

**ORDINANCE 2012-40**

**TO BE ENTITLED “AN ORDINANCE TO ZONE/REZONE ± 6.44 ACRES TO NEIGHBORHOOD COMMERCIAL (NC), WEST HARPETH CHARACTER AREA OVERLAY DISTRICT 1 (WHCO-1), AND TRADITIONAL DEVELOPMENT STANDARDS SHALL APPLY FOR THE PROPERTIES LOCATED ALONG THE SOUTH SIDE OF NEW HIGHWAY 96 WEST, 220 FEET WEST OF WESTHAVEN BOULEVARD (1973 NEW HIGHWAY 96 WEST/ANIMALIA).”**

SECTION I: BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the following described property shall be, and is hereby, zoned/rezoned to Neighborhood Commercial (NC), West Harpeth Character Area Overlay District 1(WHCO-1), and Traditional Development Standards shall apply:

Commencing at the north right-of-way line of New Highway 96 West, which is also a point along the south line of Parcel 64-22.01; thence south approximately 531 feet along the east line of Parcel 64-26.00; thence west approximately 270 feet along the south line of Parcel 64-26.00, which is also the north line of a portion of Parcel 64O-B-1.00; thence south 140 feet along the south line of Parcel 64-26.00, which is also the north line of a portion of Parcel 64O-B-1.00; thence west and north approximately 853 feet along the west line of Parcel 64-26.00, which is also the east line of Parcel 64O-G-4.00, where the north right-of-way line of New Highway 96 West intersects the south line of Parcel 64-22.01; thence east approximately 547 feet along the north right-of-way line of New Highway 96 West, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Zoning Reference Number: 11-05:

Map-Parcel	Acres
064-26.00	6.38
064-27.00	.06
Total	6.44

SECTION II: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect 30 days upon passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: \_\_\_\_\_  
ERIC STUCKEY  
CITY ADMINISTRATOR

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

PLANNING COMMISSION RECOMMENDED:

6/28/12

PASSED FIRST READING:

\_\_\_\_\_

PUBLIC HEARING HELD:

\_\_\_\_\_

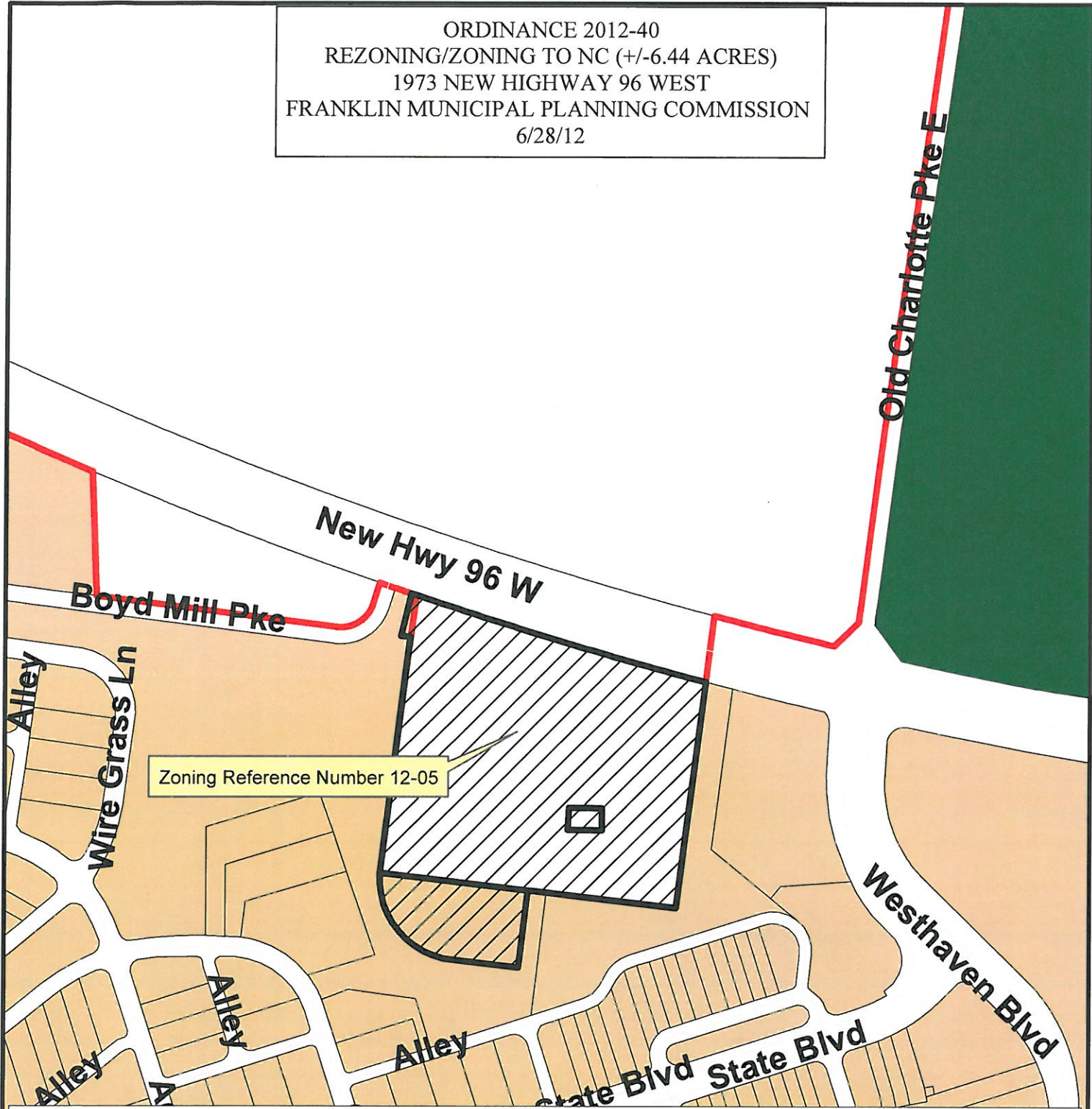
PASSED SECOND READING:

\_\_\_\_\_

PASSED THIRD READING:







\_\_\_\_\_

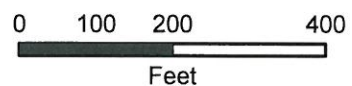
ORDINANCE 2012-40  
 REZONING/ZONING TO NC (+/-6.44 ACRES)  
 1973 NEW HIGHWAY 96 WEST  
 FRANKLIN MUNICIPAL PLANNING COMMISSION  
 6/28/12



This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials (c) copyright 2012. All rights reserved.

**Legend**

- |   |   |
|---|---|
|  1973 New Highway 96 West           |  GO General Office District          |
| <b>Zoning</b>   |  CC Central Commercial District      |
|  AG Agricultural District           |  NC Neighborhood Commercial District |
|  ER Estate Residential              |  GC General Commercial District      |
|  R-1 Residential District           |  MN Neighborhood Mixed-Use District  |
|  R-2 Residential District           |  ML Local Mixed-Use District         |
|  R-3 Residential District           |  MX Regional Mixed-Use District      |
|  Historic Core Residential District |  LI Light Industrial District        |
|  RX Residential Variety             |  HI Heavy Industrial District        |
|  OR Office Residential District     |  CI Civic and Institutional District |





July 10, 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  
Jonathan Langley, Long-Range Planning Supervisor

**SUBJECT:** Ordinance 2012-40, an ordinance to zone/rezone ± 6.44 acres to Neighborhood Commercial (NC), West Harpeth Character Area Overlay District 1 (WHCO-1), and Traditional Development Standards shall apply for the properties located along the south side of New Highway 96 West, 220 feet west of Westhaven Boulevard (1973 New Highway 96 West/Animalia)

**Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance to zone/rezone ± 6.44 acres to Neighborhood Commercial (NC), West Harpeth Character Area Overlay District 1 (WHCO-1), and Traditional Development Standards shall apply for the properties located along the south side of New Highway 96 West, 220 feet west of Westhaven Boulevard (1973 New Highway 96 West/Animalia).

**Background**

This ordinance was favorably recommended to the BOMA by a unanimous vote (7-0) at the June 28, 2012, FMPC Meeting. The project information and comments from the FMPC staff report are included below.

PROJECT INFORMATION	
<b>Existing Land Use</b>	Veterinary Facilities and Reeves Cemetery
<b>Proposed Zoning</b>	Neighborhood Commercial (NC), West Harpeth Character Area Overlay District 1 (WHCO-1), Traditional Development Standards Shall Apply
<b>Acreage</b>	±6.44 acres

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Agricultural	County
<i>South</i>	Mixed-Use	ML
<i>East</i>	Open Space	ML
<i>West</i>	Detached Residential/Open	ML



INFRASTRUCTURE AVAILABILITY	
Water	H.B. & T.S.
Sewer	Available;
Reclaimed Water	N/A;

**PROJECT REVIEW**

**STAFF RECOMMENDATION:** Favorable recommendation to BOMA.

**COMMENTS:**

At the January 26, 2010, BOMA meeting, the BOMA voted to allow extension of sanitary sewer service to the property located at 1973 New Highway 96 West (formerly 3105 Boyd Mill Pike) with a condition that the City begin the annexation process on January 22, 2012. At current, the property contains a veterinary facility (Animalia) and a cemetery (Reeves Cemetery).

Ordinance 2012-40 is proposed as an accompanying item to the annexation of this property. There is a small area associated with this zoning/rezoning that is currently within the City of Franklin and is zoned ML; therefore this acreage is not included in the annexation ordinance. Staff is recommending that the property (including the area currently in the City) be zoned Neighborhood Commercial (NC) since: 1) the requirements for the Local Mixed-Use District (ML) could not be applied to the property given its small size and 2) the NC District will not create a non-conformity on this lot. Additionally, it is recommended that the West Harpeth Character Area Overlay District 1 (WHCO-1) apply to the property since all areas on the south side of New Highway 96 West are within the WHCO-1 Character Area Overlay. The third overlay (Traditional Development Standards Shall Apply) relates to the setbacks and development standards applicable to the area and will be in keeping with the designation for areas on the south side of New Highway 96 West. Again, the additional area not associated with the annexation, but currently within the City of Franklin, is included so that the zoning coincides with the parcel lines (see attached map for more detail).

**Financial Impact**

Not applicable to this item.

**Options**

Not applicable to this item.

**Recommendation**

Approval of Ordinance 2012-40 is recommended.