



HISTORIC
FRANKLIN
TENNESSEE

ITEM #19
WRKS 12/14/2010

MEMORANDUM

December 8, 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 2010-78 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 2010-78 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*.

This text amendment was recommended unanimously (8-0) by the Planning Commission at the November 18, 2010 FMPC meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the text amendment.

ORDINANCE 2010-78

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 3.3.2, Table 3-5 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:

3.3.2 Base District Density and Site Development Standards

TABLE 3-5: BASE DISTRICT DENSITY AND BUILDING HEIGHT [1], [2]

Standard	Base Zoning Districts																	
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CC	GO	NC	GC	MN	ML	MX	LI	HI	CI
Gross Residential Density (Max.) [3]	1 per 15 AC	0.5	1.0	2.0	3.0	6.0	[7] [6]	6.0	6.0				[7] [6]	[7] [6]	[7] [6]			
Building Height in Stories (Max.) [6] [4]	3	3	3	3	3	3	3 [4]	3 [4]	3 [4]	3 [4]	3	3 [6] [4]	3 [4]	3 [6] [4]	3 [6] [4]	3	3	3 [4]

NOTES:

- ...
- ~~[4]~~ A maximum height limit of four stories, not to exceed a total height of 56 feet, is permitted in PUDs if the building and site design comply with Subsection 5.3.4, Transitional Features
- A maximum height limit of four (4) stories, not to exceed a total height of 56 feet, is permitted in PUDs if the building and site design comply with Section 5.3.4, Transitional Features. In addition, buildings within the MECO-4, MECO-5, MECO-9, GCCO-3, GCCO-4a, GCCO-4b, GCCO-4c, and GCCO-4d Character Area Overlay Districts may exceed 3 stories, but shall not exceed 6 stories (maximum of 84 feet in height). Buildings located within the HTO District are subject to the provisions of Section 3.4.6, of the Height Overlay District.**
- ...
- ~~[6]~~ Buildings within the MECO-4, MECO-5, MECO-9, GCCO-3, GCCO-4a, GCCO-4b, GCCO-4c, and GCCO-4d Character Area Overlay Districts may exceed 3 stories, but shall not exceed 6 stories in height unless located within an HTO District subject to the provisions of Subsection 3.4.6, Height Overlay District. Buildings within an HTO District may exceed 6 stories; however, no building shall have a floor surface used for human occupancy located more than one hundred fifty (150) feet above the lowest level of fire department vehicle access. Buildings greater than 3 stories shall have automatic sprinkler systems and dry standpipes with external fire department connections. Buildings within the following Character Area Overlay Districts may exceed three stories, but shall not exceed six stories (84 feet) in height, however, no heights may be increased to a maximum of six stories (84 feet) in the character area overlay districts.
- ~~[7]~~ **[6]** Approved densities shall be determined during the PUD review process and shall be based on the recommendations of the Land Use Plan.

SECTION II. That Chapter 3, Section 3.3.4, Table 3-8 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:

3.3.4 Site Development Standards for Traditional Areas

TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]					
Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Lot Width [5] [6] [11]	40-85 feet	30-70 feet			
NOTES:					
...					
[6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.					
...					

SECTION III. That Chapter 3, Section 3.2.7(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:

3.2.7 Regulations for Commercial Uses

(1) General Regulations

Drive-through or drive-in facilities and service windows, whether a principal use of land or accessory to a principal use, are prohibited in the CC District, **unless they are located internal to the block, do not face an arterial or collector street, and do not result in stacking of vehicles in a Public Right-of-Way.**

SECTION IV. That Chapter 3, Section 3.2.8(3) 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:

3.2.8 Regulations for Industrial Uses

...
(3) Light Industrial Uses

Light industrial uses may be permitted in the MX District, provided that they comply with the following provisions:

- ...
(e) ~~The minimum square footage of the structure shall be 5,000 square feet, and the maximum shall be 20,000 square feet; and~~
(d) (c) The design of the structure shall reflect the character of the commercial structures in the mixed-use development through the similar treatment of windows, roofs, building style, and building materials.

SECTION V. That Chapter 5, Sections 5.5.2 and 5.5.4 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strickethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

5.5.2 Applicability of Open Space Standards

...

(4) Public Land Dedication

Residential developments and the residential units of mixed-use developments having ten (10) or more units ~~within conventional areas~~ shall comply with the public land dedication standards in this subsection in addition to the requirements for private open space set-asides. **For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.**

...

5.5.4 Dedication of Public Land for Parks and Greenways/Blueways

~~Except for Special Areas 1 and 2 of the CFCO District,~~ In addition to the standards for open space set-asides, residential or mixed-use developments with ten (10) or more dwelling units shall dedicate land to the city for use as public parks or greenways/blueways in accordance with the following standards: **For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.**

SECTION VI. That Chapter 5, Section 5.8.1 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strickethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

5.8.1 Hillside Development

...

(2) Applicability

Except where exempted below, the standards in this section shall apply to development when any portion of the lot:

...

- (c) Contains naturally-occurring slopes of 14 percent or greater, and in the ~~opinion determination~~ **determination** of the ~~City Engineer~~ **DRT**, needs protection (based on the intent of this section), regardless of its proximity to a HHO District.

...

(3) Exemptions

The standards in this subsection shall not apply to the following:

...

(b) Sites with Limited Benefit

If, in the ~~opinion determination~~ **determination** of the ~~City Engineer~~ **DRT**, the area of a lot comprised of slopes 14 percent or greater is so small that there is no

meaningful benefit from the application of this subsection, the ~~Engineering Department DRT~~ may waive the applicability of this section. If an applicant disagrees with the decision of the ~~Engineering Department DRT~~, the applicant may appeal the decision to the FMPC.

- (4) Standards
Development on lots subject to these standards shall comply with the following standards:

...

- (c) **Critical Lot Plan Required**
Prior to ~~this~~ **the** issuance of a Building Permit, a Critical Lot Plan showing how graded areas will be stabilized shall be submitted to the ~~engineering Department of Building and Neighborhood Services for review by staff engineers~~. Lots shall not be mass graded to avoid this section.

SECTION VII. That Chapter 5, Section 5.10.3 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:

5.10.3 Circulation Plan Required

...

- (3) The ~~Engineering Department DRT~~ may waive the requirement for a Circulation Plan on a case-by-case basis in the event that a new development has no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

SECTION VIII. That Chapter 5, Section 5.10.4 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:

5.10.4 Connectivity

- (1) Internal Street Connectivity

...

- (b) Except for lots within the CFCO District, Circulation Plans prepared for all new development shall maintain internal street connectivity through the use of a connectivity index, in accordance with the following standards.

...

- (iii) The connectivity index standard of 1.65 or greater may be reduced by the ~~Engineering Department DRT~~ if the owner/developer demonstrates it is impossible or impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns. If an applicant disagrees with the decision of the ~~Engineering Department DRT~~, the applicant may appeal the

decision to the FMPC or the BOMA (depending upon the type of application).

(2) External Street Connectivity

...
(b) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, HHO Districts, riparian buffers, required Tree Protection Zones, slopes exceeding 14 percent, or other unique site conditions preventing a street connection in the ~~opinion~~ **determination** of the ~~Engineering Department~~ **DRT**.

...
(3) Cross Access Between Adjacent Uses

...
(e) When cross-access is ~~deemed~~ **determined to be** impractical by the ~~Engineering Department~~ **DRT** on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. If an applicant disagrees with the ~~decision~~ **determination** of the ~~Engineering Department~~ **DRT**, the applicant may appeal the decision to the FMPC or BOMA, depending on the type of application.

SECTION IX. That Chapter 8, Section 8.3 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:

Circulation Plan

A plan required for all new development that considers internal and external connections for pedestrian, vehicular, and bicycle transportation systems. **A Circulation Plan is not necessarily a separate plan sheet, but may be inclusive of information and data, as specified in this ordinance, that may be provided on a site layout or other applicable plan sheet on a Concept Plan, Regulating Plan, or Site Plan, so long as the information required by this ordinance is plainly delineated or provided with the submittal components.**

SECTION X. 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: 11-19-10

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____