**ORDINANCE 2016-39**

**TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTERS 3 AND 5 OF THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO ADOPT THE NEW FEMA FLOOD INSURANCE RATE MAPS, AND AMEND THE CITY OF FRANKLIN ZONING MAP TO UPDATE THE BOUNDARIES OF THE FLOODWAY FRINGE (FFO) AND FLOODWAY (FWO) OVERLAY DISTRICTS ACCORDINGLY."**

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

**WHEREAS,** the NFIP and Federal Emergency Management Agency (FEMA) requires local communities to maintain certain requirements; and

**WHEREAS**, the Board of Mayor and Aldermen (BOMA) wishes to maintain eligibility in the NFIP, and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, § 60.3; and

**WHEREAS**, areas of the City of Franklin are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, flood losses are caused by the cumulative effect of obstructions in floodplains, resulting in increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages; and

**WHEREAS**, the Legislature of the State of Tennessee has in *Tennessee Code Annotated* (T.C.A.) §§ 13-7-201 through 13-7-210, delegated the responsibility to local government units to adopt municipal zoning regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS,** the City of Franklin has previously adopted the FWO – Floodway Overlay District (FWO) and FFO – Floodway Fringe Overlay District (FFO); and

**WHEREAS,** the BOMA wishes to amend Subsections 3.4.4 and 3.4.5 in order to update the references to the FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) adopted in Subsection 5.8.5 (2) (b) that form the basis for the location of the FWO and FFO Overlay Districts; and

**WHEREAS**, the City of Franklin has previously adopted Floodplain Protection standards in Chapter 5, Subsection 5.8.5, of the City of Franklin Zoning Ordinance; and

**WHEREAS,** the BOMA wishes to amend Subsection 5.8.5 (2) (b) of the Franklin Zoning Ordinance in order to update the list of Flood Insurance Rate Map, Community Panel Numbers, in order to include and formally adopt the new Flood Insurance Rate Maps, dated December 22, 2016; and

**WHEREAS,** FEMA formally notified the City of Franklin and issued a final Flood Hazard Determination (FHD) on June 22, 2016; and

**WHEREAS,** the City of Franklin is required to adopt the new FIS and FIRMs within six (6) months from the date of the FHD; and

**WHEREAS,** upon passage of Ordinance 2016-39, the City of Franklin is authorized by the CFR to begin utilizing and enforcing the data contained in the new FIS and FIRMs prior to the December 22, 2016, effective date; and

**WHEREAS,** the BOMA wishes to amend the City of Franklin Zoning Map, to update the boundaries of the FWO and FFO Overlay Districts to coincide with the new FIS and FIRMs; and

**WHEREAS,** these amendments are in the best interest of the citizens of Franklin.

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

**SECTION I.** That Chapter 3, Subsection 3.4.4 (4) of the 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) Undesignated Tributaries and Drainage Areas Within or Affecting the City
The FWO District shall coincide with floodways designated in the Flood Insurance Stud~~yies or~~ **and** on the National Flood Insurance Program Flood Insurance Rate Maps, hereinafter referred to as FIRMs, ~~effective September 29, 2006~~ **adopted in Subsection 5.8.5 (2) (b)**, 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, Subsection 3.4.5 (5) of the 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:

(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 Stud~~yies or~~ on the FIRMs, ~~effective September 29, 2006~~ **adopted in Subsection 5.8.5 (2) (b)**, or as 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.

Law Dept. approved 09.14.16

**SECTION III.** That Chapter 5, Subsection 5.8.5 (2) (b) of the 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:

(b) Basis for Establishing the Areas of Special Flood Hazard

~~The Areas of Special Flood Hazard identified in the City of Franklin, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47187C0180F; 47187C0182F; 47187CO184F; 47187C0190F; 47187C0192F; 47187C0195F; 47187C0203F; 47187C0204F; 47187C0205F; 47187C0208F; 47187C0209F; 47187C0211F; 47187C0212F; 47187C0213F; 47187C0214F; 47187C0220F; 47187C0230F; 47187C0335F; 47187CO355F; 47187CO360F; dated, September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of Section 5.8.5.~~

(i) **The Areas of Special Flood Hazard in the City of Franklin, Tennessee, are identified by FEMA in its Flood Insurance Study (FIS) dated December 22, 2016, and on the Flood Insurance Rate Map (FIRM), Community 470206, as follows:**

A.) **Panel Numbers: <u>47187C0190F</u>, <u>47187C0195F</u>, <u>47187C0204F</u>, <u>47187C0205F</u>, <u>47187C0208F</u>, <u>47187C0209F</u>, <u>47187C0212F</u>, <u>47187C0220F</u>, <u>47187C0230F</u>, <u>47187C0335F</u>, <u>47187CO355F</u>, <u>47187CO360F</u>, dated September 29, 2006; and**

B.) **Panel Numbers: <u>47187C0180G</u>, <u>47187C0182G</u>, <u>47187C0183G</u>, <u>47187C0184G</u>, <u>47187C0192G</u>, <u>47187C0203G</u>, <u>47187C0211G</u>, <u>47187C0213G</u>, <u>47187C0214G</u>, dated December 22, 2016.**

(ii) **The FIS and FIRMs, along with all supporting technical data, are hereby adopted by reference and declared to be a part of Subsection 5.8.5.**

**SECTION IV.** That the Franklin Zoning Map shall be, and is hereby, amended to revise the boundaries of the FWO – Floodway Overlay District (FWO) and FFO – Floodway Fringe Overlay District (FFO) to coincide with the Flood Insurance Study (FIS) and Flood Insurance Rate Maps as specified in the Franklin Zoning Ordinance, Chapter 3, Subsections 3.4.4 (4), 3.4.5 (5), and as adopted and further described in Chapter 5, Subsection 5.8.5 (2) (b).

**SECTION V.** 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: _____                      By: _____
**Eric Stuckey**                                                  **Dr. Ken Moore**
City Administrator/Recorder                            Mayor

Approved as to form by:

_____
Kristen L. Corn
Assistant City Attorney

PLANNING COMMISSION RECOMMENDED: _____

PASSED FIRST READING: _____

PUBLIC HEARING HELD: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____