

ORDINANCE 2015-21

TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8.3, AND CHAPTER 4, SECTIONS 4.1.4 AND 4.1.6 OF THE FRANKLIN ZONING ORDINANCE WHICH REGULATE ACCESSORY USES AND STRUCTURES, AND CHAPTER 3, SECTION 3.5.6, CENTRAL FRANKLIN CHARACTER AREA OVERLAY DISTRICT, TO PERMIT ACCESSORY DWELLINGS IN CERTAIN SPECIAL AREAS.”

WHEREAS, the Land Use Plan, which is the City’s guiding policy document for land use, recommends that the Franklin Zoning Ordinance be amended to allow accessory dwellings within certain areas of Central Franklin to broaden the range of housing options for citizens; and

WHEREAS, the City of Franklin Housing Needs Assessment recommends accessory dwellings as a housing strategy for a healthy community; and

WHEREAS, accessory dwellings subordinate in height and size to the principal dwelling allow for neighborhood scale infill while retaining the overall character of the neighborhood; and

WHEREAS, this Ordinance text amendment allows accessory dwellings to be located in certain Character Area Overlay Districts and establishes additional standards; and

WHEREAS, this text amendment is in the best interest of the citizens of Franklin.

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, Definitions and Use Classifications, of the 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:

8.3 Definitions and Use Classifications

. . .

Accessory Dwelling

An accessory dwelling is a small, detached, self-contained dwelling located on the same lot as a larger, existing single-family dwelling. It may be a stand-alone structure or be located above a detached garage.

. . .

SECTION II. That Chapter 4, Section 4.1, Subsection 4.1.4 (1), Listed Accessory Uses, of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**, and to renumber the subsequent Additional Requirement references accordingly, and is approved to read as follows:

TABLE 4-1: PERMITTED ACCESSORY USES

P = Permitted Shaded Cell = Prohibited

Accessory Use or Structure	Base Zoning Districts [1]																	Addt'l Req.		
	AG	ER	R-1	R-2	R-3	R-6	SD-R	SD-X	RM-10	RM-15	RM-20	OR	CI	GO	NC	CC	GC		LI	HI
Accessory Dwelling [1] [3]		P	P	P	P	P	P	P												Sec 4.1.6(1)

NOTES:

- [1] Lots within an overlay district are subject to the district-specific standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, that may prohibit an accessory use otherwise allowed in a base district.
- [2] Major Recreational Equipment shall also be permitted to be stored or parked at an approved Self-Storage Facility.
- [3] **Accessory dwellings shall be permitted in the CFCO 1, 2, 3, 7, and 8 Overlay Districts in accordance with the standards in 4.1.6.**

SECTION III. That Chapter 4, Section 4.1, Subsection 4.1.6, Additional Standards for Certain Accessory Uses, of the Franklin Zoning Ordinance is hereby amended to add the following text in **bold** as a new Subsection 4.1.6(1) and to renumber the subsequent Subsections accordingly, and to replace (____) with the effective date of this ordinance:

4.1.6 Additional Standards for Certain Accessory Uses

(1) Accessory Dwellings

Accessory dwellings shall:

- (a) Be permitted in detached residential zoning districts that are also within CFCO 1, 2, 3, 7, or 8 and be permitted within SD-R or SD-X as part of an approved development plan;**
- (b) Be accessory to an existing, detached principal dwelling;**
- (c) Be subordinate to the principal dwelling by:**
 - i. Limiting the building footprint to 35 percent of the building footprint of the principal dwelling;**
 - ii. Not exceeding one story when the principal dwelling is one story and in no case shall the height of the accessory dwelling exceed the height of the principal dwelling, measured from natural grade; and**
 - iii. Not exceeding one and one-half stories when the principal dwelling is one and one-half stories or more, but in no case shall the height of the accessory dwelling be within three feet of the height of the principal dwelling.**
- (d) Be on a lot of 4,000 square feet or more and be located to the rear, behind the rear plane of the principal dwelling;**
- (e) Be served by at least one, but not more than two, off-street parking spaces dedicated to the accessory dwelling. Tandem spaces shall not be counted toward meeting the parking requirement;**
- (f) Not be permitted to have an additional curb cut along the street where the principal dwelling fronts;**

- (g) Not be counted in calculations of maximum residential density in the base zoning district, but if an accessory dwelling is connected to the principal dwelling by a covered walkway, then the accessory dwelling shall be counted toward the maximum accessory building allowance in Section 4.1.2(8) and shall meet the size requirements in 4.1.6(1)(c);
- (h) Be located on a lot where:
 - i. Either the principal dwelling or the accessory dwelling is owner-occupied;
 - ii. The lot shall not be subdivided such that the accessory dwelling is located on a different lot than the principal dwelling; and
 - iii. The accessory dwelling shall be owned by the same person as the principal structure and shall not be sold apart or as a condominium.
- (i) Meet the following design standards:
 - i. Durable exterior building materials shall be used that are the same or higher quality as surrounding developments; however, when the principal structure is predominantly brick or stone, the introduction of smooth wood or fibrous cement siding is allowed to reinforce the ancillary and subordinate nature of the accessory dwelling, and the foundation shall not be required to meet Section 5.3.5(1)(e);
 - ii. The style and design shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure;
 - iii. Dormers shall relate to the style and proportion of windows on the principal dwelling and shall be set back a minimum of two feet from the exterior wall; and
 - iv. The location and design of the accessory dwelling shall minimize its impact on the privacy of adjacent properties by limiting the stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley or street, or to the interior of the lot, and away from adjacent properties where feasible.
- (j) Be allowed to be converted from an existing accessory structure in existence at the adoption of this Ordinance dated (____) as long as the conversion does not increase any existing nonconformity. Any accessory structure constructed after the date of this adoption may be converted into an accessory dwelling as long as it meets all standards in Section 4.1.6(1); and
- (k) Meet all other applicable code requirements, including a Certificate of Appropriateness as applicable. Prior to the issuance of a Certificate of Occupancy, an instrument shall be prepared and recorded with the register's office covenanting that the accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed in Section 4.1.6(1)(h).

SECTION IV. That Chapter 3, Section 3.5, Subsection 3.5.6, CFCO—Central Franklin Character Area Overlay District, of the 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:

3.5.6—Central Franklin Character Area Overlay District

. . .

(2) Special Areas

(b) CFCO-1 Standards

. . .

(ii) Uses

This special area allows for a diverse mix of uses, including detached and attached residential dwellings, accessory ~~units~~ **dwellings in accordance with Section 4.1.6(1)**, neighborhood and local commercial and office uses, civic uses and vertical mixed-uses. Such uses shall be permitted in compliance with the land use plan.

. . .

(c) CFCO-2 Standards

. . .

(ii) Uses

This special area allows for a diverse mix of uses, including detached and attached residential dwellings, accessory ~~units~~ **dwellings in accordance with Section 4.1.6(1)**, neighborhood and local commercial and office uses, civic uses and vertical mixed-uses. Such uses shall be permitted in compliance with the land use plan.

. . .

(d) CFCO-3 Standards

- (i) New residential development shall match the existing character of traditional areas, including architecture, materials, scale, and setbacks. **Accessory dwellings shall be permitted in accordance with Section 4.1.6(1).**

. . .

(h) CFCO-7 Standards

- (i) Structured parking, if provided shall be screened from view and should not have a presence along the streetscape. Structured parking may be allowed on the outside of the block if it maintains active ground floor uses.
- (ii) **Accessory dwellings shall be permitted in accordance with Section 4.1.6(1).**

(i) CFCO-8 Standards

- (i) Buildings shall not exceed 2 stories in height.
- (ii) **Accessory dwellings shall be permitted in accordance with Section 4.1.6(1).**

. . .

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: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Kristen L. Corn, Assistant City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PASSED SECOND READING:

PUBLIC HEARING HELD:

PASSED THIRD READING:
