

## **FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT**

**NAME OF PROJECT:** Zoning Ordinance Text Amendment

**PROJECT DESCRIPTION:** Ordinance 2012-11, a text amendment to amend Chapter 4, Section 4.2.2, Section 4.2.4, and Chapter 2, Section 2.4.3 of the Zoning Ordinance to add Temporary Field Office and Temporary Place of Business to the Temporary Uses and Structures Table with Specific Regulations

**APPLICANT:** Catherine Powers, Planning and Sustainability Director

**PROJECT STAFF:** Catherine Powers, Kelly Dannenfelser

**RECOMMENDATION:** Favorable recommendation of the Zoning Text Amendment

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### **BACKGROUND:**

This Zoning Ordinance Text Amendment is proposed to add to the list of permitted temporary uses/structures a Temporary Field Office and a Temporary Place of Business. The Temporary Field Office would permit businesses who wish to redevelop or significantly rehabilitate their properties to continue to operate on-site during the construction period.

The Temporary Place of Business would assist businesses whose buildings are destroyed or deemed unsafe for occupancy following a natural disaster or natural hazard. The amendment would allow a business to operate in a temporary structure for a period of time without site plan approval.

### **STAFF RECOMMENDATION TO FMPC:**

Favorable recommendation onto BOMA

### **FUTURE ACTION/INFORMATION REQUIRED:**

This Zoning Ordinance Text Amendment requires a recommendation by the FMPC and three readings, including a Public Hearing by the BOMA

**ORDINANCE 2012-11**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.2.2, SECTION 4.2.4, AND CHAPTER 2, SECTION 2.4.3 OF THE CITY OF FRANKLIN ZONING ORDINANCE REGULATING TEMPORARY USES AND STRUCTURES.”**

**WHEREAS**, the City of Franklin encourages significant redevelopment and investment in the community;

**WHEREAS**, the City acknowledges the desire for businesses who substantially redevelop their property to continue to operate on-site throughout the construction period; and

**WHEREAS**, the City is addressing the need for businesses to continue operating whose permanent place of business was destroyed or deemed unsafe for human occupancy by natural disaster or other natural hazard;

**WHEREAS**, this Ordinance revises the Temporary Uses Section to add a Temporary Field Office and Temporary Place of Business with specific regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF FRANKLIN, TENNESSEE, AS FOLLOWS:**

**SECTION I.** That Chapter 4, Section 4.2.2 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

4.2 TEMPORARY USES

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4.2.2 Table of Allowed Temporary Uses and Structures

Table 4-2 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

<b>TABLE 4-2: TEMPORARY USES AND STRUCTURES</b>			
<b>Temporary Use or Structure</b>	<b>Allowable Duration (per site)</b>	<b>Permit Required [2]</b>	<b>Additional Requirements</b>
<i>TEMPORARY STRUCTURE</i>			
Construction Dumpster	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(2)
Construction Trailer	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(3)
Real Estate Sales	Until 85% occupancy	Building Permit	Sec. 4.2.4(4)

<b>TABLE 4-2: TEMPORARY USES AND STRUCTURES</b>			
<b>Temporary Use or Structure</b>	<b>Allowable Duration (per site)</b>	<b>Permit Required [2]</b>	<b>Additional Requirements</b>
Office/Model Sales Home	of the phase is reached		
Temporary Housing	90 days per calendar year	Building Permit	Sec. 4.2.4(5)
<b>Temporary Field Office</b>	<b>Sec 4.2.4(10)(c)</b>	<b>Building Permit</b>	<b>Sec. 4.2.4(10)</b>
<b>Temporary Place of Business</b>	<b>6 months (extension possible)</b>	<b>Building Permit</b>	<b>Sec. 4.2.4(11)</b>
Temporary Storage in a Portable Container	30 days over a five-year period	None [2]	Sec. 4.2.4(6)
Temporary Structure (as part of an educational facility or institutional use)	3 years (extension possible)	Building Permit	Sec. 4.2.4(7)
Tent	30 over a one-year period	None [2]	Sec. 4.2.4(1)
<i>TEMPORARY SALE [1]</i>			
Garage/Yard Sales	2 days per event; 8 total days per calendar year	Garage Sale Permit	Sec. 4.2.4(8)
Seasonal Agricultural Sales	120 total days per calendar year	None [2]	Sec. 4.2.4(9)
NOTES:			
[1] The sale of products or services from a vehicle shall be subject to the requirements for a Peddler's Permit (See Section 9-201 of the Municipal Code.) issued by the Business License Division.			
[2] Temporary uses and structures not required to obtain a Building Permit may be required to obtain other permits from other city departments in accordance with the Franklin Municipal Code.			

**SECTION II.** That Chapter 4, Section 4.2.4 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

4.2.4 Specific Regulations for Certain Temporary Uses and Structures

(10) Temporary Field Office

This temporary use is intended for businesses that wish to substantially redevelop their property while operating on-site during the construction period, and may be permitted in accordance with the following:

- (a) **Temporary Field Office uses shall be limited to office and administrative uses and do not involve the interior stocking or interior display of merchandise for immediate sale;**
- (b) **A Temporary Field Office requires administrative Site Plan Review and the applicant shall provide the characteristics of the use, location of the temporary structure, temporary signage, parking, sanitation, landscaping, safety, etc. and shall include a definitive timeframe and construction**

schedule for the permanent building, along with proof of necessity for the temporary field office;

- (c) Upon Site Plan approval, the Director of the Building and Neighborhood Services Department or their designee may issue a Building Permit for the Temporary Field Office to coincide with the construction of the principal structure for a period not to exceed sixty (60) days preceding the start of construction of the principal structure and thirty (30) days beyond the issuance of a Certificate of Occupancy for the principal structure or it shall expire with the Building Permit expiration for the principal structure, whichever is sooner, but in no case shall the period exceed two (2) years, unless approved by the BOMA;
  - (d) Prior to issuance of a Building Permit, a Lot Bond shall be established for the removal of the Temporary Field Office if the structure exceeds the timeframe permitted in Section 4.2.4(10)(c);
  - (e) Temporary Field Offices shall be an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect and shall comply with the City's adopted building and fire codes;
  - (f) The temporary use shall not be contrary to the public interest and will promote the public health, safety, morals, aesthetics and general welfare of the citizens of Franklin.
- (11) **Temporary Place of Business**
- A Temporary Place of Business may be placed upon a site previously occupied by a business without obtaining Site Plan approval provided that:
- (a) The previous permanent place of business was destroyed or deemed unsafe for human occupancy by natural disaster or other natural hazard;
  - (b) The form shall be of an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect;
  - (c) The Temporary Place of Business is located in accordance with the minimum setbacks and required yards to the maximum extent practicable;
  - (d) The Temporary Place of Business remains in place for six months or less; and
  - (e) The duration of placement may be extended for an additional three-month period only by approval of the Department of Building and Neighborhood Services.

**SECTION III.** That Chapter 2, Section 2.4.3 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

- 2.4.3 Site Plan Review
- (3) Exemptions

The following shall be exempted from Site Plan review:

- (a) Individual plans for detached residential uses;
- (b) The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this ordinance;
- (c) Temporary uses **other than Temporary Field Offices**; and
- (d) Critical Lot Plans.

**SECTION IV.** BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

By: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL: \_\_\_\_\_

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_