3.6; and

WHEREAS, the Shelbyville Planning Department and City of Shelbyville wish to amend the Shelbyville Zoning Ordinance to ensure clarity for citizens, developers, and other City Departments;

WHEREAS, the Planning Commission reviewed the proposed amendment to Section 3.6 at their July 25th, 2019 meeting, and

WHEREAS, the Planning Commission favorably recommended such amendment at their July 25th, 2019 meeting;

NOW, THEREFORE, LET IT BE RECOMMENDED THAT:

1. The Section 3.6 Principal Structures be deleted in its entirety and replaced with the following wording:

There may be no more than one (1) principal structure built on any one (1) lot. There may be built along with the principal structure on the same lot any customary and incidental accessory building(s) or structure(s) provided that all applicable provisions of this Ordinance are met.

There may be no more than two (2) total structures for human habitation on one (1) lot. One (1) of the two (2) permitted structures for human habitation shall be the primary residence and the other structure for human habitation shall be a Residential Accessory Dwelling as described in Section 6.4 and Section 6.4(I) of this ordinance. A Residential Accessory Dwelling cannot be constructed on a lot without a primary residence existing on the same lot.

Recreational Vehicles (R.V.s) and single-wide mobile homes shall not be permitted as secondary structures on any property zoned residentially.

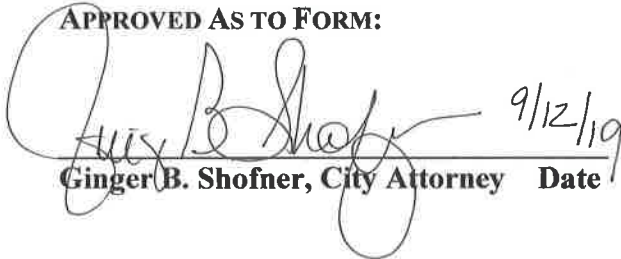
This Section does not prohibit planned unit development complexes as permitted under Article V of this ordinance or multi-family developments as defined by this ordinance."

2. That any Ordinance, Resolution, or part of an Ordinance in conflict therewith be repealed; and
3. That said Ordinance shall go into effect 15 days following passage by the Shelbyville City Council.

APPROVED:

 9/12/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

 9/12/19
Ginger B. Shofner, City Attorney Date

ATTESTED:

 9/12/19
Lisa Smith, City Recorder Date

1st Reading: 8/8/19
Public Hearing: 9/12/19
2nd Reading: 9/12/19
Effective Date: 9/27/19

EXISTING LANGUAGE

Section 3.6 Principal Structures:

"There may be more than one structure and its customary accessory building or structure(s) built on any lot, provided all applicable provisions of this Ordinance are met.

However, there may not be more than two (2) structures on any given lot that are intended for human habitation. R.V.s and single-wide mobile homes shall not be permitted as secondary structures on any residentially zoned lot."

PROPOSED LANGUAGE

Section 3.6 Principal Structures:

There may be no more than one (1) principal structure built on any one (1) lot. There may be built along with the principal structure on the same lot any customary and incidental accessory building(s) or structure(s) provided that all applicable provisions of this Ordinance are met.

There may be no more than two (2) total structures for human habitation on one (1) lot. One (1) of the two (2) permitted structures for human habitation shall be the primary residence and the other structure for human habitation shall be a Residential Accessory Dwelling as described in Section 6.4 and Section 6.4(I) of this ordinance. A Residential Accessory Dwelling cannot be constructed on a lot without a primary residence existing on the same lot.

Recreational Vehicles (R.V.s) and single-wide mobile homes shall not be permitted as secondary structures on any property zoned residentially.

This Section does not prohibit planned unit development complexes as permitted under Article V of this ordinance or multi-family developments as defined by this ordinance."

ORDINANCE

2019-1094

AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 6.33 (+/-) ACRES OWNED BY JAMES FARRAR, LOCATED NORTH OF EAGLE BOULEVARD AND ON BOTH SIDES OF EATON DRIVE AND REFERENCED ON BEDFORD COUNTY TAX MAP 090, PARCELS 1.00, 1.01, 49.00, AND 93.00 FROM I-2 (GENERAL INDUSTRIAL DISTRICT) TO R-2 (LOW DENSITY RESIDENTIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, in 2008, the current land use of these four (4) parcels was noted as low density residential and these properties remain the same as in 2008; and

WHEREAS, there is a single family dwelling located on Parcel 93.00, which is currently a legal non-conforming use and the rezoning would bring this property into compliance. Also, Section 5.6.2(A), the district description for I-2, clearly states, "Residential uses are excluded from these districts."

WHEREAS, as currently zoned, none of the four (4) parcels meet the minimum lot size requirement for the I-2 zone district and Parcel 1.00 does not meet the minimum street frontage requirement of the I-2 zone district. Even if Parcels 49.00 and 93.00 were combined the minimum lot size of 2.5 acres for I-2 would not be satisfied. These areas of non-compliance means it may be difficult to develop these lots as industrial although they are zoned that way.

WHEREAS, the three (3) adjacent parcels along Railroad Avenue (Tax Map 78 Parcel 46.00, 47.00, and 48.00) are all zoned I-2, but contain single family detached dwellings.

WHEREAS, the parcels to the east of Parcels 1.00 and 1.01 are zoned R-2 and have had six (6) new homes constructed on them in the past few years; and

WHEREAS, the property owner is requesting to "down zone" their property, meaning they are requesting a zone district that provides less total uses and less intensive uses.

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from I-2 to R-2 at the July 25th, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 090, Parcels 1.00, 1.01, 49.00, and 93.00 from I-2 to R-2
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 9/12/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 9/12/19
City Attorney Ginger Shofner Date

ATTESTED:

Lisa Smith 9/12/19
Lisa Smith, City Recorder Date

Page 1 of 1

1st Reading: 8/8/19
Public Hearing: 9/12/19
2nd Reading: 9/12/19
Effective Date: 9/27/19

ORDINANCE 2019-1096

**AN AMENDED ORDINANCE OF THE CITY OF SHELBYVILLE TENNESSEE,
AMENDING THE *SHELBYVILLE MUNICIPAL CODE*,
TITLE 12 "STREETS AND OTHER PUBLIC WAYS AND PLACES"
BY ADDING A NEW CHAPTER THEREIN, PROVIDING FOR THE INSTALLATION AND
MAINTENANCE OF SMALL WIRELESS COMMUNICATIONS FACILITIES IN THE
PUBLIC RIGHTS-OF-WAY**

WHEREAS, the City of Shelbyville (the "City"), Tennessee recognizes that small wireless communications facilities are becoming a critical part of the delivery of wireless services by the telecommunications industry to the public, including wireless access to advanced technology, broadband, and 9-1-1 emergency services to homes, businesses, and schools; and

WHEREAS, the City further recognizes that certain small wireless communications facilities, including facilities commonly referred to as small cells and distributed antenna systems, are often most effectively deployed in the public rights-of-way; and

WHEREAS, the City recognizes the ever increasing and competing demands for uses in the public rights-of-way will require the City to establish regulations that will preserve the integrity, safe use, and aesthetics of the rights-of-way while balancing the need to accommodate advanced communications technologies; and

WHEREAS, the City wishes to promote and encourage investment in wireless infrastructure within the City by providing a fair and uniform procedure for the approval and installation of small wireless communications facilities within the public rights-of-way, while also enabling the City to protect the management of the public rights-of-way in the overall interests of public health, safety, and welfare; and

WHEREAS, the Tennessee General Assembly did enact the "*Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018*" (the "Act"), now codified at *Tennessee Code Annotated* ("T.C.A.") sections 13-24-401, et. seq.; and

WHEREAS, the Act sets forth the authority by which municipalities may adopt and enforce local regulations for the application, deployment, and maintenance of small cell facilities in the public rights-of-way; and

WHEREAS, the City finds that such regulations in compliance with the Act are needed in order to protect the public health, safety, and welfare of the citizens of Shelbyville.

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

SECTION 1: That the *Shelbyville Municipal Code*, Title 12 "STREETS AND OTHER PUBLIC WAYS AND PLACES" is hereby amended by adding a new chapter, to be designated as Chapter 6, and to read as follows:

CHAPTER 6. SMALL WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

12-601. - Purpose and scope.

- (a) *Purpose.* In accordance with *Tennessee Code Annotated* §13-24-401, et. seq., known as the "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018," the purpose of this chapter is to establish policies and procedures for the placement of small wireless facilities in the public rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City's rights-of-way and to the City as a whole.
- (b) *Intent.* In enacting this chapter, the City is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:
 - (1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 - (2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 - (3) Prevent interference with the facilities and operations of facilities lawfully located in public rights-of-way or public property;
 - (4) Protect against environmental damage, including damage to trees;
 - (5) Preserve the character of the neighborhoods, areas, and zones in which facilities are installed; and
 - (6) Facilitate rapid deployment of small wireless facilities to provide the benefits of advanced wireless services.
- (c) *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

12-602. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Aesthetic plan* means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the City or designated area within the City. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the aesthetic plan. For purposes of this part, such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying, is subject to the aesthetic plan;
- (b) *Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

- (c) *Applicable Codes* means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons to the extent not inconsistent with the terms of this chapter.
- (d) *Applicant* means any person who submits an application pursuant to this part.
- (e) *Application* means a request submitted by an applicant to the City of Shelbyville:
 - (1) For a permit to deploy or collocate small wireless facilities in the ROW; or
 - (2) To approve the installation or modification of a Potential Support Structure (PSS) associated with deployment or collocation of small wireless facilities in the ROW;
- (f) *Authority-owned PSS or City-owned PSS* means a PSS owned or leased by the City in the rights-of-way, including (i) a utility pole that provides lighting or traffic control functions, including light poles, traffic signals, and structures for traffic cameras or signage; and (ii) a pole or similar structure owned/leased by the City in the rights-of-way that supports only wireless facilities. Authority-owned PSS does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively-owned, or government-owned.
- (g) *City* means City of Shelbyville, Tennessee.
- (h) *Collocate, collocating, and collocation* mean, in their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a PSS. "Collocation" does not include the installation of a new PSS or replacement of authority-owned PSS.
- (i) *Communications facility* means the set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service.
- (j) *Communications service* means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service.
- (k) *Communications service provider* means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider.
- (l) *Day* means calendar day.
- (m) *Fee* means a one-time, non-recurring charge.
- (n) *Micro wireless facility* means a small wireless facility that:
 - (1) Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and
 - (2) The exterior antenna, if any, does not exceed eleven inches (11") in length.
- (o) *Permittee* means an applicant who has been granted a permit.
- (p) *Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental entity.
- (q) *Potential support structure for a small wireless facility or PSS* means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a

similar function, including poles installed solely for the collocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

- (r) *Rate* means a recurring charge.
- (s) *Residential neighborhood* means an area within the City's geographic boundary that is zoned or otherwise designated by the City for general purposes as an area primarily used for single-family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas.
- (t) *Right-of-way or ROW* means the space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the City, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority that are contiguous to paved roads, but excluding lands other than streets that are owned by the City.
- (u) *Right-of-way use permit or permit* means a permit for the construction or installation of wireless facilities, small wireless facilities, wireless backhaul facilities, fiber optic cable, conduit, and associated equipment necessary to install wireless facilities in the right-of-way.
- (v) (1) *Small wireless facility* means a wireless facility with:
 - (A) An antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and
 - (B) Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. For purposes of this subdivision, "other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and
- (2) "Small wireless facility" includes a micro wireless facility;
- (x) *Wireline backhaul facility* means a communications facility used to transport communications services by wire from a wireless facility to a network;
- (y) (1) *Wireless facility* means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:
 - (A) Equipment associated with wireless communications; and
 - (B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;
- (2) *Wireless facility* does not include:
 - (A) The structure or improvements on, under, or within which the equipment is collocated;
 - (B) Wireline backhaul facilities; or
 - (C) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna; and

- (3) *Wireless facility* includes small wireless facilities.
- (z) *Wireless infrastructure provider* means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or PSSs, but that is not a wireless services provider.
- (aa) *Wireless provider* means a wireless infrastructure provider or a wireless services provider.
- (bb) *Wireless services* means any service using licensed or unlicensed spectrum, including the use of WIFI, whether at a fixed location or mobile, provided to the public.
- (cc) *Wireless services provider* means a person who provides wireless services.

12-603. - Permitted use; application and fees.

- (a) *Permitted use.* Collocation of a small wireless facility or installation of a new, replacement, or modified PSS shall be a permitted use, subject to the restrictions in this title.
- (b) *Permit required.* No person may construct, install, and/or operate wireless facilities that occupy the right-of-way without first obtaining a right-of-way use permit from the City. Any right-of-way use permit shall be reviewed, issued and administered in a non-discriminatory manner, shall be subject to such reasonable conditions as the City may from time to time establish for effective management of the right-of-way, and otherwise shall conform to the requirements of this chapter and applicable law.
- (c) *Permit applications.* All applications for Right-of-Way use permits filed pursuant to this chapter shall be on a form, paper or electronic, provided by the City. The applicant may include up to twenty (20) small wireless facilities within a single application. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (d) *Application requirements.* The application shall be made by the wireless provider or its duly authorized representative and shall contain the following:
 - (1) The applicant's name, address, telephone number, and e-mail address;
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, contractors and subcontractors, if any, acting on behalf of the applicant with respect to the filing of the application or who may be involved in doing any work on behalf of the applicant;
 - (3) A site plan for each proposed location with a diagram or engineering drawing depicting the design for installation of the small wireless facility with sufficient detail for the City to determine that the design of the installation and any new PSS or any modification of a PSS is consistent with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices;
 - (4) The location of the site(s), including the latitudinal and longitudinal coordinates of the specific location(s) of the site;
 - (5) Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;
 - (6) The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all nondiscriminatory and generally applicable ROW requirements for deployment of any associated infrastructure

that is not a small wireless facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;

- (7) The applicant's certification of compliance with surety bond, insurance, or indemnification requirements (as set forth in Section 12-609 below); rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the City imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and
 - (8) The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.
 - (9) A statement that all wireless facilities shall comply with all applicable codes.
- (e) *Approval or Denial of Application; Response Time.* The City responds to the applications for permit per the timelines prescribed in federal law and in T.C.A. Section 13-24-409(b), as may be amended, regarding the approval or denial of applications, and the City shall respond to applications per the specific requirements of T.C.A. Section 13-24-409(b)(3), as may be amended. The City reserves the right to require a surcharge as indicated in T.C.A. Section 13-24-409(b)(7)(F)(i), as may be amended, for high-volume applicants.
 - (f) *Deployment after Permit.* An applicant must complete deployment of the applicant's small wireless facilities within nine (9) months of approval of applications for the small wireless facilities unless the City and the applicant agree to extend the period, or a delay is caused by a lack of commercial power or communications transport facilities to the site. If an applicant fails to complete deployment within the time required pursuant to this subsection, then the City may require that the applicant complete a new application and pay an application fee.
 - (g) *Multiple Permit Applications at Same Location.* If the City receives multiple applications seeking to deploy or collocate small wireless facilities at the same location in an incompatible manner, then the City may deny the later filed application.
 - (h) *Bridge and/or Overpass Special Provision.* If the Applicant's site plan includes any colocation design that includes attachment of any facility or structure to a bridge or overpass, then the applicant must designate a safety contact. After the Applicant's construction is complete, the Applicant shall provide to the safety contact a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the Applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the Applicant shall provide notice of the evidence to the safety contact.
 - (i) *Information updates.* Except as otherwise provided herein, any amendment to information contained in a permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.

- (j) *Application fees.* Unless otherwise provided by law, all permit applications for small wireless facilities pursuant to this chapter shall be accompanied by a fee in accordance with T.C.A. 13-24-407. This fee shall be one hundred dollars (\$100.00) each for the first five (5) small wireless facilities and fifty dollars (\$50.00) each for additional small wireless facilities included in a single application.

12-604. - Facilities in the ROW; maximum height; other requirements.

- (a) *Aesthetic Plan.* Unless otherwise determined by City staff, in an attempt to blend into the built environment, all small wireless facilities, new or modified utility poles, PSSs for the collocation of small wireless facilities, and associated equipment shall be consistent in size, mass, shape, and color to similar facilities and equipment in the immediate area, and its design for the PSS shall meet the adopted aesthetic plan, subject to following requirements:
 - (1) Collocation is recommended, when possible. Should the wireless provider not be able to collocate, the wireless provider shall provide justification in the application.
 - (2) When unable to match the design and color of existing utility poles/PSSs in the immediate area small wireless facilities and/or new PSSs shall be designed using stealth or camouflaging techniques, to make the installation as minimally intrusive as possible including stealth poles that are black or bronze in color, powder-coated and that do not exceed 16 inches in diameter. The City reserves the right to require a street light on the PSS. New wooden PSSs shall be strictly prohibited.
 - (3) When an Applicant seeks to deploy a small wireless facility, and associated equipment, within a residential neighborhood, then the Applicant must deploy the facility in the right of way within twenty-five (25) feet of the property boundaries separating residential lots larger than 0.75 acres and within fifteen (15) feet of the property boundaries separating residential lots if lots are 0.75 acres or smaller.
 - (4) New small wireless facilities, antennas, and associated equipment shall be consistent in size, mass, and color to similar facilities and equipment in the immediate area of the proposed facilities and equipment, minimizing the physical and visual impact to the community.
- (b) *Compliance with Underground Facilities.* Subject to waivers as determined by the Shelbyville Municipal Planning Commission, an Applicant must comply with existing requirements to place all electric, cable, and communications facilities underground in a designated area of a ROW, as determined by the City's zoning regulations.
- (c) *Replacing an existing City-owned PSS.* City-owned PSS may be replaced for the collocation of small wireless facilities. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of the PSS being replaced, and must continue to be capable of performing the same function in a comparable manner as it performed prior to replacement.
 - (1) When replacing a City-owned PSS, the replacement PSS becomes the property of the City, subject to T.C.A. 13-24-408(g), as may be amended.
 - (2) The City reserves the right to require a street light on the new PSS.
- (d) *Maximum Height.* A new PSS installed or an existing PSS replaced in the ROW shall not exceed the greater of:

- (1) Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the ROW;
 - (2) Fifty feet (50') above ground level; or
 - (3) For a PSS installed in a residential neighborhood, forty feet (40') above ground level.
- (f) *Maximum Height for Small wireless facilities.* Small wireless facilities shall not extend:
 - (1) More than ten feet (10') above an existing PSS in place as of the effective date of this part; or
 - (2) On a new PSS, ten feet (10') above the height permitted for a new PSS under this section.
- (g) *Construction in the rights-of-way.* All construction, installation, maintenance, and operation of wireless facilities in the right-of-way by any wireless provider shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code, and the National Electrical Safety Code, as might apply.
- (h) *Shelbyville Municipal Planning Commission Approval.* Unless otherwise provided in this ordinance, the Shelbyville Municipal Planning Commission approval shall be required for:
 - (1) Any wireless provider that seeks to construct or modify a PSS or wireless facility that is determined to not comply with the height, diameter, design, color standards and expectations set forth in subsections (a)—(g) above.
 - (2) New PSSs shall not be permitted to be installed in the rights-of-way in areas in which no utility poles, streetlight poles, or PSSs exist at the time of application without prior approval by the Shelbyville Municipal Planning Commission.
- (i) Additional criteria regarding the location, type, and/or design of small cell facilities and utility poles shall be subject to change. All changes shall be made available to the public for 30 days prior to their effective date and compiled into a set of guidelines titled, "City of Shelbyville Guidelines for Wireless Communications Facilities in the Public Right-of-Way." In no case, shall any guidelines be retroactive. Facilities approved for which right-of-way use permits have been issued prior to the effective date of a new guideline shall not be affected.

12-605. - Effect of permit.

- (a) *Authority granted; no property right or other interest created.* A permit authorizes an applicant to undertake only certain activities in accordance with this chapter and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.
- (b) *Duration.* No permit issued under this chapter shall be valid for a period longer than 12 months unless construction has commenced within that period and is thereafter diligently pursued to completion. In the event that construction begins but is inactive for more than 90 days, the permit expires.
- (c) *Termination of permit.* In all other circumstances, the permit expires in 12 months.

12-606. - Maintenance, removal, relocation or modification of small wireless facility and fiber in the ROW.

- (a) *Notice.* Within 90 days following written notice from the City, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities and support structures within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way. The City agrees to use good faith efforts to accommodate any such disconnection, removal, relocation, change, or alteration and to assist with identifying and securing a mutually agreed upon alternative location.
- (b) *Maintenance of existing facilities.* With respect to each wireless facility installed pursuant to a right-of-way use permit, permittee is hereby permitted to enter the right-of-way at any time to conduct repairs, maintenance or replacement not substantially changing the physical dimension of the wireless facility. Permittee shall comply with all rules, standards and restrictions applied by the City to all work within the right-of-way. If required by City, permittee shall submit a "maintenance of traffic" plan for any work resulting in significant blockage of the right-of-way. However, no excavation or work of any kind may be performed without a permit, as provided in Sec. 12-101, except in the event of an emergency. In the event of emergency, permittee shall attempt to provide advance written or oral notice to the public works director.
- (c) *Removal of existing facilities.* If the permittee removes any wireless facilities, it shall notify the City of such change within 60 days.
- (d) *Damage to facilities or property.* A permittee, including any contractor or subcontractor working for a permittee, shall avoid damage to any wireless facilities and/or public or private property. If any wireless facilities and/or public or private property are damaged by permittee, including any contractor or subcontractor working for permittee, the permittee shall promptly commence such repair and restore (to a comparable or better condition) such property within ten business days unless such time period is extended by the public works director or his designee. Permittee shall utilize the Tennessee One Call System prior to any disturbance of the rights-of-way and shall adhere to all other requirements of the Tennessee Underground Utility Damage Prevention Act.
- (e) *Emergency removal or relocation of facilities.* The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any serious public health or safety emergency. If circumstances permit, the City shall notify the wireless provider in writing and provide the wireless provider a reasonable opportunity to move its own wireless facilities prior to cutting or removing a wireless facility and shall notify the wireless provider after cutting or removing a wireless facility. Any removal shall be at the wireless providers sole cost. Should the wireless facility be collocated on property owned by a third-party, the City shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal.
- (f) *Abandonment of facilities.* Upon abandonment of a small wireless facility within the rights-of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small wireless facility if the City reasonably determines that such removal will be in the best interest of the public health, safety and welfare. Should the wireless facility be collocated on property owned by a third-party, the City shall rely on the third-party to remove the wireless facility and shall be provided adequate notice and time to facilitate such removal. Any removal shall be at the wireless providers sole cost.

- (g) No application, fee, rate, and/or approval is required for the installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables that are strung between existing PSSs, in compliance with the National Electrical Safety Code as set out in T.C.A. Section 68-101-104.

12-607. - Public right-of-way rates—Attachment to City-owned/leased PSSs and new PSSs installed within the public right-of-way or City-owned/leased property.

- (a) Annual rate. The rate to place a small wireless facility on a City-owned or leased PSS in the right-of-way shall be one hundred dollars (\$100.00) per year for all City-owned or leased PSSs in the rights-of-way. All equipment attached to a City-owned pole shall constitute a single attachment and therefore a single use of a City-owned PSS. Such compensation, for the first year or for any portion thereof, together with the application fee specified in this chapter shall be the sole compensation that the wireless provider shall be required to pay the City. This rate will be due January 1 of each year of the permit.
- (b) A wireless provider authorized to place a new PSS within public right-of-way on City-owned or leased property shall pay to the City for use of the right-of-way or property in the amount of one hundred dollars (\$100.00). This rate will be due January 1 of each year of the permit.

12-608. - Remedies; violations.

In the event a reasonable determination is made that a person has violated any provision of this chapter, or a right-of-way use permit, such person shall be provided written notice of the determination and the specific, detailed reasons therefor. Except in the case of an emergency, the person shall have 30 days to commence to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City, in its reasonable judgment, may extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take all actions authorized by this chapter and/or Tennessee law and regulations.

12-609. - General provisions.

- (a) *Insurance.* Each permittee shall, at all times during the entire term of the right-of-way use permit, maintain and require each contractor and subcontractor to maintain insurance with a reputable insurance company authorized to do business in the State of Tennessee and which has an A.M. Best rating (or equivalent) no less than "A" indemnifying the City from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of permittee's wireless facilities in the rights-of-way. The amounts of such coverage shall be not less than the following:
 - (1) *Worker's compensation and employer's liability insurance.* Tennessee statutory requirements.
 - (2) *Comprehensive general liability.* Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability, product/completed operations; X, C, U coverage; and personal injury coverage for limits as specified in Appendix A - Comprehensive Fees and Penalties but in no case less than \$1,000,000.00 per occurrence, combined single limit and \$2,000,000.00 in the aggregate.

- (3) *Commercial automobile liability.* Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under this article XII for limits as specified in Appendix A - Comprehensive Fees and Penalties, but in no case less than \$1,000,000.00 per occurrence combined single limit each accident.

- (4) *Commercial excess or umbrella liability.* Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability.

The City shall be designated as an additional insured under each of the insurance policies required by this section except worker's compensation and employer's liability insurance. Permittee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this section. Permittee shall provide the City with at least 30 days' advance written notice of any material changes or cancellation of any required insurance policy, except for non-payment of premium of the policy coverages.

Permittee shall impose similar insurance requirements as identified in this section on its contractors and subcontractors.

- (b) *Indemnification.* Each permittee, its consultant, contractor, and subcontractor, shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the permittee, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. Each permittee shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the permittee's construction, installation, operation, maintenance or removal of permittee's wireless system or wireless facilities in the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other reasonable costs of indemnification.
- (c) *As-built maps.* As the City controls and maintains the right-of-way for the benefit of its citizens, it is the responsibility of the City to ensure that such public right-of-way meet the highest possible public safety standards. Upon request by the City and within 30 days of such a request, a permittee shall submit to the Engineering Department (or shall have otherwise maintained on file with the department) as-built maps and engineering specifications depicting and certifying the location of all its existing small wireless facilities within the right-of-way, provided in standard electronic or paper format in a manner established by the Director of Engineering, or his or her designee. Such maps are, and shall remain, confidential documents and are exempt from public disclosure under the Tennessee Public Records Act (Tennessee Code Annotated, § 10-7-101 et seq.) to the maximum extent of the law. After submittal of the as-built maps as required under this section, each permittee having small wireless facilities in the City right-of-way shall update such maps as required under this chapter upon written request by the City.
- (d) *Right to inspect.* With just and reasonable cause, the City shall have the right to inspect all of the small wireless facilities, including aerial facilities and underground facilities, to ensure general health and safety with respect to such facilities and to determine compliance with the terms of this chapter and other applicable laws and regulations. Any permittee shall be required to cooperate with all such inspections and to provide reasonable and relevant information requested by the City as part of the inspection.
- (e) *Proprietary information.* If a person considers information it is obligated to provide to the City under this chapter to be a business or trade secret or otherwise proprietary or confidential in

nature and desires to protect the information from disclosure, then the person shall mark such information as proprietary and confidential. Subject to the requirements of the Tennessee Public Records Act (Tennessee Code Annotated, § 10-7-101 et seq.) as amended, and other applicable law, the City shall exercise reasonably good faith efforts to protect such proprietary and confidential information that is so marked from disclosure to the maximum extent of the law. The City shall provide written notice to the person in the following circumstances: i) if the City receives a request for disclosure of such proprietary and confidential information and the City attorney determines that the information is or may be subject to disclosure under applicable law; or ii) if the City attorney determines that the information should be disclosed in relation to its enforcement of this chapter or the exercise of its police or regulatory powers. In the event the person does not obtain a protective order barring disclosure of the information from a court of competent jurisdiction within 30 days following receipt of the City's notice, then the City may disclose the information without further written notice to the person.

- (f) *Duty to provide information.* Within ten days of a written request from the City, a permittee shall furnish the City with information sufficient to demonstrate the following: that the permittee has complied with all requirements of this chapter; that all fees due to the City in connection with the services provided and wireless facilities installed by the permittee have been properly paid by the permittee; and any other information reasonably required relating to the permittee's obligations pursuant to this chapter.
- (g) *No substitute for other required permissions.* No right-of-way use permit includes, means, or is in whole or part a substitute for any other permit or authorization required by the laws and regulations of the City for the privilege of transacting and carrying on a business within the City or any permit or agreement for occupying any other property of the City.
- (h) *No waiver.* The failure of the City to insist on timely performance or compliance by any permittee holding a right-of-way use permit shall not constitute a waiver of the City's right to later insist on timely performance or compliance by that permittee or any other permittee holding such right-of-way use permit. The failure of the City to enforce any provision of this chapter on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this chapter on any other occasion, nor shall the failure to enforce any prior ordinance or City Charter provision affecting the right-of-way, any wireless facilities, or any user or occupant of the right-of-way act as a waiver or estoppel against enforcement of this chapter or any other provision of applicable law.
- (i) *Policies and procedures.* The City is authorized to establish such written policies and procedures consistent with this chapter as the City reasonably deems necessary for the implementation of this chapter.
- (j) *Police powers.* The City, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.
- (k) *Severability.* If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this chapter invalid.

SECTION 2. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 3. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 4. That this ordinance shall take effect immediately from and after its final passage, the general welfare of the City of Shelbyville, Bedford County, Tennessee, requiring it.

Adopted on Second and Final Reading, this the 14th day of November, 2019.

APPROVED:



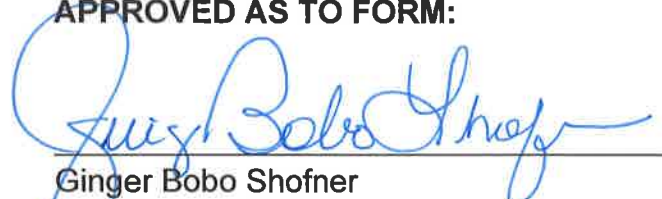
Wallace Cartwright, Shelbyville City Mayor

ATTEST:



Lisa Smith
Shelbyville City Recorder

APPROVED AS TO FORM:



Ginger Bobo Shofner
Shelbyville City Attorney

First Reading: October 10, 2019
Public Hearing: November 14, 2019
Second Reading: November 14, 2019

ORDINANCE 2019-1097

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 12.59 (+/-) ACRES OWNED BY PALMETTO PROPERTIES, LLC LOCATED EAST OF TRINITY ROAD AND NORTH OF SHELBYVILLE MILLS BAPTIST CHURCH AND REFERENCED ON BEDFORD COUNTY TAX MAP 079, PARCEL 23.05) FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-2 (LOW DENSITY RESIDENTIAL), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the requested zone district of Residential-2 (R-2) is in compliance with the Future Land Use Map Designation of Low Density Residential as found in the Shelbyville Comprehensive Plan (2008); and

WHEREAS, the prevailing land use in the area is low density residential, single-family residences; and

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from R-1 to R-2 at the October 24, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 079, Parcel 23.05 from R-1 to R-2
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright, Mayor

12/12/19
Date

APPROVED AS TO FORM:

Ginger Shofner
City Attorney Ginger Shofner

12/12/19
Date

ATTESTED:

Lisa Smith, City Recorder

12/12/19
Date

1st Reading 11/14/19

Public Hearing 12/12/19

2nd Reading 12/12/19

CITY OF SHELBYVILLE PRE-PLANNING

FINAL COMMENT SHEET

Date of Circulation for Review: Tuesday, October 1st, 2019
Date of Pre-Planning Meeting: Thursday, October 3rd, 2019
Date Comments Sent: Thursday, October 10th, 2019
Type of Approval: Requesting Recommendation for Rezoning

Project Name: Palmetto Properties, LLC Rezoning
Project Description: Requested Rezoning from Residential-1 (R-1) to Residential-2 (R-2)
Applicant: Jeff Swinney
Property Owner: Palmetto Properties, LLC
Current Zoning: Residential-1 (R-1)
Requested Zoning: Residential-2 (R-2)
Parcel ID: Tax Map 79 Parcel 23.05
(East of Trinity Road and North of Shelbyville Mills Baptist Church)
Acreage: 12.59 acres

Police Department:

1. No Comments at this time.

Fire Department:

1. No Comments at this time.

Building and Codes:

1. No Comments at this time.

Public Works/Engineering:

1. No Comments at this time.

Shelbyville Power, Water, and Sewer:

1. All lots will be on sewerage grinder pumps.

Planning:

This parcel (Tax Map 79 Parcel 23.05) is currently zoned Residential-1 (R-1) and is bordered on all sides by properties zoned Residential-1 (R-1). There is a large tract of property (to the east) zoned Residential-2 (R-2). The R-1 zone district is classified as Low Density Residential as is the Residential-2 (R-2) zone district, which is the requested zone district for this rezoning request. A comparison of the R-1 and R-2 zone districts is provided in the table below.

