

**ORDINANCE 2012-12**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3.4.4 AND SECTION 3.4.5 OF THE CITY OF FRANKLIN ZONING ORDINANCE REGULATING HISTORIC STRUCTURES WITHIN THE FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS.”**

**WHEREAS**, the City of Franklin is a participant in the National Flood Insurance Program (NFIP); and

**WHEREAS**, this ordinance revises the Floodway and Floodway Fringe Overlay Districts to allow for the preservation and continued use of historic, contributing structures.

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

**SECTION I.** That Chapter 3, Section 3.4.4 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:

3.4.4 FWO—Floodway Overlay District

...

(2) Permitted Uses

**(a) The following shall be permitted new uses/encroachments:**

- (i)** Passive parks, golf courses, and open space;
- (ii)** Temporary uses, as regulated by Section 4.2, that do not include permanent structures; and
- (iii)** Public and private infrastructure, as defined in Chapter 8 of the ordinance and in accordance with the Stormwater Management Ordinance.

**(b) The following uses, lawfully established prior to July 1, 2008, shall be allowed to continue under the following provisions:**

- (i)** **Historic structures within the HPO that are either contributing to or determined eligible for the National Register of Historic Places shall be allowed to enlarge, expand, alter, or perform major repairs, subject to the provisions of Section 5.8.5 and subject to review by the Historic Zoning Commission. In addition to the FWO permitted uses /encroachments in Section 3.4.4(2)(a), these structures may be used in accordance with the permitted uses of their base zoning districts. Whether or not a structure is either contributing or eligible for the**

**National Register of Historic Places shall be determined by the State  
Historic Preservation Office.**

**SECTION II.** That Chapter 3, Section 3.4.5 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:

3.4.5 FFO—Floodway Fringe Overlay District

...

(2) Permitted Uses

...

(a) The following shall be permitted new uses/encroachments:

...

(b) The following uses, lawfully established prior to July 1, 2008, shall be allowed to continue under the following provisions:

- (i) Industrial, commercial, or other business shall be allowed to enlarge, expand, alter, or perform major repairs, subject to provisions of Section 4.3 Nonconformities;
- (ii) Residential structures and accessory structures shall be allowed to repair, rebuild, or expand, subject to the provisions of 5.8.5(4)(b)(1) Residential Structures; ~~and~~
- (iii) Residential uses shall be allowed to construct new accessory structures, subject to the provisions of Section 4.1 and 5.8.5(4)(b); **and**
- (iv) **Historic structures within the HPO that are either contributing to or determined eligible for the National Register of Historic Places shall be allowed to enlarge, expand, alter, or perform major repairs, subject to the provisions of Section 5.8.5 and subject to review by the Historic Zoning Commission. In addition to the FFO permitted uses/encroachments in Section 3.4.5(2)(a), these structures may be used in accordance with the permitted uses of their base zoning districts. Whether or not a structure is either contributing or eligible for the National Register of Historic Places shall be determined by the State Historic Preservation Office.**

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: \_\_\_\_\_  
ERIC S. STUCKEY  
CITY ADMINISTRATOR/RECORDER

BY: \_\_\_\_\_  
DR. KEN MOORE  
MAYOR

PLANNING COMMISSION RECOMMENDED:

5/24/12

PASSED FIRST READING:

6/21/12

PUBLIC HEARING HELD:

\_\_\_\_\_

PASSED SECOND READING:

\_\_\_\_\_

PASSED THIRD READING:

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## MEMORANDUM

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June 1, 2012

TO: Board of Mayor and Aldermen

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

SUBJECT: Ordinance 2012-12, Zoning Text Amendment to amend Chapter 3, Sections 3.4.4 and 3.4.5, of the *City of Franklin Zoning Ordinance*

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an amendment to Chapter 3, Sections 3.4.4 and 3.4.5, of the *City of Franklin Zoning Ordinance*.

### **Background**

In 2008, the Zoning Ordinance established limited new permitted uses within the Floodway and Floodway Fringe Overlay (FWO and FFO), making all existing uses legally nonconforming. Residential is allowed to continue. Existing nonresidential uses may continue as the same use type (as defined by Table 3-2), but may not change use and will lose their legally nonconforming status if abandoned for more than 30 months.

Some of the impacted nonresidential properties include historic structures that are identified as contributing to the Downtown Historic District listed on the National Register of Historic Places (NR). These buildings are also located in the local Historic Preservation Overlay District (HPO), along Third Avenue North, Fourth Avenue North and Bridge Street. See page 2 for a summary.

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of historic buildings in order to preserve them for future generations. In order to preserve and continue to use these community-valued resources at the local level, broadening allowed uses and providing relief from the 30-month nonconforming status limitation are recommended.

The Office Residential (OR) and Central Commercial (CC) Districts both contain historic buildings within the FFO/FWO. The proposed text amendment applies to contributing historic structures and allows all use types within the Base Zoning District. See page 3 for a summary of existing uses and how the amendment would expand the allowed uses.



HISTORIC  
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TENNESSEE

# MEMORANDUM

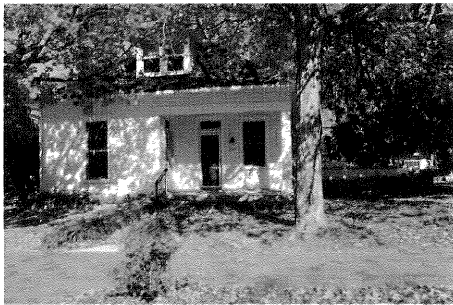
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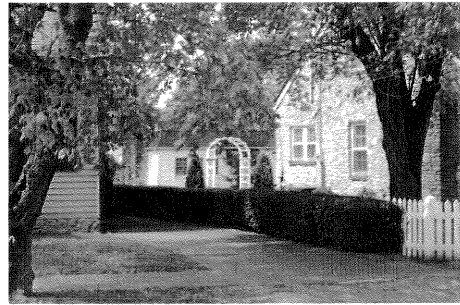
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Office Residential, FFO



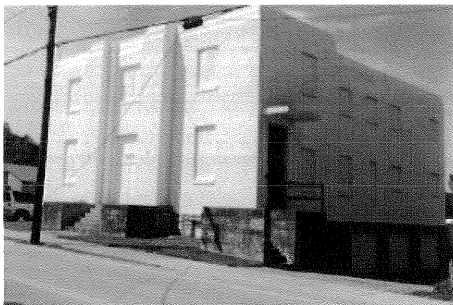
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Office Residential, FFO



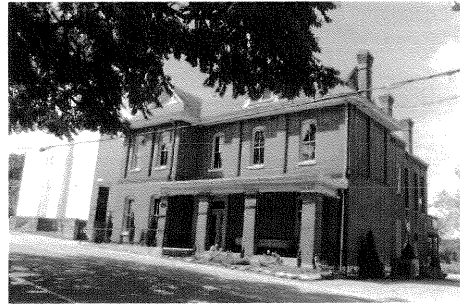
232 Third Avenue N  
Office Residential, FFO



223 Fourth Avenue N  
Office Residential, FFO



112 Bridge Street  
Central Commercial, FFO



108 Bridge Street  
Central Commercial, FFO



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## MEMORANDUM

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Contributing historic structures (with nonresidential uses) include the six shown above in the FFO. They are located on Third Ave. N., Fourth Ave. N. and Bridge Street within the HPO.

Two buildings are currently vacant. The 236 Third Avenue North building was an office prior to the 2010 Flood and is within the 30-month legally nonconforming window. The City-owned Art Deco Jail (112 Bridge Street) has been vacant for more than 30 months and may be used for FFO uses.

There are approximately a half dozen other structures that the State Historic Preservation Office may determine to be eligible as contributing to the National Register Historic District.

This text amendment was recommended by the FMPC with a 5-1 vote at the May 24, 2012 FMPC meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of Ordinance 2012-12 is recommended.