



HISTORIC
FRANKLIN
TENNESSEE

ITEM #15
WRK S 02/09/10

MEMORANDUM

February 2, 2010

TO: Board of Mayor and Aldermen

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

SUBJECT: Ordinance 2009-77, Zoning Text Amendment to Home Occupation Requirements 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 Chapter 4, Section 4.1.6 and Chapter 8, Section 8.3 of the *Franklin Zoning Ordinance* to revise provisions relating to Home Occupations.

Background

This *Zoning Ordinance* text amendment is requested by the Department of Building and Neighborhood Services in order to revise the requirements in the *Zoning Ordinance* related to Home Occupations and to clarify the types of uses that may be allowable as home occupations. It is brought forward in response to requests from citizens for home occupation uses that are not clearly defined in the existing regulations.

The amendment establishes that activities such as counseling, catering, office for mobile service provider, and small-scale child care are allowable as home occupations. Additionally, the proposed amendment consolidates many similar, consulting-type businesses, grouping them into one category. The amendment maintains the standard that counseling, consulting, and tutoring / instructive activities may be provided to only one client at a time. The operation of a "small-scale child care" would only be allowed in accordance with existing state requirements and the existing traffic and parking standards for home occupations. These changes are presented to assist staff in the implementation of the Home Occupation requirements within the *Zoning Ordinance*.

The Planning Commission made one amendment to Section III of the proposed ordinance to reduce the number of children allowed in small-scale child care from seven (7) to four (4).

This text amendment was recommended unanimously by the Planning Commission at the January 28, 2010 Franklin Municipal Planning Commission meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the text amendment is recommended.

ORDINANCE 2009-77

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 4, SECTION 4.1.6, AND CHAPTER 8, SECTION 8.3, OF THE CITY OF FRANKLIN ZONING ORDINANCE RELATING TO HOME OCCUPATIONS."

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

SECTION I. That Chapter 4, Section 4.1.6(5)(a) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~ and is approved to read as follows:

4.1.6(5) Home Occupations

(a) Prohibited Uses

Examples of the types of uses ~~that provide on-site direct retail or wholesale sales to customers~~ that are prohibited as home occupations include, but are not limited to:

...

(iv) Gun Sales; and

(v) Florist Shop; or

(vi) **Similar Personal Service with more than one (1) customer or client at a time or any business that includes retail sales.**

SECTION II. That Chapter 4, Section 4.1.6(5)(b) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

4.1.6(5) Home Occupations

...

(b) Allowable Uses

Examples of the types of uses allowable as a home occupation include, but are not limited to:

...

(v) **Catering;**

~~(v)~~ (vi) **Contractor (office only);**

(vii) Consulting Services (including such uses as Designer, Draftsman, Graphic Artist, Information Technology Consultant, Management or Financial Consultant, Real Estate Agent, or like profession)

(viii) Counseling Services ;

~~(vi)~~ Designer;

~~(vii)~~ Draftsman;

(ix) Data Entry

(x) Office for Direct Sales (customer contact is via phone/internet or off-site of the Home Occupation);

~~(viii)~~ (xi) Engineer;

~~(ix)~~ Graphic Artist;

~~(x)~~ Information Processing;

~~(xi)~~ (xii) Insurance Agent;

~~(xii)~~ (xiii) Lawyer;

~~(xiii)~~ Management and Financial Consultant;

(xiv) Manufacturer's Representative;

(xv) Office for Mobile Service Provider;

~~(xv)~~ (xvi) Planner;

~~(xvi)~~ (xvii) Real Estate Agent;

(xxviii) Small-scale Child Care;

~~(xvii)~~ (xix) Sculptor;

~~(xviii)~~ (xx) Songwriter;

~~(xix)~~ (xxi) Teacher, ~~(including, but not limited to,~~ **in such areas as** tutoring in art, dance, and music lessons **or other like disciplines**); and

~~(xx)~~ (xxii) Traveling Salesperson.

SECTION III. That Chapter 4, Section 4.1.6(5)(c) 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:

4.1.6(5) Home Occupations

...

(c) Standards

Home occupations shall:

...

(vi) Not provide instruction **or counseling services** to more than one pupil or client at a time, **however, this shall not preclude a family counseling session, provided that all other provisions of this subsection are followed;**

...

(xii) **Provide care for no more than four (4) children in a small-scale child care, according to the requirements of the State of Tennessee.**

(xiii) **There shall be no more than one (1) permitted home occupation per dwelling unit.**

SECTION IV. That Chapter 8, Section 8.3 of the City of Franklin Zoning Ordinance is hereby amended to add the following definition and is approved to read as follows:

Mobile Service Provider Office

A permitted home occupation use, as specified in Section 4.1.6(5) of this ordinance, that is limited to the office of a professional service that is carried out in transitory locations. Examples include, but are not limited to mobile automotive detailing services and mobile pet grooming services.

SECTION V. 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: 1/28/10

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____