Residential-1 and Residential-2: Comparison		
Bulk Regulations	Residential-1 (R-1)	Residential-2 (R-2)
Lot Size (Minimum)	15,000 sq. ft.	10,000 sq. ft.
Lot Width (Minimum)	100 ft.	75 ft.
Front Yard Setback (Minimum)	35 ft.	25 ft.
Side Yard Setback (Minimum)	10 ft.	10 ft.
Rear Yard Setback (Minimum)	30 ft.	20 ft.
Street Frontage (Minimum)	75 ft.	75 ft.
Building Height (Maximum)	45 ft.	45 ft.
Lot Coverage (Maximum)	35%	35%

To illustrate the difference in lot size minimums, this property could have a maximum of 36 units under the R-1 zone district and a maximum of 54 units under the R-2 zone districts. This simple calculation does not consider the property needed for roadways, stormwater drainage, etc. Therefore, the total number of units on this property would be less than 36 or 54 depending on the zone district.

The Future Land Use Map, found in the 2008 Comprehensive Plan, classifies the future land use of this property as to be Low Density Residential. All surrounding properties are also classified under the Low Density Residential future land use. The Shelbyville Zoning Ordinance classifies both the R-1 and R-2 zone districts as Low Density Residential Districts, therefore the requested R-2 zone district is in compliance with the Future Land Use Map.

During the departmental review of this rezoning request, the Shelbyville Power, Water and Sewer System stated that sewer is currently not available to this property and the sewer line will have to be extended west through a previously approved subdivision in order for this property to support multiple lots (i.e. more than one (1) lot and one (1) unit).

STAFF RECOMMENDATION: Due to the requested zone district of Residential-2 (R-2) being classified as Low Density Residential, thereby being in compliance with the Future Land Use map designation for this property, Staff recommends the Planning Commission provide a favorable recommendation to City Council regarding the rezoning request for Tax Map 79 Parcel 23.05, with one (1) review comment.

1. The applicant shall understand that all lots will be on sewerage grinder pumps per SPWSS.

OWNERS OF RECORD: Please note that all property owners of record must be denoted below. If there are additional Owners of Record, please provide their information on another sheet and attach to this application. Married individuals may be listed on this form as one

Name: Palmetto Properties
Address (no P.O. Box Numbers): 119 E. Depot St. Suite B Shelbyville, TN 37160
Phone Number: (931) 580-8899
Email: dcoffey@nationwide-express.com

PROPERTY OWNER'S REPRESENTATIVE – This person shall serve as the applicant on behalf of the Property Owner(s) listed on this application. This person shall serve as the City of Shelbyville's primary contact during the review process. The Property Owner(s) agree that this person shall have the full authority to speak to and make representations to City staff about the project on behalf of the Property Owner(s).

Name: Jeff Sweeney
Address (no P.O. Box Numbers): 241 Eastern Mill Rd
Phone Number: (615) 892-0599
Email: jeffhsweeney@gmail.com

PROPERTY INFORMATION

Property Address (if not numbered, nearest major cross streets): _____

Tax Map and Parcel Number(s): 079, 23.05

Total Acreage of Property: 12.59

Current Zoning of Property: R-1

Requested Zoning Classification: R-2

Current Use of Property: Pasture - Greenbelt

REQUIRED SIGNATURES

Property Owner Signature and Date Dad Caff 9/28/19


Property Owner Signature and Date _____

Property Owner's **Representative** Signature and Date Joe Swearing 9/28/19

IMPORTANT DATES

Date and Time of Planning Commission Meeting: _____ at 6:00 PM, City Hall

Annex, 109 Lane Parkway, Shelbyville, TN 37160.

For Office Use Only	
Date Application Received:	
Amount of Fee Received: \$275	
Planning Commission Resolution No.:	Status:
City Council Ordinance No.:	Status:
Notification Letter Sent to Property Owner(s):	

Property Type: 10 Farm

ASSESSOR OF PROPERTY - PROPERTY RECORD CARD

TRINITY ROAD		Property Address		Subdivision		PG		BLOCK		LOT		TRACT		TAX YEAR 2019		002		079		023.05		000	
Ownership and Mailing Address		PALMETTO PROPERTIES LLC		Alt Subdiv		PG		BLOCK		LOT		TRACT		BEDFORD		JUL		CONTROL MAP		GROUP		PARCEL	
119 E DEPOT ST # B		SHELBYVILLE TN 37160		BK		PG		BLOCK		LOT		TRACT		City		02639 Shelbyville		Map		079		Updated 05/30/2019	
Additional Description		Dimensions		SSD1		SSD2		Total Land Units		Deed Acres		12.59		Card: 1 of 1		Page: 1 of 1		Dist		07		Printed 06/03/2019	

DWELLING DATA

Improv Type	Lower Level	Bedrooms	Cost & Design	0
Stories	Heating/Air	Total Fixtures	% Good	100
Exterior Wall	Attic	Aditl Sty	County Factor	1.00
Heating Fuel	Eff Yr Built	Rooms	Dep't Yr	2016
Year Built	Half Baths	Add'l Fixtures	Eff Age	
Full Baths	Openings	Prefab		
Wood FP Stacks	Rental: Src	Amount		
Info Src	Year	Sched		
Foundation	Floor Finish			
Floor System	Interior Finish			
Party Wall	Paint/Decor			
Struct Frame	Bath Tile			
Roof Framing	Electrical			
Roof Cov/Deck	Shape			
Cab/Millwork				

Class:

Quality	Condition	% Comp	% Good	100
Private	Factor	External		
Dept: Physical	Other Phys	Functional		
GFLA	Area	Story	Const	Grade
Base Dwelling	Add'l Areas	Total	\$/SqFt	% Complete
RCN	Dwelling Factor	Dwelling Value		
RCN/D	Rate			
AREAS: Lower Floor	First & Above	Area	% SFLA	Rate
RCN				

OUTBUILDINGS and YARD ITEMS

Code	Description	Yr Bld	Eff Yr	Area	Grade	Units	Add'l Description	Class	Rate	Cnd	RCN	% Good	Prnt	Adj Fct	Value	Total OBY	Value
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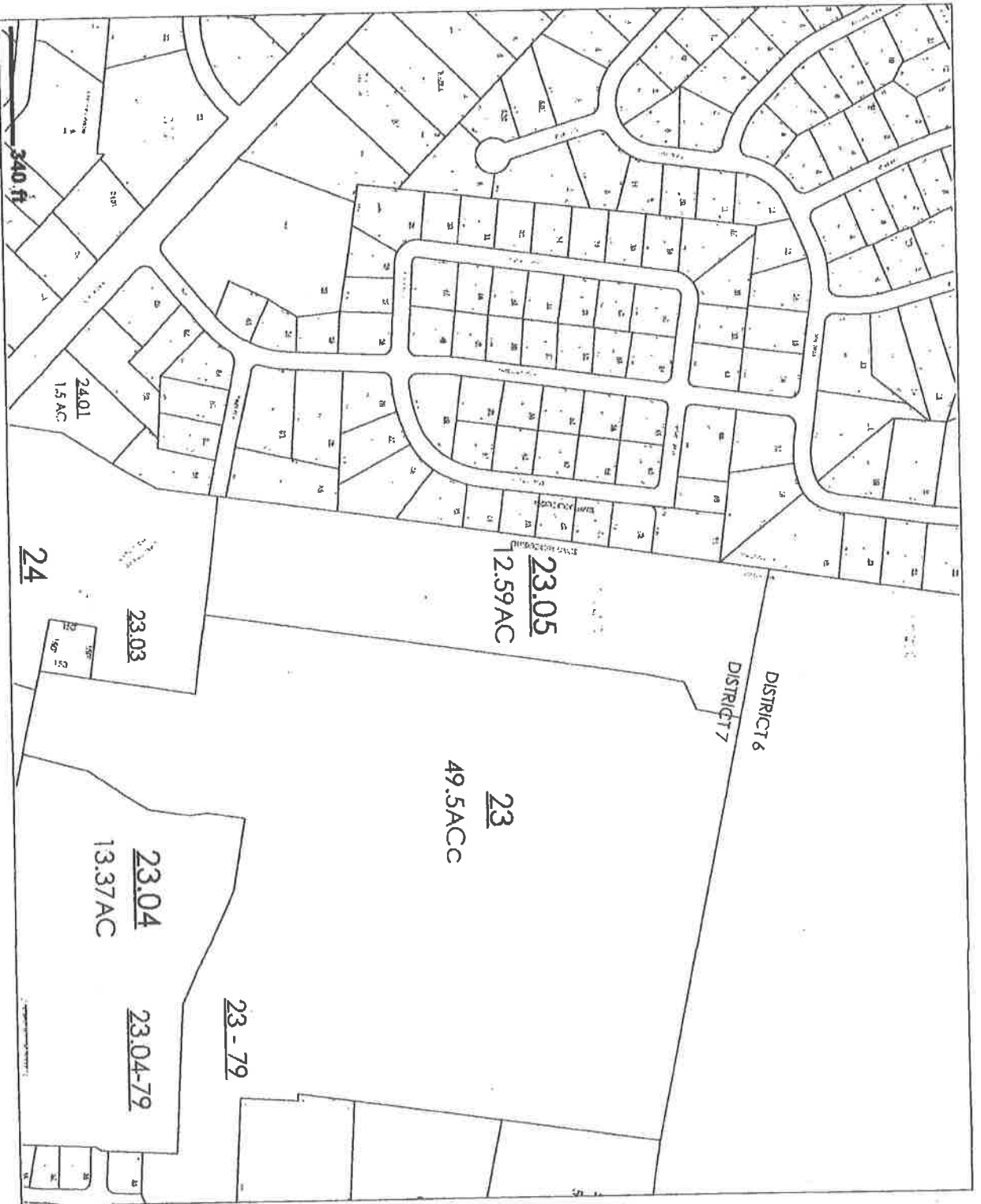
AGRICULTURAL / GREENBELT LAND

#	Type	Table	Code	Acc	Front	Depth	Units	Rate	Init	Fid	Topo	Loc	Size	Mkt	Dep	Adj Rate	Value Class	#	Mkt Line	Use Type	Soil Type	Access	Totals:
4	U	ZZ	01				12.59	17,000.00					100	17,000.00		214,030							
Totals: 12.59																							
SALES																							
Date	Book	Page	328	Price	Adj Price	V/I	Inst	A/R	Owner	PART OF 79-23.00 FOR 2018													
09/07/2018 346 212,500 212,500 V WD A PALMETTO PROPERTIES LLC																							

NOTES

Date	Code	ID	ENTRANCES	Book/Pg
Date	Type	Status	Last Visit	

TEXT_GENERAL
 TEXT_PARCEL
 LEADERLINES
 PARCELS



BEDFORD COUNTY, TENNESSEE

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM AERIAL PHOTOGRAPHS AND RECORDS IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONSIDERED AS A SURVEY OR A LEGAL DOCUMENT.





