

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 ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

4.2 TEMPORARY USES

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.

TABLE 4-2: TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permit Required [2]	Additional Requirements
<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	None [2]	Sec. 4.2.4(3)

TABLE 4-2: TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permit Required [2]	Additional Requirements
	Occupancy		
Real Estate Sales Office/Model Sales Home	Until 85% occupancy of the phase is reached	Building Permit	Sec. 4.2.4(4)
Temporary Housing	90 days per calendar year	Building Permit	Sec. 4.2.4(5)
Temporary Field Office	Sec 4.2.4(10)(c)	Building Permit	Sec. 4.2.4(10)
Temporary Place of Business	6 months (extension possible)	Building Permit	Sec. 4.2.4(11)
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 ~~strikethrough~~; 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 ~~strikethrough~~; 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:	<u>02/23/12</u>
PASSED FIRST READING:	<u>3/13/12</u>
PASSED SECOND READING:	_____
PUBLIC HEARING HELD:	_____
PASSED THIRD READING:	_____

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

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



MEMORANDUM

January 2, 2012

TO: City of Franklin Board of Mayor and Alderman

FROM: Eric S. Stuckey, City Administrator 
Vernon Gerth, ACA-Community and Economic Development
Kelly Dannenfelser, Principal Planner

SUBJECT: Limited Use - Temporary Field Offices

Purpose

The purpose of this discussion is to consider the merits of allowing the limited use of temporary structures, under certain conditions, by businesses contemplating the renovation of their existing property.

Background

The new owners of the Ford-Lincoln Automobile Dealership, Automotive Management Services Inc. located at 1129 Murfreesboro Road are contemplating a \$6.5 million renovation of their existing showroom and service facility. Their renovation plans involve vacating and rebuilding the existing showroom followed by commencing work on the service area located immediately behind the showroom. The renovating of the service area will be phased and remain operational during construction.

Table 4.2 of the City's Zoning Ordinance provides guidance for the establishment and use of temporary structures. The structures and uses are limited to:

- Construction Dumpsters;
- Construction Trailers;
- Real Estate Offices/Model Sales Homes;
- Temporary Housing;
- Temporary Structures as part of an educational/institutional use; and
- Tents

This section of the Zoning Ordinance specifically states **temporary uses or structures not listed in the table are prohibited.**

In anticipation of other businesses contemplating property improvements to existing facilities and where improvements are so significant to cause the temporary closure or re-locating of the business, staff recommends allowing existing businesses the option of erecting a "Temporary Field Office" under certain conditions.

Essentially, a Temporary Field Office approval would be granted in conjunction with a Site Plan Approval and Building Permit. The approval would stipulate all conditions as to time, nature of



use, including arrangements for removing the structure within thirty (30) days from the date a Certificate of Use and Occupancy is issued for the renovated permanent structure.

In order to protect the health, safety, and welfare of employees, the public, and adjacent land uses, the City's development and zoning requirements, to the extent possible, will be applied to the Temporary Field Office. Examples of these requirements include setback, off-street parking, exterior lighting, temporary signage, and other minimum building and fire code requirements.

Other elements of an ordinance amendment may include:

1. Approval being applicable to existing, operating businesses at their current location. The ordinance would not be applicable to new or re-locating businesses.
2. Uses limited to professional and general administrative-type offices that do not involve the interior stocking or interior display of merchandise for immediate sale (i.e. cash and carry).
3. Upon Site Plan Approval, the Director of the Building and Neighborhood Services Department or their designee may issue a Temporary Field Office Permit for a period not to exceed sixty days (60) days preceding the start of construction or thirty (30) days beyond the issue date of a Certificate of Occupancy for the principal structure, unless approved by the BOMA.
4. Provisions for a distinct, architecturally-designed covered entrance.
5. Skirting for the trailer to match the siding materials of the trailer in style and color.
6. Details for the location and size of temporary and directional signage.
7. The establishment of a Temporary Field Office includes use of a HUD-Approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect.
8. Establishment of a cash bond for removal of the Temporary Field Office by a specific date.
9. A Temporary Field Office setup permit is required for inspection of utility connections, exiting, skirting, tie-downs, etc.
10. Compliance with City's adopted building and fire codes such as:
 - a. Connected to an approved potable water, sanitary sewer/disposal, and electric services.
 - b. Anchored to the ground by an approved means.
 - c. Installing an address block on the trailer that is visible from the public right-of-way.



- d. Construction plans and details for stairways, guardrails, handrails, walkways, piers, exterior lighting and handicap accessible ramps (include slope, length and total rise of the ramp).
- e. Provisions for a handicap accessible washroom and fixtures including lever type door hardware. The temporary structure shall meet all American Disability Act Accessibility Code requirements
- f. Installation of approved smoke detector(s), fire extinguisher(s), and emergency lighting.

Financial Impact

The benefits are significant. Established businesses who re-invest into their property are making a long-term commitment to the community and local economy. Policies and programs that support the growth of existing businesses strengthen relationships between private business and government, creates and retains jobs, and enhances the local tax base through re-investment. Additionally, when businesses re-invest in facility and property upgrades, neighboring property owners are more likely to consider improvements too.

Recommendation

Authorize staff to proceed with drafting a Zoning Ordinance amendment inclusive of the elements discussed.