



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #13  
WRKS 11/08/2011

## MEMORANDUM

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November 8, 2011

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 2011-33, Zoning Text Amendment to amend various chapters and sections to revise references to the PUD process 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 various chapters and sections throughout of the *City of Franklin Zoning Ordinance* (FZO) to revise references to plan required by the PUD Process.

### **Background**

This Zoning Ordinance Text Amendment is a companion ordinance to Ordinance 2011-32 and it revises references and requirements throughout the FZO, outside of section 2.4.2, to conform to the revisions proposed in Ordinance 2011-32 relating to the adoption of a Development Plan.

This text amendment was recommended unanimously (7-0) by the Planning Commission at the October 27, 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 2011-33**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND VARIOUS CHAPTERS AND SECTIONS OF THE CITY OF FRANKLIN ZONING ORDINANCE TO REVISE REFERENCES TO PLANS REQUIRED BY THE PLANNED UNIT DEVELOPMENT PROCESS.**

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

**SECTION I.** That Chapter 2, Section 2.2.1, Table 2-1 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:

2.2.1 Summary Table of Decision-Making and Review Bodies

...

<b>TABLE 2-1: SUMMARY OF THE ROLES OF DECISION-MAKING BODIES</b>								
<b>H = Hearing (Public Hearing Required)</b>			<b>D = Decision (Responsible for Final Decision)</b>					
<b>M = Meeting (Public Meeting Required)</b>			<b>A = Appeal (Authority to Hear/Decide Appeals)</b>					
<b>R = Recommendation (Responsible for Review and a Recommendation in Specified Circumstances)</b>								
<b>Procedure</b>	<b>Sub-section</b>	<b>Board of Mayor and Alderman (BOMA)</b>	<b>Planning Commission (FMPC)</b>	<b>Board of Zoning Appeals (BZA)</b>	<b>Historic Zoning Commission (HZC)</b>	<b>Dept. of Planning &amp; Sustainability</b>	<b>Development Review Team (DRT)</b>	<b>Dept. of Build. &amp; Neigh. Ser.</b>
PUD – Concept <b>Development</b> Plan	2.4.2	H-D	M-R		R	R	R	
PUD – <b>Regulating Plan</b>	2.4.2		M-D		R	R	R	

**SECTION II.** That Chapter 2, Section 2.2.2 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:

2.2.2 Board of Mayor and Aldermen (BOMA)

(1) Powers and Duties

...

(b) **Planned Unit Developments**

To hear, review, and make decisions on applications for Planned Unit Development ~~Concept~~ **Development** Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

**SECTION III.** That Chapter 2, Section 2.2.3 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:

2.2.3 Planning Commission (FMPC)

(1) Powers and Duties

...

(b) Planned Unit Developments

(i) To hear, review, and make recommendations to the BOMA on applications for planned unit development ~~Concept~~ **Development** Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

~~(ii) To hear, review, and make decisions on applications for Planned Unit Development Regulating Plans pursuant to Subsection 2.4.2, Planned Unit Developments.~~

**SECTION IV.** That Chapter 2, Section 2.2.7 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:

2.2.7 Departmental Review Team (DRT)

...

(2) Powers and Duties

...

(a) Planned Unit Developments

...

(ii) To review and provide recommendations to the Department of Planning and Sustainability on applications for ~~Concept~~ and **Regulating Development** Plans based on the provisions of this ordinance and other adopted ordinances or policies of the city.

**SECTION V.** That Chapter 2, Section 2.3.8, Table 2-2 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:

2.3.8 Public Notification

...

TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS			
Application for Development Approval	Project Size	Written Notice Provided to:	Informal Notice Provided by City Pursuant to Subsection 2.3.8(7):
PUD <del>Concept</del> <b>Development Plan</b>	N/A	Adjacent property owners within 500 feet of the subject property by certified mail and first-class mail. The extent of First-class mail notification may be extended by City Staff when necessary.	Yes. Notice to be provided in advance of any required neighborhood meetings.
PUD Regulating Plan	N/A	<del>Property owners within the limits of the application.</del>	N/A

**SECTION VI.** That Chapter 2, Section 2.3.8 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:

2.3.8 Public Notification

...

(8) Notification Signs

- (a) For a Zoning Map Amendment or a planned unit development ~~Concept~~ **Development Plan**, a notification sign shall be posted on the subject property(ies) prior to the FMPC meeting as well as the BOMA hearing.

**SECTION VII.** That Chapter 2, Section 2.4.3 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:

2.4.3 Site Plan Review

...

