



HISTORIC  
FRANKLIN  
TENNESSEE


ITEM #12  
WRKS 09/13/2011

## MEMORANDUM

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September 1, 2011

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 2011-27, Zoning Text Amendment to amend Chapter 3, Section 3.4.5 and Chapter 4, Section 4.3.2 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 an amendment to Chapter 3, Section 3.4.5 and Chapter 4, Section 4.3.2 of the *City of Franklin Zoning Ordinance*.

### **Background**

This Zoning Ordinance Text Amendment is proposed by City Staff to revise sections of the Zoning Ordinance within the Floodway Fringe (FFO) Overlay District and Nonconformities and to revise references to the new Section 5.8.5, which is the state model requirement Floodplain requirements, proposed as Ordinance 2010-48. This ordinance also contains two clean-up provisions including: rewording a sentence in the FFO District Purpose Statement, and to add the word "encroachment" to the allowable uses & activities within the FFO District.

This text amendment was recommended unanimously (6-0) by the Planning Commission at the August 25, 2011 FMPC meeting.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the text amendment is recommended.

**ORDINANCE 2011-27**

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

**WHEREAS**, the City of Franklin is a participant in the National Flood Insurance Program (NFIP); and

**WHEREAS**, this ordinance revises the current Floodway Fringe Overlay District to conform to the state model FEMA/NFIP construction standard.

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

**SECTION I.** That Chapter 3, Section 3.4.5 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:

3.4.5 FFO—Floodway Fringe Overlay District

(1) Purpose

The purpose of the Floodway Fringe Overlay District, hereinafter referred to as the “FFO District”, is defined as that which is intended to preserve the holding capacity of the floodplain. Encroachments into the FFO District that would impede the holding capacity of the floodplain ~~are prohibited~~ **shall be strictly limited, as follows.**

(2) Permitted Uses

...

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

...

~~(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 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.~~

- (b) The following uses, lawfully established prior to July 1, 2008, shall be allowed to continue under the following provisions:**
- (i) 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;**
  - (ii) Residential structures and accessory structures shall be allowed to repair, rebuild, or expand, subject to the provisions of 5.8.5(4)(b)(1) Residential Structures; and**
  - (iii) Residential uses shall be allowed to construct new accessory structures, subject to the provisions of Section 4.1 and 5.8.5(4)(b).**

...

**(4) Construction Standards for Elevated Buildings Construction Standards for any development or redevelopment within the FFO shall follow the requirements in Section 5.8.5.**

- ~~(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.~~

**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 ~~strikethrough~~; 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: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

PLANNING COMMISSION RECOMMENDED DEFERRED: 6/23/11

PLANNING COMMISSION RECOMMENDED APPROVAL: 8/25/11

PASSED FIRST READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_