

MEMORANDUM

August 3, 2010

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 2010-47, Zoning Text Amendment to Sections 3.4.4, 3.4.5, and 4.3.2 of the *City of Franklin Zoning Ordinance* relating to the Floodway and Floodway Fringe Overlay Zoning Districts

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding amendments to Sections 3.4.4, 3.4.5, and 4.3.2 of the *Franklin Zoning Ordinance*.

Background

This Zoning Ordinance Text amendment is generated to revise certain provisions of the Floodway Overlay District (FWO) and the Floodway Fringe Overlay District (FFO) of the FZO, based the addition of the Floodplain Protections being added to Section 5.8.5 of the FZO, through Ordinance 10-48, as established by the State of Tennessee Local Planning Assistance Office in the State Model Floodplain Protection Zoning Ordinance. This amendment was considered in conjunction with Ordinances 2010-48 and 2010-50, which were deferred by the FMPC for further study at the 7/22/10 FMPC Meeting. Ordinance 2010-47 was amended by the FMPC to be a stand-alone ordinance, until Ordinances 2010-48 and 2010-50 are brought forward for adoption.

This amendment is also presented to better coordinate the requirements of the FZO, which regulates structures and uses, with the City's Stormwater Management Ordinance, which regulates the environmental aspects of storm and flood waters. This amendment incorporates FEMA Process of Letters of Map Amendment (LOMA) and Letters of Map Revision (LOMR) into the Zoning Districts associated with the FEMA defined Floodway, the Floodway District, and the FEMA defined 100-year Floodplain, the Floodway Fringe District. The amendment also incorporates minor revisions to the new permitted-uses of the FFO/FEMA defined 100-year Floodplain and the addition of a new section to address the rebuilding of existing, legally established uses within the FFO/FEMA defined 100-year Floodplain.

This text amendment was unanimously favorably recommended onto the Board of Mayor and Alderman, as amended, by a vote of 8 to 0 at the July 22, 2010, of the 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 2010-47

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 3, SECTIONS 3.4.4 AND 3.4.5, AND CHAPTER 4, SECTION 4.3.2 OF THE CITY OF FRANKLIN ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT."

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

SECTION I. That Chapter 3, Section 3.4.4 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:

3.4.4 FWO—Floodway Overlay District

...

(2) Permitted Uses

...

- (c) **Public and private infrastructure, as defined in Chapter 8 of the ordinance and in accordance with the Stormwater Management Ordinance or designated stormwater authority.**

...

- (4) Undesignated Tributaries and Drainage Areas Within or Affecting the City
The FWO District shall coincide with floodways designated in the Flood Insurance Studies or on the National Flood Insurance Program Flood Insurance Rate Maps, hereinafter referred to as FIRMs, effective September 29, 2006, **or as subsequently amended by either a Letter of Map Amendment or a Letter of Map Revision.** The FWO District width for tributaries and drainage areas within or affecting the city that do not have designated floodways depicted on the zoning map or are not delimited in the Flood Insurance Studies or FIRMs shall be established in accordance with the Stormwater Management Ordinance.

SECTION II. That Chapter 3, Section 3.4.5 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:

3.4.5 FFO—Floodway Fringe Overlay District

...

(2) Permitted Uses

All uses shall also comply with the requirements of the Stormwater Management Ordinance.

(a) **The following shall be permitted new uses:**

- ~~(a)~~ (i) Passive parks, golf courses, and open space;
~~(b)~~ (ii) Active recreation features provided that all fencing, walls, or permanent buildings be located outside the ten-year flood zone;
~~(c)~~ (iii) Temporary uses, as regulated by Section 4.2, that do not include permanent structures;

- ~~(d)~~ (iv) **Public and private infrastructure, as defined in Chapter 8 of the ordinance and in accordance with the Stormwater Management Ordinance or designated stormwater authority; and**
- ~~(e)~~ (v) **Development Floodplain alteration** conducted in accordance with the Stormwater Management Ordinance; **and**
- ~~(f)~~ (vi) **Parking lots, completely constructed of pervious pavers, pervious asphalt, or pervious concrete.**

(b) **Construction on Lots of Record established prior to July 1, 2008 in accordance with the following provisions:**

- (i) **New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, then openings, sufficient to facilitate the unimpeded movement of floodwater shall be provided.**
- (ii) **Industrial, commercial, or other business shall be allowed to enlarge, expand, alter, or perform major repairs, subject to the provisions of Section 4.3 Nonconformities; and**
- (iii) **Residential structures shall be allowed to repair or rebuild, subject to the provisions of Section 3.4.5(4), below.**

...

(4) **Construction Standards for Elevated Buildings**

- (a) Designs for complying with this requirement shall either be certified by a professional engineer or architect or shall meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of openings shall be no higher than one foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic flow of floodwater in both directions.
- (b) Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or the limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (c) The interior portion of enclosed areas shall not be partitioned or finished into separate rooms.

(5) **Undesignated Tributaries and Drainage Areas Within or Affecting the City**
 The FFO District shall coincide with the 100-year floodplain or floodway fringe boundary as designated in the Flood Insurance Studies or on the FIRMs, effective September 29, 2006, **or subsequently amended by either a Letter of Map Amendment or a Letter of Map Revision.** The FFO District width for tributaries and drainage areas within or affecting the city that do not have designated floodway fringe areas depicted on the zoning map or are not delimited in the Flood Insurance Studies or FIRMs shall be established in accordance with the Stormwater Management Ordinance.

SECTION II. That Chapter 4, Section 4.3.2 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:

4.3.2 Enlargement, Expansion, Alteration, or Major Repair

(1) Applicability

...

- (b) Enlargement, expansion, alteration, or major repair of a nonconformity located within the FWO or FFO Districts shall be completed in accordance with the standards in ~~Sub Sections 3.3.4 and 3.3.5 (as appropriate)~~ **5.8.5**, in addition to the standards of this subsection.

SECTION III. 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 AMENDED & RECOMMENDED APPROVAL:

7/22/10

PASSED FIRST READING:

PASSED SECOND READING:

PUBLIC HEARING HELD:

PASSED THIRD READING:
