




HISTORIC
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ITEM #13
WRKS 03/27/2012

MEMORANDUM

March 16, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Vernon Gerth, ACA, Community and Economic Development
Catherine Powers, Planning and Sustainability Director

SUBJECT: Floodway Fringe Overlay

Purpose

The purpose of this memorandum is to provide information to the Board of Mayor and Aldermen (BOMA) regarding the process related to consideration local regulation of the Floodway Fringe Overlay (FFO).

Background

In 1991, the Franklin Zoning Ordinance included a provision which disallowed the platting of any new lots in the Floodplain. In 2004, the City's Land Use Plan recommended that area in the Floodplain allow only limited development as a means of storing floodwater. In 2008, the City of Franklin approved a comprehensive revision to the Zoning Ordinance, which established an Overlay District for the Floodplain areas known as the Flood Fringe Overlay (FFO) and allowed very limited uses in this overlay district. These uses include Active Recreation, Pervious Parking Area and Public Utilities. In May 2010, the City experienced a major flood event, which resulted in damage to many of the existing businesses. Most of those businesses are currently non-conforming uses which under state law allow them to be vacant for 30 months and maintain their status.

Staff has interpreted the status of non-conforming uses to be in compliance with the use type. For example, a drycleaner must be replaced with a drycleaner. Some of the use types are more limited than others and that has caused concern for some owners located in the FFO.

Recently, the City conducted three public meetings to provide information to owners of non-residential property within the FFO. Some of the participants were unaware of the use restrictions and many did not know about the 30 month period for non-conforming uses, which in many cases would end in November 2010.

While the City is dedicated to the principle of the FFO in terms of life safety, we are working at a process to consider the implication of the regulations.

In an effort to give the businesses additional time City Attorney Shauna Billingsley is drafting a Resolution to extend the non-conforming status of the non-residential properties in the FFO. This is based on the natural disaster, being a non-voluntary event, causing the abandonment of these non-conforming uses.



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Staff will also be considering the FFO regulations with the intention of studying other communities and possibly engaging outside assistance in dealing with this complicated issue. A discussion of FFO regulations is tentatively scheduled for the April joint BOMA/Franklin Municipal Planning Commission work shop on April 26th.

Ultimately, staff anticipates bringing a text amendment to the Franklin Municipal Planning Commission and BOMA in the near future to allow contributing historic structure in the FFO to utilize the base district uses.

Financial Impact

Unknown.

Recommendation

The Board is asked to consider the FFO process and provide input to staff.