(6) Approval Criteria

...

- (c) That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., ~~Regulating~~ **Development Plan**, or modification of development standards as permitted and approved within a PUD).

...

(8) Amendments of an Approved Site Plan

- ...
- (b) A change to an approved Site Plan shall require a re-submittal to the decision-making body responsible for the original approval, if:
- ...
- (vi) Drainage, streets, or other engineering design changes will materially alter items approved in ~~the Regulating Plan~~ or the Site Plan; and/or

**SECTION VIII.** That Chapter 3, Section 3.1.4 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:

3.1.4 Zoning Classifications for Newly Annexed Property

- ...
- (3) Parcels may be rezoned to other districts, provided a ~~Concept~~ **Development Plan** is submitted as part of a PUD pursuant to Subsection 2.4.2, Planned Unit Developments, following annexation. Final plats on record in the Williamson County Register’s office shall serve as the ~~Concept~~ **Development Plan**.

**SECTION VIX.** 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
NOTES:																		
[1]	For lots in recorded subdivisions or approved planned unit developments (PUDs), the maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved <del>Concept Plan</del> <b>PUD</b> shall govern.																	
...																		

**SECTION X.** That Chapter 3, Section 3.3.3, Tables 3-6 and 3-7 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:

3.3.3 Site Development Standards for Conventional Areas

...

**TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]**

Standard	AG	ER	R-1	R-2	R-3	RX
NOTES:						
[1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved Concept Plan <b>PUD</b> shall govern.						
...						

**TABLE 3-7: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2]**

Standard	Base Zoning Districts											
	AG	ER	R-1	R-2	R-3	RX	GO	NC	GC	LI	HI	CI
NOTES:												
[1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved Concept Plan <b>PUD</b> shall govern.												
...												

**SECTION XI.** That Chapter 3, Section 3.3.4, Tables 3-8 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:

3.3.4 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
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0-15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[10]	0-5 feet	0 feet
Rear Yard Setback [8]	5 feet	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum)	50 feet	50 feet			

**TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]**

[10]					
Minimum Lot Size	4,000 square feet	2,100 square feet			
Lot Width [5] [11]	40-85 feet	30-70 feet			
<p>NOTES:</p> <p>[1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved <del>Concept Plan</del> <b>PUD</b>, or conditions on existing lots shall govern.</p> <p>...</p>					

**SECTION XII.** That Chapter 3, Section 3.4.8 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:

3.4.8 HHO— Hillside/Hillcrest Overlay District

...

(5) Designation of the Area to be Preserved

For new developments approved after the adoption of this ordinance, the portion of a lot within a HHO District shall be identified for protection in a form acceptable to the City Attorney (e.g., open space lot, a platted lot subject to a deed restriction, a conservation easement, or dedication to the city). The area to be preserved shall be depicted on the Preliminary Plat, Final Plat, Site Plan, ~~Concept Plan~~, or **Regulating Development Plan**, whichever is appropriate.

**SECTION XIII.** That Chapter 3, Section 3.5.4 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:

3.5.4 BCCO—Berrys Chapel Character Area Overlay District

...

(2) Special Areas

...

(b) BCCO-1 Standards

...

(vi) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating

potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development Plan** approval process.

**SECTION XIV.** That Chapter 3, Section 3.5.5 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:

3.5.5 CNCO—Carnton Character Area Overlay District

...

(2) Special Areas

...

(c) CNCO-2 Standards

...

- (ii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development Plan** approval process.

**SECTION XV.** That Chapter 3, Section 3.5.7 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:

3.5.7 GCCO—Goose Creek Overlay District

...

(2) Special Areas

...

(d) GCCO-3 Standards

...

- (iv) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~concept plan~~ **Development Plan** approval process.



...

(i) GCCO-5

...

(vi) Smaller lots shall not be located on the exterior of a proposed development adjacent to, or across the street from, larger lots of an existing platted development of ten lots or more. An applicant may propose smaller lots along the perimeter if it can be demonstrated that a sufficient buffer will be provided between the two developments or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development Plan** approval process.

(j) GCCO-6 Standards

...

(iii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing platted development of ten lots or more. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided, and is approved during the ~~Concept~~ **Development Plan** approval process.

**SECTION XVI.** That Chapter 3, Section 3.5.9 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:

3.5.9 MLCO—McLemore Character Area Overlay District

...

(2) Special Areas

...

(b) MLCO-1 Standards

...

(v) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development Plan** approval process.

- ...
- (c) MLCO-2 Standards
  - ...
  - (iii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development** Plan approval process.

**SECTION XVII.** That Chapter 3, Section 3.5.10 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:

3.5.10 SWCO—Seward Hall Character Area Overlay District

- ...
- (2) Special Areas
  - ...
  - (b) SWCO-1 Standards
    - ...
    - (ii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development** Plan approval process.
    - ...
  - (c) SWCO-2 Standards
    - ...
    - (iii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development** Plan approval process.

**SECTION XVIII.** That Chapter 3, Section 3.5.11 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:

3.5.11 SOCO—Southall Character Area Overlay District

...

(2) Special Areas

...

(d) SOCO-3 Standards

...

- (ii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development** Plan approval process.

**SECTION XIX.** That Chapter 3, Section 3.5.12 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:

3.5.12 WHCO—West Harpeth Character Area Overlay District

...

(2) Special Areas

- (i) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the ~~Concept~~ **Development** Plan approval process.

**SECTION XX.** That Chapter 4, Section 4.2.4 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:

4.2.4 Specific Regulations for Certain Temporary Uses and Structures

...

- (4) Real Estate Sales Office/Model Sales Home

...

- (d) Complies with the applicable standards in the ~~Regulating~~ **Development** Plan (if applicable);

**SECTION XXI.** That Chapter 5, Section 5.1.4 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:

5.1.4 Applicability

...

- (3) Development on lots or sites designated as either traditional or conventional shall use either the traditional or conventional standards, and shall not mix the two. All applications, ~~Concept Plans, Regulating~~ **Development** Plans, Preliminary Plats, Final Plats, or Site Plans (as appropriate) shall indicate the applicable standard being used.

**SECTION XXII.** That Chapter 5, Section 5.2.2 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:

5.2.2 Applicability

...

- (3) Review for Compliance  
The standards in this section shall apply at the time of Tree Removal Permit review (See Subsection 2.4.8), and shall also be considered during the review of a ~~Concept Plan, Regulating~~ **Development** Plan, Preliminary Plat, Final Plat, Site Plan, Building Permit, or Grading Permit (if applicable).

**SECTION XXIII.** That Chapter 5, Section 5.2.4 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:

5.2.4 Tree Canopy Retention

- (1) Where Required

Except where exempted by Subsection 5.2.3, the standards in this section shall apply to any Preliminary Plat, ~~Concept Plan~~, **Regulating Development** Plan, Site Plan, or approved use.

...

(4) Designation of Tree Protection Zone

In cases where tree removal activities are taking place on lands prior to development activity, all Tree Protection Zones shall be identified for protection in a form acceptable to the City Attorney (e.g., open space lot, a platted lot subject to a deed restriction, a conservation easement, dedication to the city, etc.), and shall be areas where the existing tree canopy will be maintained, and where buildings shall not be located. The Tree Protection Zone shall be depicted on the Preliminary Plat, Site Plan, ~~Concept Plan~~, or **Regulating Development** Plan, whichever is appropriate. The Tree Protection Zone shall also be depicted on the Final Plat if it is required prior to development.

...

(7) Removal of Trees in a Tree Protection Zone

...

(c) Landscape Requirements Increased

In cases where land disturbing activity removes or damages trees on a lot or site that is part of a larger development (such as the first phase in a multi-phase development), the planting rates for all required landscape areas associated with any subsequent development on the site or in the same ~~Concept~~ **Development** Plan, Preliminary Plat, or Site Plan shall be 150 percent of the minimum requirements specified in Table 5-4, Site Landscape Requirements.

**SECTION XXIV.** That Chapter 5, Section 5.2.6 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:

5.2.6 Protection of Specimen Trees

...

(2) Removal

Except in cases where a tree is determined by the Department of Building and Neighborhood Services as diseased, dying, or structurally unsound, the Department of Building and Neighborhood Services shall allow removal of specimen trees only if the City Land Planner, in conjunction with the DRT, has reviewed and approved a **regulating Development** plan, site plan, or infrastructure plans in conjunction with a plat which satisfactorily documents the tree canopy cover and associated

proposed specimen tree preservation, removal, and replacement or the landowner demonstrates all of the following standards are met:

- (a) The site is otherwise in compliance with this subsection;
- (b) The specimen tree is outside a Tree Protection Zone;
- (c) The specimen tree is an obstacle to access on the lot or site and no alternative exists for relocating such access; and
- (d) Replacement trees are provided in accordance with Subsection 5.2.6(3), Replacement.