Tax Map 079 Parcel 023.05

Currently Zoned Residential- 1 (R-1)

Requested Rezoning" Residential-2 (R-2)

Future Land Use Map Designation: Low Density Residential



Tax Map 79 Parcel 23.05

Current Zoning: **R-1**

Requested Zoning: **R-2**

Base Map: **2008 Shelbyville Comprehensive Plan**

Future Land Use Classification: **Low Density Residential**

ORDINANCE 2019-1098

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 2.01 (+/-) ACRES OWNED BY GREGORY AND JOSPEH CURL, LOCATED ON THE NORTHSIDE OF MCDALE LANE APPROXIMATELY 500 FEET EAST OF HIGHWAY 231 AND REFERENCED ON BEDFORD COUNTY TAX MAP 069, PART OF PARCEL 5.06 FROM C-2 (GENERAL BUSINESS DISTRICT) TO R-4 (HIGH DENSITY RESIDENTIAL DISTRICT), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the requested zone district of Residential-4 (R-4) is not in compliance with the Future Land Use Map Designation of Low Density Residential as found in the Shelbyville Comprehensive Plan (2008); and

WHEREAS, Tax Map 69 Parcel 5.08, located east of the requested rezoning parcel, was rezoned from Commercial-2 (C-2) to Residential-3 (R-3) in October 2018; and

WHEREAS, R-4 high density residential development will provide a transition in intensity of use from the C-2 portion of this parcel along Highway 231 to the R-3 zoned parcel to the east; and

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from C-2 to R-4 at the October 24, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 069, Parcel 5.06 from C-2 to R-4
2. This Ordinance will take effect ~~15~~ days after its final approval.

APPROVED:

Wallace Cartwright 12/12/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 12/12/19
City Attorney Ginger Shofner Date

ATTESTED:

Lisa Smith 12/12/19
Lisa Smith, City Recorder Date

1st Reading 11/14/19
Public Hearing 12/12/19
2nd Reading 12/12/19

CITY OF SHELBYVILLE PRE-PLANNING

FINAL COMMENT SHEET

Date of Circulation for Review: Tuesday, October 1st, 2019
Date of Pre-Planning Meeting: Thursday, October 3rd, 2019
Date Comments Sent: Tuesday, October 10th, 2019
Type of Approval: Requesting Recommendation for Rezoning

Project Name: McDale Lane (Curl Properties, LLC)
Project Description: Requested Rezoning from Commercial-2 (C-2) to Residential-4 (R-4)
Applicant: Curl Properties, LLC
Property Owner: Gregory and Joseph Curl
Current Zoning: Commercial-2 (C-2)
Requested Zoning: Residential-4 (R-4) (2.01 acres)
Parcel ID: Tax Map 69 Parcel 5.06
(Northside of McDale Lane – Approx. 500 feet east of Highway 231.
Acreage: Total Acreage – 5.01 (+/-) acres
Area of Rezoning Request – 2.01 (+/-) acres

Police Department:

1. No Comments at this time.

Fire Department:

1. No Comments at this time.

Shelbyville Power, Water, and Sewer:

1. No Comments at this time.

Building and Codes:

1. No Comments at this time.

Public Works/Engineering:

1. No Comments at this time.

Planning:

This parcel (Tax Map 69 Parcel 5.06) is currently zoned Commercial-2 (C-2) and the owner is requesting to rezone 2.01 (+/-) acres to Residential-4 (R-4) while maintaining the C-2 zoning on 3.00 (+/-) acres that has road frontage on Highway 231. A rezoning exhibit is attached to this Comment Sheet that shows the area of rezoning.

To the north are properties zoned Commercial-2 (C-2) and to the south (across McDale Lane) are properties zoned Residential-2 (R-2). To the west (across Highway 231) are properties zoned Residential-2 (R-2). To the east the property was Commercial-2 (C-2), but was rezoned in 2018 to Residential-3 (R-3).

The current zoning, C-2, is classified as General Business District and the requested zone district of R-4 is classified as High Density Residential. The Future Land Use Map, found in the 2008 Comprehensive Plan, classifies the future land use of this property as to be Commercial. All surrounding properties are also classified under the Commercial future land use.

Although all surrounding properties are classified as Commercial Future Land Use the property to the east, Tax Map 69 Parcel 5.08 was rezoned from C-2 to R-3 in October 2018. The Planning Director at that time recommended approval of the rezoning although it was not lineup with the future land use classification of Commercial. The reasoning for recommending approval was that Commercial development would most likely not develop in that area of McDale lane due to the separation from Highway 231. Additionally, the Planning Director at that time noted the requested of R-3 zoning would act as a transition from the C-2 zoning along Highway 231 and the existing R-2 zoning on the eastern portion of McDale Lane.

The owner of Tax Map 69 Parcel 5.06 is making this request for R-4 (High Density Residential) on 2.01 (+/-) acres to add an additional area of transition from the C-2 zoned portion of the property along Highway 231 to the R-3 and R-2 zoning located on the properties to the east of Parcel 5.06. Given the rezoning request is based on the concept of a transition zone from C-2 to R-3 (Medium Density Residential) a table is provided below to illustrate the differences between the R-3 and R-4 zone districts. If this rezoning was to be approved the zoning pattern starting at Highway 231 would be three (3) acres of C-2 zoned property, then 2.01 (+/-) acres of R-4 (High Density Residential) zoned property, then 56.99 (+/-) acres of R-3 (Medium Density Residential) zoned property, and then three (3) parcels totaling just over three (3) acres of R-2 (Low Density Residential) zoned property.

Residential-3 and Residential-4: Comparison		
Bulk Regulations	Residential-4 (R-4)	Residential-3 (R-3)
Lot Size (Minimum)	12,000 sq. ft. (Duplex) 15,000 sq. ft. (Multi-Family)	7,500 sq. ft. (Single Family Detached) 15,000 sq. ft. (Duplex)
Lot Width (Minimum)	75 ft.	75 ft.
Front Yard Setback (Minimum)	40 ft.	25 ft.
Side Yard Setback (Minimum)	15 ft.	10 ft.
Rear Yard Setback (Minimum)	20 ft.	20 ft.
Street Frontage (Minimum)	75 ft.	75 ft.
Building Height (Maximum)	45 ft.	45 ft.
Lot Coverage (Maximum)	40%	35%


The requested 2.01 (+/-) acre area requested for rezoning to R-4 could provide the following level of development. The maximum total number of duplexes on this 2.01 (+/-) acres would be seven (7). The maximum number of multi-family units on this 2.01 (+/-) acres would be 29. These maximum unit numbers are most likely not obtainable due to the need for driveways and parking areas. In order to give a better idea of the possible number of units the following numbers have taken out 20 percent of the land for driveways and parking. This is a conservative estimate. For duplexes the possible number of units, with parking and driveways, is five (5). For multi-family units the possible number of units, with parking and driveways, is 23.

Although these unit numbers do not exceed the threshold for a traffic study as found in Article 3-2 of the Shelbyville Subdivision Regulations, the applicant shall understand due to the existing conditions of McDale Lane (i.e. narrowness, etc.) and the impact of future development the City Engineer may require a traffic study to be completed.

STAFF RECOMMENDATION: Due to the rezoning of adjacent property to R-3 in 2018 and the area requested for rezoning to R-4 is adjacent to C-2 and providing a transition from the higher intensity zoning of C-2 to the lower intensity zoning of R-3 and R-2, Staff recommends the Planning Commission provide a favorable recommendation to City Council regarding the rezoning request for Tax Map 69 Parcel 5.06, with following two (2) notifications/comments.

1. The applicant shall be aware the potential City Council meeting dates for this rezoning are as follows:
 - a. Study Session – November 5th
 - b. Regular Session – November 14th (First Reading)
 - c. Regular Session – December 12th (Public Hearing and Second Reading)
2. The applicant shall understand due to the existing conditions of McDale Lane (narrowness, etc.) and the impact of future development, the City Engineer may require a traffic study to be completed.

[illegible]

109 SHEET C1.1 SHEETS	305-19	REZONING EXHIBIT MCDALE LANE SITE CURL	 ENGINEERING, LLC ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING 620 JACKSON STREET MANCHESTER, TN 37301 PHONE: (615) 724-0258 • FAX: (615) 724-0377 WWW.STJOHNENGINEERING.COM	NO	DATE	REVISION	DR.	CHK.



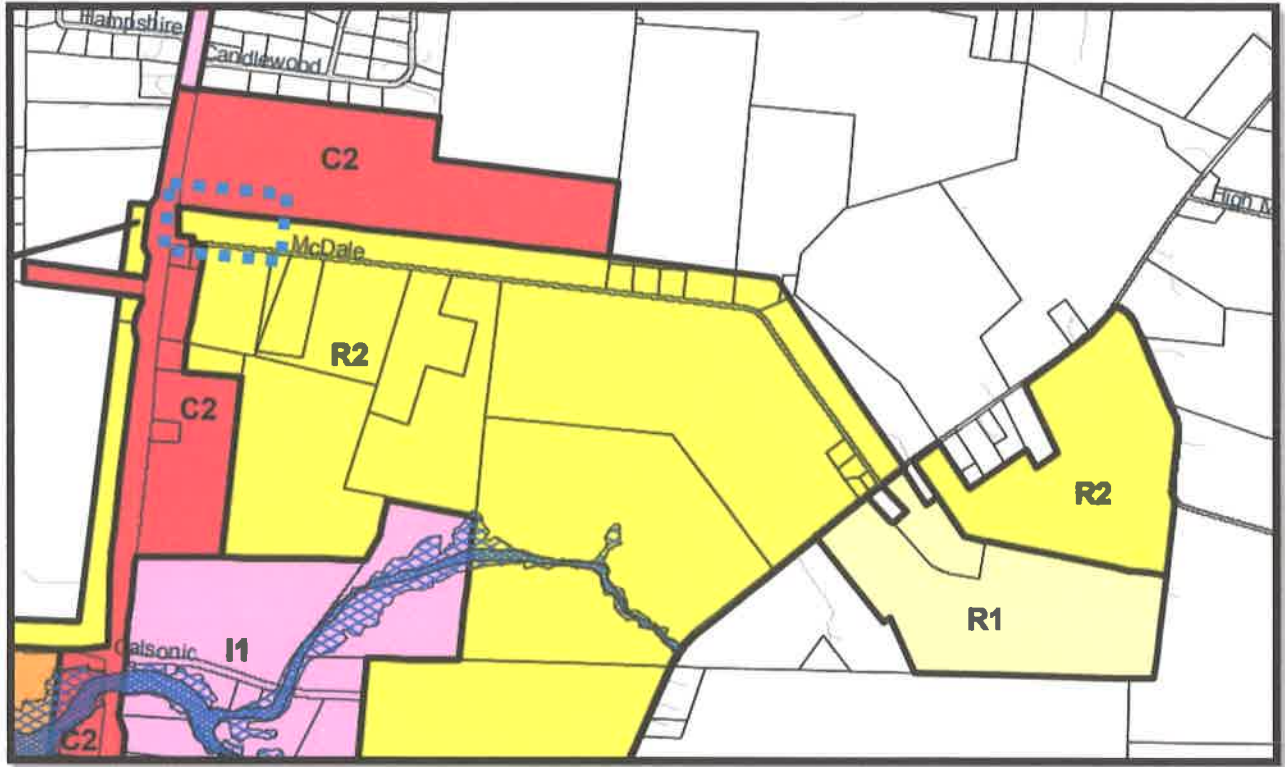
Tax Map 069 Parcel 5.06

Currently Zoned Commercial-2 (C-2)

Future Land Use Map Designation: Commercial

Requested Rezoning is from C-2 to R-4 for the eastern most 2.01 acres of parcel.

Western most portion (fronting Highway 231 will remain Commercial-2)



2008 ZONING MAP

Tax Map 069 Parcel 5.06

Currently Zoned Commercial-2 (C-2)

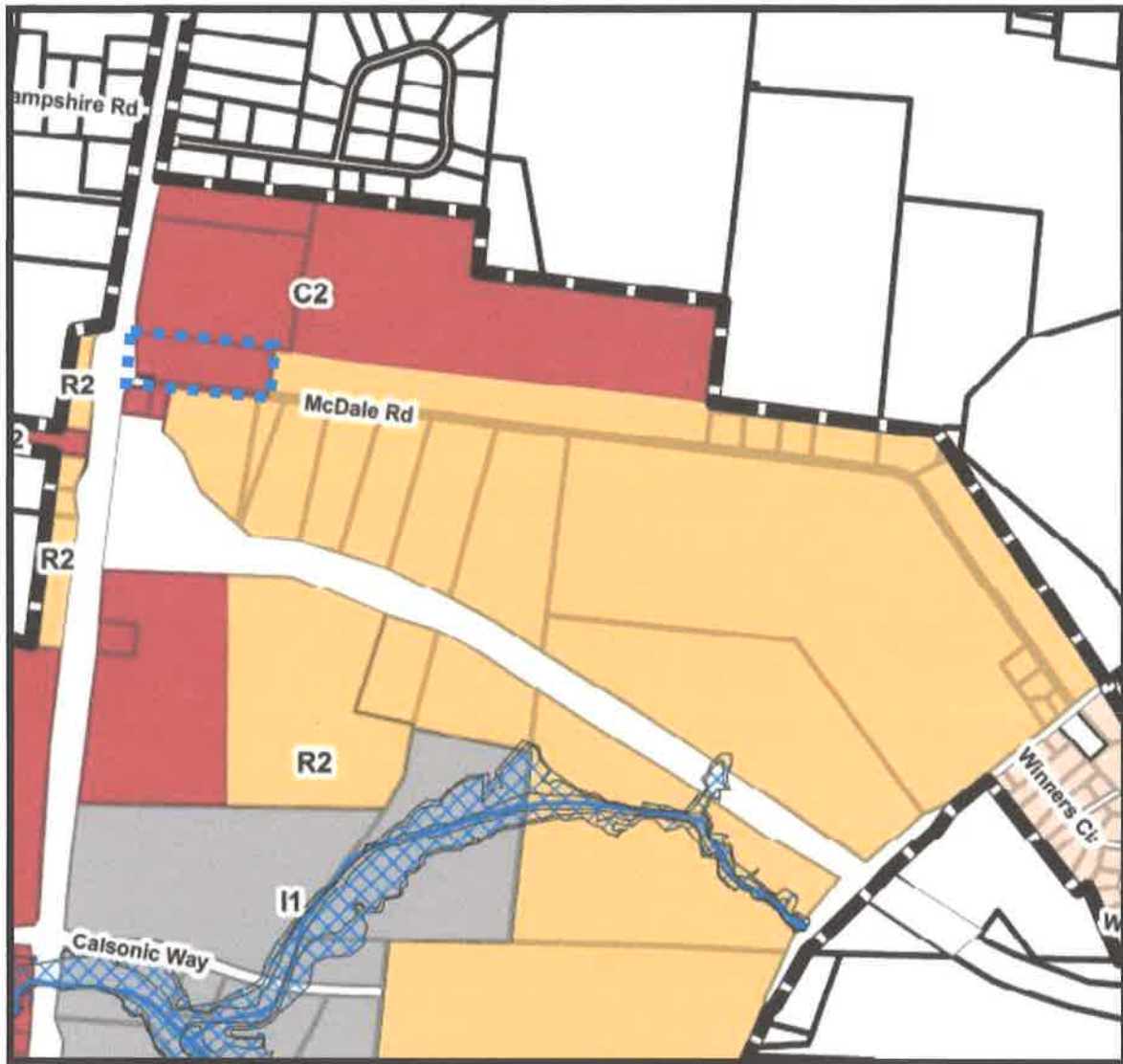


2008 FUTURE LAND USE MAP

Future Land Use Designation – Commercial

Tax Map 069 Parcel 5.06

Currently Zoned Commercial-2 (C-2)



CURRENT ZONING MAP

Tax Map 069 Parcel 5.06

Currently Zoned Commercial-2 (C-2)

ORDINANCE 2019 - 1099

AN ORDINANCE OF THE OF THE CITY OF SHELBYVILLE, TENNESSEE TO APPROVE THE REZONING OF 10.79 (+/-) ACRES OWNED BY GEORGE PRICE, MIKE PRICE, AND JAN TAYLOR LOCATED SOUTHWEST OF THE INTERSECTION BETWEEN HIGHWAY 437 AND FAIRFIELD PIKE AND REFERENCED ON BEDFORD COUNTY TAX MAP 069, PART OF PARCEL 30.00 FROM R-2 (LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL BUSINESS DISTRICT), AND REPEALING ANY ORDINANCE OR PORTION OF ORDINANCE IN CONFLICT THEREWITH.

WHEREAS, the requested zone district of Commercial-2 (C-2) is not in compliance with the Future Land Use Map Designation of Low Density Residential as found in the Shelbyville Comprehensive Plan (2008); and

WHEREAS, Tax Map 60 Parcel 30.00 was bisected by the construction of Highway 437; and

WHEREAS, this portion of Tax Map 60 Parcel 30.00 is further bisected by Little Hurricane Creek and the associated Floodway and Floodplain; and

WHEREAS, placing commercial development along a major arterial road such as Highway 437 is a reasonable planning and design approach; and

WHEREAS, using Little Hurricane Creek and the associated flood hazard areas as a buffer between the requested C-2 zone district and the existing R-2 zoning on the southern portion of the property is a reasonable planning and design approach; and

WHEREAS, the Municipal Planning Commission of the City of Shelbyville have recommended approval of this rezoning from R-2 to C-2 at the October 24, 2019 meeting;

Now, THEREFORE, LET IT BE ORDAINED THAT:

1. The City Council of the City of Shelbyville approves this rezoning of the property referenced on Bedford County Tax Map 069, Parcel 30.00 from R-2 to C-2
2. This Ordinance will take effect 15 days after its final approval.

APPROVED:

Wallace Cartwright 12/12/19
Wallace Cartwright, Mayor Date

APPROVED AS TO FORM:

Ginger Shofner 12/12/19
City Attorney Ginger Shofner Date

1st Reading 11/14/19
Public Hearing 12/12/19
2nd Reading 12/12/19

ATTESTED:



Lisa Smith, City Recorder

12/12/19
Date

CITY OF SHELBYVILLE PRE-PLANNING

FINAL COMMENT SHEET

Date of Circulation for Review: Tuesday, October 1st, 2019
Date of Pre-Planning Meeting: Thursday, October 3rd, 2019
Date Comments Sent: Tuesday, October 10th, 2019
Type of Approval: Requesting Recommendation for Rezoning

Project Name: Highway 437 & Fairfield Pike
Project Description: Requested Rezoning from Residential-2 (R-2) to Commercial-2 (C-2)
Applicant: Kendall Barrett
Property Owner: George Price, Mike Price, and Jan Taylor
Current Zoning: Residential-2 (R-2)
Requested Zoning: Commercial-2 (C-2) (Approximately 16 acres)
Parcel ID: Tax Map 69 Part of Parcel 30.00
(Southwest Corner of Hwy 437 and Fairfield Pike Intersection)
Acreage: Total Acreage - 41 (+/-) acres
Area of Rezoning Request – 16(+/-) acres

Police Department:

1. No Comments at this time.

Fire Department:

1. No Comments at this time.

Shelbyville Power, Water, and Sewer:

1. No Comments at this time.

Building and Codes:

1. No Comments at this time.

Public Works/Engineering:

1. No Comments at this time.

Planning:

This parcel (Tax Map 69 Parcel 30.00) was bisected by the construction of Highway 437 By-Pass. The portion of Parcel 30.00 south of Highway 437 is currently zoned Residential-2 (R-2) and the owner is requesting to rezone 10.79 (+/-) acres to Commercial-2 (C-2) while maintaining the R-2 zoning on the remaining 27.71 (+/-) acres. The 10.79 (+/-) acres requested for rezoning fronts onto Highway 437 and is buffered from the remaining 27.71 (+/-) acres of R-2 zoning by Little Hurricane Creek that flows through the property. The owner/applicant wishes to utilize the existing mature trees along the creek and the associated flood hazard area as a buffer between the requested C-2 zoning and the existing R-2 zoning. A rezoning exhibit is attached to this Comment Sheet that shows the area of rezoning.

To the north and south are properties zoned Residential-2 (R-2). To the west properties zoned Residential-2 (R-2) and Industrial-1 (I-1) (Vacant property owned by Calsonic). To properties to the east are located within Bedford County. The current zoning, R-2, is classified as Low Density Residential and the requested zone district of C-2 is classified as General Business District. The Future Land Use Map, found in the 2008 Comprehensive Plan, classifies the future land use of this property as to be Low Density Residential. All surrounding properties are also classified under the Low Density Residential future land use.

Although the 10.79 (+/-) acres along Highway 437 are classified as future land use Low Density Residential, the development concept of placing commercial development along major arterial roadways is a standard pattern of development. Also, given the location of the large flood hazard area on the property, the property along Highway 437 is essentially cut-off from the southern portion of the property, meaning any residential development along Highway 437 would require crossing the creek and the flood hazard area to provide a primary and/or secondary access onto Fairfield Pike to provide residential traffic the ability to access the traffic signal at Highway 437 and Fairfield Pike. Given the location of the property and constraints provided by Little Hurricane Creek and the associated floodways and floodplain areas, the attached concept plan is a reasonable planning and design approach.

STAFF RECOMMENDATION: Due to the rezoning request being in conflict with the adopted Future Land Use Map (2008) classification of Low Density Residential, Staff cannot formally recommend approval of this rezoning request. However, Staff can state that the provided concept plan is a reasonable planning and design approach for this property given its location and physical constraints due to the presence of Little Hurricane Creek and the associated floodway and floodplain areas.

If after discussion and consideration, the Planning Commission desires to provide a favorable recommendation to City Council regarding the rezoning request for Tax Map 69 Parcel 30.00, then the following two (2) notifications/comments would apply.

1. The applicant shall be aware the potential City Council meeting dates for this rezoning are as follows:
 - a. Study Session – November 5th
 - b. Regular Session – November 14th (First Reading)
 - c. Regular Session – December 12th (Public Hearing and Second Reading)
2. The attached Concept Plan is not up for consideration before the Planning Commission or the City Council as part of this rezoning request. Any future development on this property will be required to follow the required approval process or processes as defined within the Shelbyville Zoning Ordinance and/or Shelbyville Subdivision Regulations.



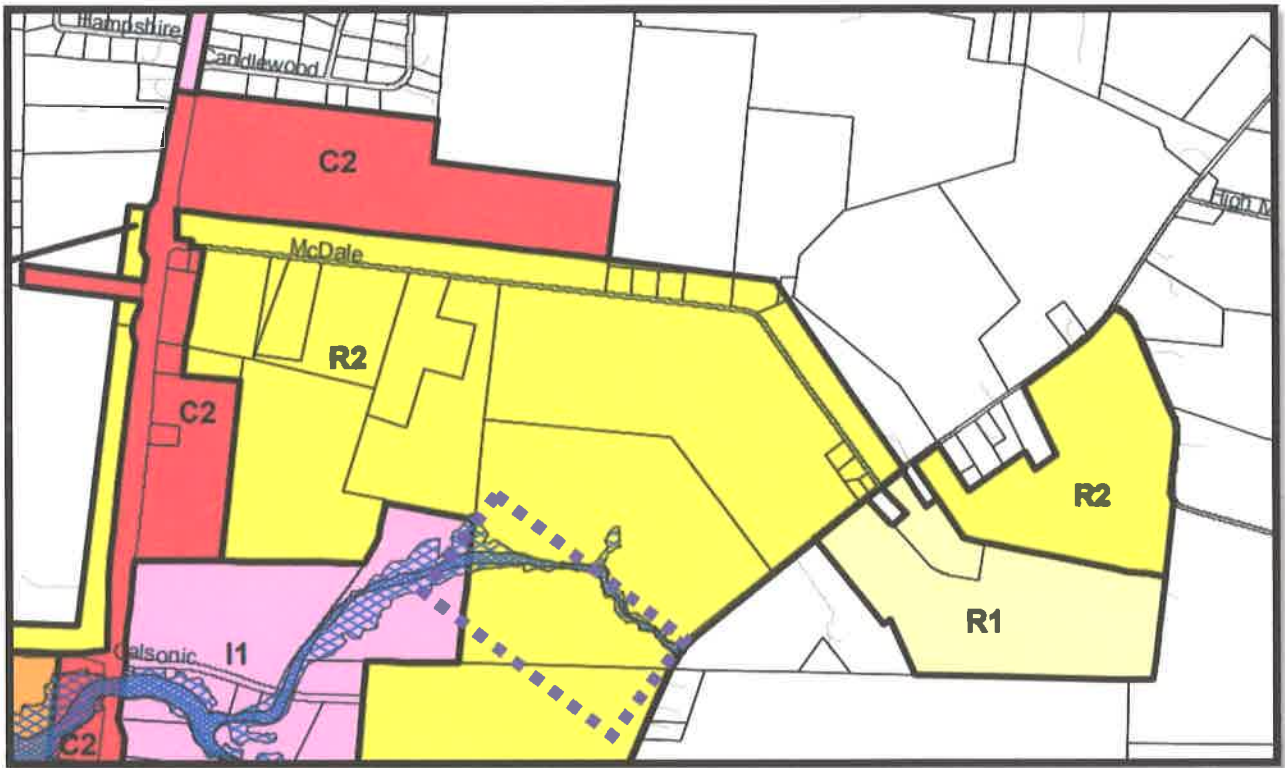
Tax Map 069 Parcel 030.00

Currently Zoned Residential-2 (R-2)

Future Land Use Map Designation: Low Density Residential

Requested Rezoning is from R-2 to C-2 for the area between an existing stream/creek and Hwy 437.

Portion South of existing stream/creek will remain R-2.



2008 ZONING MAP

Tax Map 069 Parcel 030.00

Currently Zoned Residential-2 (R-2)

Approximate Location of new parcel after parcel was bisected by Hwy 437.



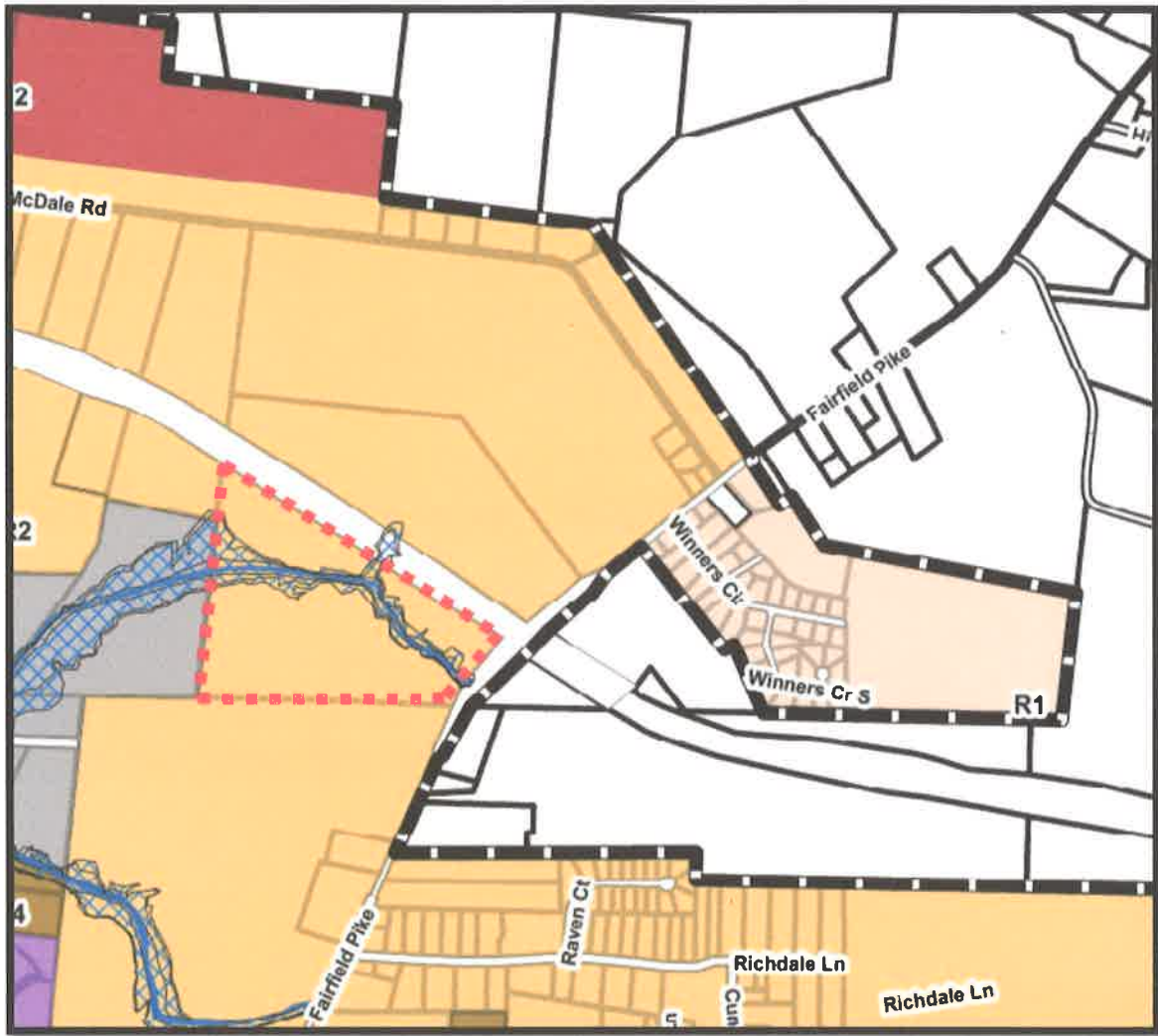
2008 FUTURE LAND USE MAP

Future Land Use Designation – Low Density Residential

Tax Map 069 Parcel 030.00

Currently Zoned Residential-2 (R-2)

Approximate Location of new parcel after parcel was bisected by Hwy 437.



CURRENT ZONING MAP

Tax Map 069 Parcel 030.00

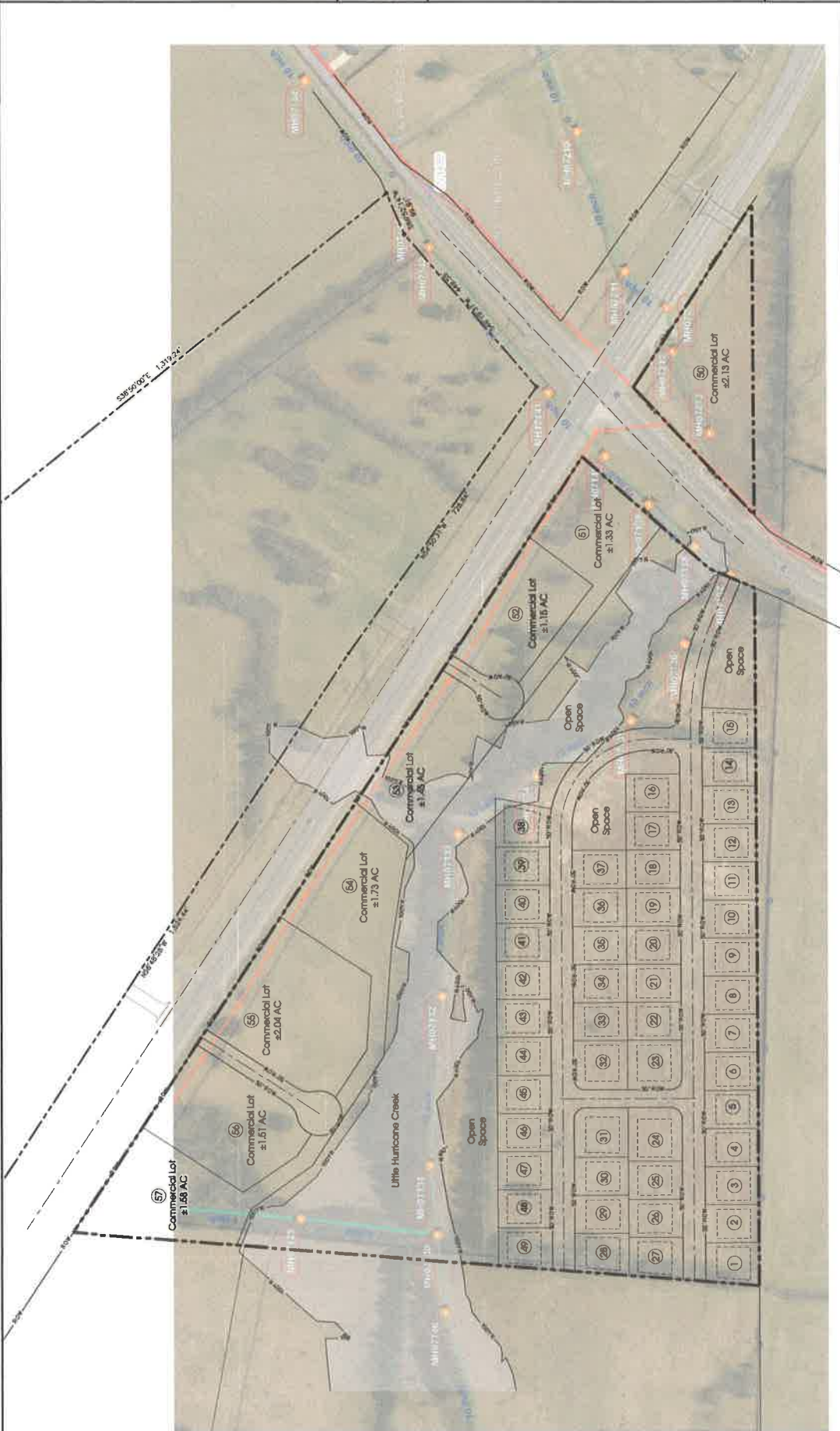
Currently Zoned Residential-2 (R-2)

SITE ENGINEERING CONSULTANTS
 ENGINEERING • SURVEYING • LAND PLANNING
 LANDSCAPE ARCHITECTURE
 950 MIDLAND AVENUE, SUITE 200
 MEMPHIS, TENNESSEE 38103
 PHONE: (901) 590-2801 FAX: (901) 590-2807
 E-MAIL: info@secinc.com
 www.secinc.com



Barrett Concept
 Shelbyville, TN

Concept Plan 'A'
 SHEET: CP 'A'
 DATE: 12/15/2023
 SCALE: 1" = 100'
 100' 0 100' 200'



CONCEPTUAL SITE PLAN 'A'
 SHEET: CP 'A'

Legend:

- 1" = 100'
- 100' 0 100' 200'
- SCALE: 1" = 100'
- Keep what's below. Call before you dig.
- 811
- Call before you dig.
- Keep what's below. Call before you dig.

OWNERS OF RECORD: Please note that all property owners of record must be denoted below. If there are additional Owners of Record, please provide their information on another sheet and attach to this application. Married individuals may be listed on this form as one

Name: See Attached - 3 owners

Address (no P.O. Box Numbers): _____

Phone Number: () _____

Email: _____

PROPERTY OWNER'S REPRESENTATIVE – This person shall serve as the applicant on behalf of the Property Owner(s) **listed on this application**. This person shall serve as the City of Shelbyville's primary contact during the review process. The Property Owner(s) agree that this person shall have the full authority to speak to and make representations to City staff about the project on behalf of the Property Owner(s).

Name: Kendall Barrett

Address (no P.O. Box Numbers): 1541 Avon Road, Murfreesboro, TN, 37129

Phone Number: () 615-294-6931

Email: KendallPBarrett@gmail.com

PROPERTY INFORMATION

Property Address (if not numbered, nearest major cross streets): TN Hwy 437 + Fairfield Pike

Tax Map and Parcel Number(s): 069 030.00

Total Acreage of Property: 41 acres (Southern portion of property)

Current Zoning of Property: R2 - Low Density Residential

Requested Zoning Classification: R2 + C2

Current Use of Property: vacant



OWNERS OF RECORD: Please note that all property owners of record must be denoted below. If there are additional Owners of Record, please provide their information on another sheet and attach to this application. Married individuals may be listed on this form as one

Name: George Price

Address (no P.O. Box Numbers): 1450 Rarity Bay Parkway, Vonore, TN 37885

Phone Number: () 865-924-2785

Email: GEPrice13@icloud.com

Name: Mike Price

Address (no P.O. Box Numbers):

Phone Number: () 770-329-2207

Email: Mike.Price@epicbrokers.com

Name: Jan Taylor

Address (no P.O. Box Numbers):

Phone Number: () 678-468-4597

Email: JPTaylor@beechhillgroup.com

ORDINANCE NO. 2019-1100

AN ORDINANCE TO AMEND THE ADOPTED BUDGET ORDINANCE (AS AMENDED) OF THE CITY OF SHELBYVILLE, TENNESSEE VARIOUS FUNDS, FOR THE FISCAL YEAR 2019-2020, THE PERIOD ENDING JUNE 30, 2020.

WHEREAS, The Mayor and City Council of the City of Shelbyville on June 18, 2019, following public hearing adopted Ordinance No. 2019-1086 establishing the Fiscal Year 2019-2020 Annual Budget; and

WHEREAS, the City of Shelbyville, Tennessee is in need to make various adjustments and amendments to various funds within the Budget for FY 2019-2020 to reflect changes in revenues and expenditures.

NOW, THEREFORE, BE IT ORDAINED by the City of Shelbyville, Tennessee, as follows:

Section 1: That the FY 2019-2020 Annual Budget is amended in the following amounts:

SEE ATTACHMENT 1

General Fund

Capital Projects Fund

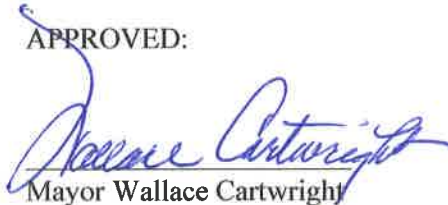
Industrial Development Fund

Police Equipment Fund

Police Drug Fund


Section 2: That this Ordinance shall repeal any Ordinance or parts of any Ordinance in conflict herewith, and shall take effect immediately upon its passage on second and final reading, and after public hearing, the general welfare of the City requiring same.

APPROVED:



Mayor Wallace Cartwright

ATTEST:



City Recorder Lisa Smith

APPROVED AS TO FORM:



City Attorney Ginger Shofner

1st Reading: 11/14/19
Public Hearing: 12/12/19
2nd Reading: 12/12/19

BUDGET AMENDMENTS / NOVEMBER 2019

FUND 110 GENERAL FUND & FUND 807 CAPITAL PROJECTS

110-36350	Insurance Recoveries	12,293		
110-42100-261	Police - Mtn & Repair - Vehicles		8,248	
110-44500-262	Rec Center - Mtn & Repair - Equipment		4,045	Various insurance claim recoveries (car accidents, lightning damage, and a truck fire) that need to be appropriated in the proper departmental expenditure line item.
110-36350	Insurance Recoveries	28,833		
110-49000-764	Transfer to Capital Projects Fund		28,833	
807-37850	Capital Projects - Transfer from General Fund	28,833		
807-43200-958	Capital Projects - Solid Waste - Vehicles		28,833	

110-27100	General Fund - Fund Balance	4,364		Needed to reflect Council's previous approval of amount to match the
110-51000-721	Gen. Fund - Contributions - Argie Cooper Library		4,364	county's contribution. (Total of \$149,829)

110-27100	General Fund - Fund Balance	97,336		
110-44143-341	Animal Control - Expensable Tools (Cages)	10,500		Transfer of funds from General Fund to Capital Projects Fund for Animal Control Expansion that was approved by Council. Includes \$97,336 from
110-49000-764	Transfer to Capital Projects Fund		107,836	Fund Balance and \$10,500 from Animal Control budget that was originally
807-37850	Capital Projects - Transfer from General Fund	107,836		budgeted for cages.
807-44143-951	Capital Projects - Animal Control - Bldg. Improv.		107,836	

FUND 610 INDUSTRIAL DEVELOPMENT FUND

610-27100	Industrial Development - Fund Balance	6,500		
610-34825	Industrial Development - Agriculture Rent	1,000		Appropriate joint city/county funds for additional professional services, promotional video, etc...includes reimbursing the ED&T Board a total of
610-41990-127	Industrial Development - Professional Services		5,500	\$3,418.97 for invoices from St. John Engineering & Northcutt Surveying.
610-41990-236	Industrial Development & Promotion		2,000	

FUND 705 POLICE EQUIPMENT FUND

705-27100	Police Equipment Fund - Fund Balance	1,500		
705-42100-900	Police Equipment Fund - Capital Expenditure		1,500	Purchase of dog cage from 21st Judicial DTF for Drug Dog #2

FUND 706 POLICE DRUG FUND

706-27100	Police Drug Fund - Fund Balance	5,000		
706-42100-781	Police Drug Fund - Drug Dog Expense		2,500	Purchase of Drug Dog #2 from 21st Judicial DTF - We paid one-half of the \$5,000 cost with the 17th Judicial DTF paying the other 1/2. Amendment
706-42100-900	Police Drug Fund - Capital Expenditure		2,500	also appropriates \$2,500 for associated drug dog related expenditures.

FUND 807 CAPITAL PROJECTS FUND

807-36673	Grant (Taxiway Repair) *includes anticipated amendment	468,302		Needed to more accurately reflect revenue and expenditures for this fiscal
807-44800-959	Capital Projects - Airport - Infrastructure		468,302	year based on more recent projections. Council has already increased the city's contribution by \$10,500 in an earlier amendment.
				(\$175,000 runway project amendment is still pending with the State.)