



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #5  
WRKS 02/12/13

## MEMORANDUM

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February 1, 2013

TO: Board of Mayor and Aldermen

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

SUBJECT: Ordinance 2013-03, Zoning Text Amendment to amend various chapters and sections to clean-up and clarify requirements within 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 various chapters and sections throughout of the *City of Franklin Zoning Ordinance* to clean-up and clarify requirements.

### **Background**

This Zoning Ordinance Text Amendment is proposed by the City Staff in effort to clarify inconsistencies and make minor changes within the *Franklin Zoning Ordinance (FZO)*. All of the proposed changes within Ordinance 2013-03 are intended to 1) provide consistency between various sections within the *FZO* where obvious inconsistencies exist, 2) provide further detail to make certain requirements within the *FZO* less ambiguous or 3) correct minor textual errors within the *FZO*.

### **Changes included in Ordinance 2013-03**

- Subsection 3.3.1 has been revised to clarify the measurement of building heights.
- Subsection 4.1.6 has been revised to clarify the standards for storage or parking of heavy trucks, trailers, or major recreational equipment.
- Subsection 4.2.2 has been revised to clarify the status of Temporary Holiday Storage in Portable Containers.
- Subsection 5.3.9 has been revised to bring the garage standards in Section 5.3.9 into conformance with provisions revisions to the main set of garage standards in Section 3.3.5(2)(d).
- Subsection 5.12.11 has been revised to provide clarification to Temporary Signage requirements.
- Subsection 6.2 has been revised to permit a facsimile presentation of a letter of credit.
- Corrections to erroneous citations and misspellings

This text amendment was recommended unanimously (8-0) by the Planning Commission at the January 24, 2013 FMPC meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the text amendment.

ORDINANCE 2013-03

TO BE ENTITLED: "AN ORDINANCE TO AMEND VARIOUS CHAPTERS AND SECTIONS OF THE CITY OF FRANKLIN ZONING ORDINANCE TO CLARIFY REQUIREMENTS AND CORRECT MINOR TEXTUAL ERRORS."

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

**SECTION I.** That Chapter 3, Section 3.3.1 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:

3.3.1 Measurements, Computations, and Exceptions

...

(4) Setbacks, and Yards, **and Height**

...

(h) Height Measurement

- (i) ~~Where specified in stories, B~~building height shall be measured in the number of complete stories above the finished grade for any **building elevation fronting on a public street**, including habitable attics, half-stories, mezzanines, and at-grade structured parking, but excluding:

**SECTION II.** That Chapter 4, Section 4.1.6 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:

4.1.6 Additional Standards for Certain Accessory Uses

...

(14) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

(a) Intent

It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on public streets and within yards adjacent to public streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. **It is the intent of this subsection to prohibit the customary or continual parking of these vehicles and equipment in any area not designed and designated for the storage of these vehicles.** It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

...  
(c) Standards

...  
**(iii) Other Zoning Districts**

**No heavy truck, trailer, or major recreational equipment shall be parked or stored for more than one day in an area not designed and designated for heavy vehicle storage.**

~~(iii)~~ **(iv) Agricultural and Other Districts**

The limitations in **the** subsections ~~(i)~~ and ~~(ii)~~ above shall not apply to public streets or lots within the AG District.

**SECTION III.** That Chapter 4, Section 4.2.2, Table 4-2: Temporary Uses and Structures and 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:

4.2.2 Table of Allowed Temporary Uses and Structures

<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>
<b>TEMPORARY STRUCTURE</b>			
<b>Temporary Holiday Storage in a Portable Container</b>	<b>November 1 – January 31</b>	<b>Yes</b>	<b>Sec. 4.2.4(7)</b>

...

4.2.4 Specific Regulations for Certain Temporary Uses and Structures

...

(6) **Temporary Storage in a Portable Shipping Container and Temporary Holiday Storage in a Portable Shipping Container**

Temporary ~~s~~**Storage and Temporary Holiday Storage** in a portable shipping container shall be permitted to serve an existing use, subject to the following standards. A portable shipping container shall not be located:

...

- (d) In a manner that impedes ingress, egress, or emergency access; ~~and~~.
- ~~(e) On an individual parcel or site for more than 30 days total over any five-year period.~~

**SECTION IV.** That Chapter 5, Section 5.3.9 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:

5.3.9 Traditional Neighborhood Development (TND)

...

(6) Individual Lot Types

...

(b) Street-Loaded Detached Residential Lots

...

(iii) Garage Requirements

Garages shall be designed in accordance with Subsection 5.3.5(2)(d), Garage Standards, and shall maintain a consistent level of architectural styling and detail as used on the principal dwelling. Garages may be either detached or attached. Garage doors opening directly onto public streets are not permitted. ~~Garages shall be set back behind the main body of the house at least 20 feet.~~ Street-facing or side-loaded garages shall maintain garage door openings that are at least nine feet wide, but not more than 12 feet wide per door.:

**SECTION V.** That Chapter 5, Section 5.12.11 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:

5.12.11 Signs Allowed in All Nonresidential Districts

...

(8) Temporary Signs

...

- (c) Minimum setback at the right-of-way line per applicable district regulations; ~~and~~
- (d) No more than two such signs allowed per lot. ;
- (e) **No temporary sign shall remain for more than 30 days; and**
- (f) **No business shall have more than one temporary sign per calendar year.**

**SECTION VI.** That Chapter 6, Section 6.2 of the City of Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold** and is approved to read as follows:

6.2 SURETY REQUIRED

...

6.2.2 The financial institution shall permit the letter of credit to be presented for collection at a place physically located within Williamson or Davidson County, Tennessee. **Alternatively, for all site plans and final plats approved by the FMPC or Administratively, the financial institution may choose to provide a means for facsimile presentation, under the following conditions:**

- (1) **Financial institution must operate a minimum of one branch or office open to the public, located in Williamson and/or Davidson County, Tennessee.**
- (2) **Presentation of draw documents by Beneficiary shall also be permitted via overnight courier service to the financial institution’s department where issuance of letters of credit transpires.**
- (3) **Facsimile number(s) for presentation shall be printed in the letter of credit, with a statement that modifications to, or discontinuance of, facsimile numbers shall be provided to Beneficiary via amendment.**
- (4) **A means of backup shall be provided in the letter of credit, for an occasion when the facsimile number is inoperable for any reason.**
  - (a) **Backup shall include either a physical location address in Williamson or Davidson County, Tennessee, to be accessed only if facsimile number is inoperable for any reason; or,**
  - (b) **Financial institution shall print in the letter of credit that if for any reason the facsimile number noted in the letter of credit is inoperable at a time when Beneficiary is attempting to present draw documents, then draw documents shall be considered timely when financial institution is presented with a facsimile machine transmittal showing an attempted presentation by Beneficiary, along with satisfactory draw documents.**

**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: 1-24-13

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

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

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

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