**SECTION XXV.** That Chapter 5, Section 5.3.3 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:

### 5.3.3 Applicability

...

#### (2) Review for Compliance

Review of proposed development to ensure compliance with the standards in this section shall occur at the time of Site Plan, Preliminary Plat, ~~Concept Plan~~, **Regulating Development** Plan, or Building Permit review, as appropriate.

#### (3) Exemptions

The following development shall be exempt from the standards in this section to the extent they conflict or overlap with the following:

- (a) Development subject to a Site Plan, Preliminary Plat, Conservation Design Plan, ~~Concept Plan~~, **Regulating Development** Plan, or Building Permit approved prior to the effective date of this ordinance, provided this approval does not expire; and

**SECTION XXVI.** That Chapter 5, Section 5.3.9 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:

### 5.3.9 Traditional Neighborhood Development (TND)

...

#### (9) Landscape Character

...

- (b) **Fencing and Garden Walls**

...

(iv) Side and Rear Yard Fences

Where rear yards face alleys, screen fencing is permitted along the rear yard setback line. Materials can include wood or wire fencing, stone or brick walls, hedges, or other material approved with the **Regulating Development** Plan. Walls and fences can be softened with vines and plantings. Gates are permitted as well as arbors.

**SECTION XXVII.** That Chapter 5, Section 5.3.11 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:

5.3.11 Design Modifications

(1) Appeal of Design Standards

- (a) Design modifications may only be granted by the Planning Commission to the development standards of Chapter 5, Section 5.3 **Building and Site Design Standards** as part of the ~~concept plan~~, **regulating Development** plan, or site plan review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to review.

**SECTION XXVIII.** That Chapter 5, Section 5.4.2 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:

5.4.2 Applicability of Landscape Standards

...

(2) Review for Compliance

Review for compliance with the standards of this subsection shall occur at the time of submittal of a Site Plan, Preliminary Plat, ~~Concept Plan~~, or **Regulating Development** Plan, as appropriate.

**SECTION XXIX.** That Chapter 5, Section 5.4.3 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:

### 5.4.3 General Requirements for Landscape

#### (1) Landscape Plan

In order to ensure compliance with the standards of this subsection, a Landscape Plan that demonstrates how landscape will be planted on a development site shall be included with or as a part of any application for Site Plan, Preliminary Plat for Subdivision, ~~Concept Plan~~, or **Regulating Development Plan**, whichever is appropriate.

#### (2) Planting Standards

Plantings shall comply with the following standards:

##### (a) Minimum Size at Time of Planting

...

(v) In cases where an aggregate caliper inch (ACI) requirement is used to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:

A.) Use a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard in order to meet the required ACI; or

B.) Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.

When trees exceeding the minimum size at time of planting standard are proposed, the minimum caliper of such trees shall be clearly noted on the Site Plan or **Regulating Development Plan** (as appropriate).

**SECTION XXX.** That Chapter 5, Section 5.4.10 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:

### 5.4.10 Other Landscape Standards

#### (1) Time for Installation of Required Landscape

##### (a) Time Limit

All landscape, including mulching and seeding, shall be completed in accordance with the approved Site Plan, Preliminary Plat, **Regulating Development Plan**, or Building Permit prior to issuance of a Certificate of Occupancy unless a guarantee prepared in accordance with Chapter 6, Performance Agreements is in place to ensure that all landscape standards will be met at a predetermined later date. The installation of these



requirements shall comply with the required planting standards set forth in this subsection.

**SECTION XXXI.** That Chapter 5, Section 5.5.2 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:

5.5.2 Applicability of Open Space Standards

(1) General

Unless exempted, the provisions of this section shall apply to development of all land in the city subject to a Preliminary Plat, ~~Concept Plan,~~ **Regulating Development Plan**, or Site Plan.

**SECTION XXXII.** That Chapter 5, Section 5.5.4 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:

5.5.4 Dedication of Public Land for Parks and Greenways/Blueways

...

(3) Procedure for Dedication of Park Land

(a) The dedication of such land shall be reviewed and approved as part of a ~~Concept~~ **Development Plan** or Preliminary Plat, as applicable. The developer shall designate the areas of land to be dedicated on the Preliminary Plat or ~~Concept~~ **Development Plan**.

(b) Where wetlands falling under the jurisdiction of state or federal agencies have been certified to exist on the property, the ~~Concept~~ **Development Plan** or Preliminary Plat shall also identify the boundaries of such wetlands.

...

(4) Payment In-Lieu of Dedication

(a) General

The payment of fees in-lieu of the dedication of land may be accepted at the request of the developer, with approval of the city. The payment of fees in-lieu of land dedication also may be required by the BOMA at the time of ~~Concept~~ **Development Plan** approval, or as a condition of the approval of a Preliminary Plat, upon finding that:

...

(b) Procedure for Approval

- (i) The payment of such fees in-lieu of land dedication shall be reviewed and approved as part of the ~~Concept~~ **Development** Plan or Preliminary Plat. Any developer desiring to make such payment shall attach a letter to the parks department requesting the payment of fees in-lieu of land dedication.

**SECTION XXXIII.** That Chapter 5, Section 5.6.2 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:

5.6.2 Applicability

...

(2) Review for Compliance

Review for compliance with the standards of this section shall occur as a part of review of the Site Plan, Preliminary Plat, ~~Regulating~~ **Development** Plan, or Building Permit, as appropriate.

**SECTION XXXIV.** That Chapter 5, Section 5.6.2 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:

5.6.10 Prohibited Fencing and Gate Materials

...

- (2) Wire fences or above-ground electrified fences for the control of livestock shall be permitted only within the Agricultural (AG) district or as part of an approved ~~Regulating~~ **Development** Plan.

**SECTION XXXV.** That Chapter 5, Section 5.9.3 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:

5.9.3 General Standards for Off-street Parking, Stacking, and Loading Areas

...

- (11) Review for Compliance

Review for compliance with the standards of this subsection shall occur at the time of Site Plan, ~~Concept Plan~~, or **Regulating Development** Plan review as appropriate.

(12) Construction of Off-street Parking and Loading Areas

All required off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve. In the case of phased development, off-street parking and loading areas shall only be provided for the portions of the development for which a Site Plan, or **Regulating Development** Plan is approved.

**SECTION XXXVI.** That Chapter 5, Section 5.9.4 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:

5.9.4 Off-Street Parking Standards

(1) Parking Plan Required

A parking plan (where appropriate), shall be submitted with an application for a Site Plan, ~~Concept Plan~~, **Regulating Development** Plan, or any development that is required to provide more than three off-street parking spaces. The plan may be included within the required Circulation Plan, and shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve. (See Section 5.10, Mobility and Circulation.)

**SECTION XXXVII.** 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

...

- (4) A Circulation Plan shall be submitted with the ~~Concept Plan~~, Preliminary Plat, Final Plat, Site Plan, or **Regulating Development** Plan as indicated in the Administrative Manual.

**SECTION XXXVIII.** That Chapter 5, Section 5.10.13 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:

5.10.13 Sidewalks

- ...
- (6) Payment In-Lieu of Sidewalks
- ...

(b) Procedure for Approval

The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan, ~~Regulating~~ **Development** Plan, or Final Plat. Any applicant proposing to make such payment shall attach a letter to the Engineering Department requesting the payment of fees in-lieu of installing the sidewalk. Upon receipt of the application, the Engineering Department shall review the request and submit recommendations concerning the payment of fees in-lieu of installing the sidewalk. In the event of a dispute between an applicant who wants to make payment in-lieu, and a recommendation by the Engineering Department that facilities should be provided, the FMPC shall make the final determination.

**SECTION XXXIX.** That Chapter 5, Section 5.11.4 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:

5.11.4 General Standards for Exterior Lighting

(1) Lighting Plan Required

A Lighting Plan shall be submitted with an application for a Site Plan, ~~Concept Plan~~, or **Regulating Development** Plan, whichever is appropriate.

**SECTION XL.** That Chapter 8, Section 8.3 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:

...

Critical Lot Plan

An administratively reviewed plan for lots in a recorded subdivision that, as identified during the approval of a ~~Concept Plan~~, **Regulating Development** Plan, Site Plan, Preliminary Plat, or Final Plat, are difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and are subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil.

...

Pattern Book

Document that ~~may accompany~~ **accompany** a ~~Concept Development~~ **Development** Plan ~~in lieu of a Regulating Plan~~ as part of a planned unit development (PUD) that conveys the design goals of a project, and includes, but is not limited to, illustrations or renderings of proposed buildings and

use types, floor plans for dwelling units, building materials and colors, signage, square footages of structures, street lighting details, and typical streetscapes.

**SECTION XLI.** 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: \_\_\_\_\_  
**KEN MOORE**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL: 10/27/11

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

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

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

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