

ORDINANCE 2009-72

**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 within the City of Franklin Zoning Ordinance, each and every instance of “Planning Department” be amended and replaced with “Department of Planning and Sustainability” throughout the ordinance.

**SECTION II.** That within the City of Franklin Zoning Ordinance, each and every instance of “Codes Department” or “Codes Administration Department” be amended and replaced with “Department of Building and Neighborhood Services” throughout the ordinance.

**SECTION III.** That within the City of Franklin Zoning Map, each and every reference of “AR” be amended and replaced with “AG” and shall refer to the Agricultural District.

**SECTION IV.** That Chapter 3, Table 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:

3.2.1 Establishment of Base Districts

...

TABLE 3-1: BASE DISTRICTS	
Abbreviation	District Name
R-6	<del>R-6</del> <b>Historic Core</b> Residential District

**SECTION V.** That Chapter 3, Section 3.2.2(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:

3.2.2 District Purpose Statements

...

(6) R-6— ~~R-6~~ **Historic Core** Residential District

**SECTION VI.** That within the City of Franklin Zoning Map, each and every reference of “R-6” be amended and shall refer to the Historic Core Residential District.

**SECTION VII.** That Chapter 3, Section 3.5.6(d)(iii) 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:

3.5.6 CFCO—Central Franklin Character Area Overlay District

- ...
- (2) Special Areas
  - ...
  - (d) CFCO-3 Standards
    - ...
    - (iii) All sides of a nonresidential building open to view by the public and adjoining neighborhoods shall display a similar level of architectural quality that is appropriately and proportioned using features such as windows, entrances, arcades, awnings or similar features.

**SECTION VIII.** That Chapter 5, Section 5.4.8, Figure 5-89 of the City of Franklin Zoning Ordinance is hereby amended to revise the following caption:

**Figure 5-89:** Understory trees ~~can~~ **may** be used in areas underneath existing overhead utilities, **with the consent from the utility and/or easement holder.**

**SECTION IX.** That Chapter 5, Table 5-9 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:

**TABLE 5-9: MINIMUM OFF-STREET PARKING STANDARDS [1] [2] [3] [4] [6]**

NOTES:

...

[6] Uses with variable parking demand characteristics may be permitted to install fewer spaces than required by Subsection 5.9.4(4); however, sufficient area shall be reserved in accordance with Subsection 5.9.11(4) to allow for adequate parking to be installed upon a change ~~sin~~ **in** use or increased parking demand over time.

**SECTION X.** That Chapter 2, Section 2.4.2 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:

2.4.2 Planned Unit Developments (PUD)

- ...
- (3) Minimum Project Size
  - ...
  - (c) Any application shall be exempt from the PUD process if:
    - ...

- (i) Subject to a ~~valid Final Plat or Preliminary Plat approved or recorded prior to July 1, 2008~~ **an approved Preliminary Plat, a Final Plat recorded prior to July 1, 2008, or was a Lot of Record in existence prior to July 1, 2008;**

**SECTION XI.** That Chapter 4, Section 4.1.2(6) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; and is approved to read as follows:

4.1.2 General Standards and Limitations for Accessory Uses

- ...
- (6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls) **on adjacent properties; the required separation from structures on the same property shall be governed by the applicable building code;**

**SECTION XII.** That Chapter 5, Section 5.9.3 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:

5.9.3 General Standards for Off-street Parking, Stacking, and Loading Areas

- ...
- (4) Arrangement
  - (a) Convenient Access
    - ...
    - (i) All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles. **Any proposed traffic control devices, where necessary to promote the safe and efficient movement of traffic, shall be in conformance with the *Manual on Uniform Traffic Control Devices*.**

**SECTION XIII.** That Chapter 5, Section 5.4.10(2)(d) 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:

5.4.10 Other Landscape Standards

- ...
- (2) Maintenance of Landscape Materials
  - ...
  - (d) **Maintain Shape**

All required trees **and shrubs used for screening purposes and buffering** shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, or topped;. **Required trees shall not be** ~~or~~-shaped as shrubs. Trees **and shrubs** required by this chapter that have been severely pruned, sheared, topped, or **any trees** shaped as shrubs that no longer meet their intended function shall be considered as damaged vegetation in need of replacement, and shall be replaced within one growing season.

**SECTION XIV.** 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: \_\_\_\_\_  
**JOHN C. SCHROER**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL:

10-22-09

PASSED FIRST READING:

11/24/09

PASSED SECOND READING:

1/12/10

PUBLIC HEARING HELD:

1/12/10

PASSED THIRD READING:

\_\_\_\_\_



HISTORIC  
FRANKLIN  
TENNESSEE

## MEMORANDUM

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November 4, 2009

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*  
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Gary Luffman, Interim Planning Director

SUBJECT: Ordinance 2009-72, Zoning Text Amendment to Various Chapters and Sections 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 amendments to various chapters and sections of the *Franklin Zoning Ordinance* to clarify requirements and correct minor textual errors.

### **Background**

This *Zoning Ordinance* Text Amendment is proposed by the Planning Department in effort to clarify inconsistencies and make minor changes within the *City of Franklin Zoning Ordinance (FZO)*. All of the proposed changes within Ordinance 2009-72 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*.

The Planning Commission made one amendment to Section XIII of the proposed ordinance to clarify the language about maintenance of required shrubs for screening and buffering.

This text amendment was recommended unanimously by the Planning Commission at the October 22, 2009 FMPC meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the text amendment is recommended.