



HISTORIC
FRANKLIN
TENNESSEE

ITEM #8
WRKS
09/10/13

MEMORANDUM

August 23, 2013

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 2013-14, an ordinance to amend Section 5.10.4(3) of the City of Franklin Zoning Ordinance relating to cross access between adjacent uses

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen with information regarding an ordinance to amend Section 5.10.4(3) of the City of Franklin Zoning Ordinance relating to cross access between adjacent uses.

Background

The City of Franklin Zoning Ordinance currently requires that the cross access easement be noted solely to the City and must be recorded prior to issuance of a Certificate of Occupancy.

This text amendment will require that the applicant notify adjacent property owners and provide them with information related to the location(s) of cross access easements. Staff believes that this notification will allow adjacent property owners to work with the applicant, in a timely manner, if there are concerns.

Additionally, the revised Zoning Ordinance section requires a signed Cross Access and Maintenance Agreement that clearly defines construction and maintenance obligations of the applicant. This agreement will need to be in place prior to issuance of a certificate of occupancy. The City currently requires the property owner to construct the access to the property line, and to maintain the portion on their property. The Cross Access and Maintenance Agreement further codifies this requirement and while it is preferred the agreement is endorsed by both parties and recorded simultaneously against the two properties, there may be instances when the parties cannot agree on the proposed cross access location or are ready to develop in which case the Cross Access and Maintenance Agreement would only be recorded prior to the issuance of the first Certificate of Occupancy for the developing property.

This Zoning Ordinance Text Amendment was recommended for approval unanimously (7-0) by the Planning Commission at the August 22, 2013 FMPC meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the rezoning is recommended.

ORDINANCE 2013-14
TO BE ENTITLED: "AN ORDINANCE TO AMEND
SECTION 5.10.4 (3) OF THE CITY OF FRANKLIN ZONING
ORDINANCE RELATING TO CROSS ACCESS BETWEEN
ADJACENT USES."

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

SECTION I. That Chapter 5, Section 5.10.4 (3), of the 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:

Section 5.10.4 Connectivity

(3) Cross Access Between Adjacent Uses

To encourage shared parking and shared access points on public streets, circulation plans shall be prepared for all new attached and detached residential, nonresidential, and mixed-use development which shall comply with the following standards:

- (a) ~~Except on lots within the LI and HI Districts,~~ **Except where exempt in 5.10.4.3 (H)** internal vehicular circulation areas shall be designed to allow for **one or more** cross-access **points** to adjacent lots. ~~with attached residential, nonresidential, or mixed uses.~~
- (b) A stub for future cross accesses shall be constructed, **with pavement to the property line**, ~~as approved by the property owners from the vehicular use area to all adjacent vacant land designated for attached residential, nonresidential, or mixed uses~~ **the following:**
 - i. **All existing stubs of ROW, access easements, private drives, or parking lots;**
 - ii. **All adjacent vacant land designated for attached residential, nonresidential, or mixed uses.**
- (c) A minimum distance of 40 feet shall be required between a cross-access way and any private driveway entrance apron.
- (d) Cross-access ways **easements** shall allow for two-way **drive aisles in accordance with the zoning ordinance Section 5.10.6.** ~~traffic between parcels through the use of a single drive aisle with a minimum width of 22 feet or through two one-way aisles each with a minimum width of 11 feet. The~~

~~maximum median separation width shall be 15 feet with a left turn pocket or four feet without a left turn pocket.~~

- (e) The applicant shall provide written notice via the Public Notice Affidavit to all property owners immediately adjacent to the proposed project. The written notice shall provide a visual and narrative explanation of any proposed cross access connection point.
- (f) The applicant is responsible for constructing, improving and maintaining the easement to the adjacent property line prior to issuance of the first Certificate of Use and Occupancy for the property. A perpetual Cross Access Easement and Maintenance Agreement is required. Said agreement shall be the responsibility of the owner and any adjacent applicants, or their legal appointed agents to draft and record prior to the issuance of the first Certificate of Use and Occupancy. ~~In the event, the property owners or their legally appointed agents fail to draft and endorse a mutually acceptable Cross-Access Easement and Maintenance Agreement, the City shall require endorsement of a City-drafted Cross-Access Easement and Maintenance Agreement prior to the issuance of the first Certificate of Use and Occupancy for the respective properties.~~ The City has provided a template Cross-Access Easement Agreement form available in the Administrative Manual.
- (g) ~~A~~ The cross-access easement must ~~shall~~ be recorded ~~prior~~ as part of the plat and constructed prior to issuance of the first Certificate of Occupancy.
- (h) ~~When~~ If the DRT deems that a cross-access is deemed impractical by the Engineering Department on the basis of topography, the presence of natural features, **other existing conditions** or vehicular safety factors, the requirement for cross-access may be waived, **by the DRT, provided** if that appropriate bicycle and pedestrian connections are ~~provided~~ **constructed** between adjacent developments or land uses. If an applicant disagrees with the decision of the ~~Engineering Department~~ **DRT**, the applicant may appeal the decision to the FMPC or BOMA, ~~depending on the type of application.~~
- (i) Any modifications or alterations to the access easement or maintenance agreement shall be approved by the City of Franklin via the Building and Neighborhood Services Department.

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 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:

8/22/13

PASSED FIRST READING:

PASSED SECOND READING:

PUBLIC HEARING HELD:

PASSED THIRD READING:
