




MEMORANDUM

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 2010-50, Zoning Text Amendment to add or revise certain definitions within 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 add or revise certain definitions relating to floodplain regulations within the *Franklin Zoning Ordinance*.

Background

This Zoning Ordinance Text amendment is generated to add or revise certain definitions within Chapter 8, Section 8.3 of the FZO, based on required definitions, as established by the State of Tennessee Local Planning Assistance Office in the State Model Floodplain Protection Zoning Ordinance. This amendment is brought forward in conjunction with Ordinance 2010-48 and is meant to provide FEMA and State of Tennessee approved definitions to terms relating to Floodplain Regulations.

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 2010-50

TO BE ENTITLED: "AN ORDINANCE TO ADD OR REVISE CERTAIN DEFINITIONS IN SECTION 8.3 OF THE FRANKLIN ZONING ORDINANCE."

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

WHEREAS, the NFIP and FEMA require local communities to maintain certain requirements and defined terms; and

WHEREAS, this ordinance revises the current Franklin Zoning Ordinance to conform to the Tennessee state model NFIP construction standard, which includes the NFIP defined terms.

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

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

...

Existing Construction within the FWO or FFO Zoning Districts

Any structure for which the "start of construction" commenced before the effective date of the initial floodplain management ordinance, dated 9/14/76, adopted by the City of Franklin as a basis for participation in the National Flood Insurance Program (NFIP). This term applies to the provisions of Section 5.8.5 of this ordinance.

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Existing Structures

See Existing Construction.

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Manufactured/Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle". For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

...

Manufactured/Mobile Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

...

Manufactured/Mobile Home Park or Subdivision, Existing

A manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance, dated 9/14/76, adopted by the City of Franklin as a basis for that community's participation in the NFIP. For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

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Manufactured/Mobile Home Park or Subdivision, Expansion to an Existing

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

...

Manufactured Home Park or Subdivision, New

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on the effective date of the initial floodplain management ordinance, dated 9/14/76, and includes any subsequent improvements to such structure. For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

...

Manufactured Home Parks or Subdivisions, Substantially Improved Existing

The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. For the purposes of this definition, "Manufactured Home" and "Mobile Home" shall be considered interchangeable.

...

New Construction within the FFO Zoning District

Any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance, dated 9/14/76, and includes any subsequent improvements to such structure. This term applies to the provisions of Section 5.8.5 of this ordinance.

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Reasonably Safe from Flooding

Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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Recreational Vehicle

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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Start of Construction

Includes substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured/mobile home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SECTION II. That Chapter 8, Section 8.3 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:

...

Accessory Structure

A structure that is subordinate in use and square footage to a principal structure or permitted use. **If the accessory structure is within the FFO Zoning District, it shall conform to the following:**

- (1) Only be used for parking of vehicles and storage.**
- (2) Be designed to have low flood damage potential.**
- (3) Be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.**
- (4) Be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.**
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.**

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Area of Flood-Related Erosion Hazard

~~Areas of land most likely to be subject to severe flood-related erosion losses. The area(s) may be designated as Zone E on the Flood Hazard Boundary Map (FHBM).~~

The land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

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Base Flood

~~A condition of flooding that has a one percent chance of being equaled or exceeded in any given year.~~

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

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Historic Structure

Any building, structure, site, district, area, or land of architectural, historical, archaeological, or cultural importance or value and which the city protects, enhances, and preserves in the interest of the culture, prosperity, education, and general welfare of the citizens. **It may be inclusive of, but not limited to, any of the following criteria:**

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of**

the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on the City of Franklin, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior.

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Substantial Improvement within the FFO Zoning District

~~Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes floodplain structures only, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.~~

Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be: (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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 DEFERRAL:	<u>7/22/10</u>
PLANNING COMMISSION RECOMMENDED DEFERRAL:	<u>6/23/11</u>
PLANNING COMMISSION RECOMMENDED APPROVAL:	<u>8/25/11</u>
PASSED FIRST READING:	_____
PUBLIC HEARING HELD:	_____
PASSED SECOND READING:	_____
PASSED THIRD READING:	_____