

## **ORDINANCE 2017-23**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTERS 2 AND 3 AND 8 OF THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO ALLOW LIMITED DEVELOPMENT IN THE FLOODWAY FRINGE OVERLAY DISTRICT (FFO) WITHIN CERTAIN CENTRAL FRANKLIN CHARACTER AREA OVERLAY DISTRICTS (CFCO-1 and CFCO-2).”**

**WHEREAS**, the City and the City’s consultant, Barge Waggoner Sumner & Cannon, completed a Riverfront Planning Study along the Harpeth River in Downtown Franklin to identify the community’s vision for a Riverwalk and opinions about development within the 100-year floodplain; and

**WHEREAS**, the study results found broad support for a Riverwalk along the River in a natural setting and the majority did not support additional development within the 100-year floodplain; and

**WHEREAS**, the Franklin Zoning Ordinance does not allow new development within the 100-year floodplain except in very limited geographic locations, but it does allow floodplain alteration with compensatory cut-and-fill to remove land from the floodplain; and

**WHEREAS**, this area provides a unique opportunity to enhance the role of the Harpeth River in Downtown Franklin; and

**WHEREAS**, the City’s general plan, *Envision Franklin*, states that open space along the Harpeth River should be integrated into the downtown core, while also defining an on-site edge of the downtown core; and

**WHEREAS**, *Envision Franklin* states that development should be designed around conservation areas to highlight them as community amenities with pedestrian and bike systems that will connect the entire conservation design concept throughout the city; and

**WHEREAS**, some properties in this area had developed prior to Federal or local floodplain regulations but have lost their legally nonconforming use rights in the FFO; and

**WHEREAS**, this Zoning Ordinance text amendment provides additional development rights along the edges of the FFO within certain development limits without requiring compensatory cut-and-fill, while preserving the remainder of the natural floodplain and native vegetation that define an on-site edge of the downtown core and while preserving most of the ten-year flood zone; and

**WHEREAS**, these development limits take into account the Riverfront Planning Study preliminary engineering findings for where compensatory cut-and-fill could potentially occur; and

**WHEREAS**, this Zoning Ordinance text amendment to amend the CFCO-1 and CFCO-2 Standards is in the best interest of the citizens of Franklin.

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

**SECTION I.** That Chapter 3, Section 3.5.6, of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(b) CFCO-1 Standards

(i) Applicability ...

**In cases of conflict between this Subsection and Section 3.4.5, Floodway Fringe Overlay District, the regulations of this subsection shall apply.**

...

(xv) Development within the FFO

**A.) Development Limits**

**1. Development and/or redevelopment shall be permitted along the edges of the FFO within these defined Development Limits: In no case, shall the maximum encroachment into the FFO be closer to the Harpeth River than the existing elevation contour of 630 feet above sea level prior to any modification of floodplain, or the riparian buffer as required by the Stormwater Management Ordinance, or the outer boundary of the FWO, whichever is most restrictive.**

**2. Within the Development Limits, development and/or redevelopment shall be permitted in accordance with this Subsection, Traditional Development standards, and Floodplain Protection standards. Associated grading shall be approved only as part of a Site Plan for development. All Site Plans, including mass grading, shall be submitted to the FMPC for review.**

**B.) Uses and Standards**

**1. Within the Development Limits, use types in the applicable base zoning district shall be permitted, except for the following uses which shall be prohibited: assisted living facilities, correctional facilities, hospitals, nursing/convalescent homes, bed and breakfast establishments, hotels, boutique hotels, and residential uses.**

**2. Buildings shall face both the street and multi-use path, with pedestrian gathering spaces located along the multi-use path.**

**3. Beyond the Development Limits, new uses/encroachments shall be in accordance with Section 3.4.4, FWO District, or 3.4.5, FFO District, whichever is applicable, except for the following use which shall be prohibited: floodplain alteration not associated with public or private infrastructure.**

**4. CFCO-1 within the FWO or FFO shall meet the Open Space Standards, LSR, and Tree Canopy Retention standards in Chapter 5, Development Standards per the applicable Base Zoning District, and shall not be otherwise exempted by any other referenced CFCO-1 exemption.**

### C.) Multi-Use Path

1. A public multi-use path shall be located along the Harpeth River with pedestrian access points to E. Main Street and 1<sup>st</sup> Avenue South and North.
2. Paths shall have a minimum width of 12 feet. The width may be reduced to 8 feet in portions of the path to minimize disturbance to native vegetation or environmental constraints.

**SECTION II.** That Chapter 3, Section 3.5.6, of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(c) CFCO-2 Standards

(i) Applicability

...

In cases of conflict between this Subsection and Section 3.4.5, Floodway Fringe Overlay District, the regulations of this subsection shall apply.

...

(xv) Development within the FFO

#### A.) Development Limits

1. Development and/or redevelopment shall be permitted along the edges of the FFO within these defined Development Limits: In no case, shall the maximum encroachment into the FFO be closer to the Harpeth River than the existing elevation contour of 630 feet above sea level prior to any modification of floodplain, or the riparian buffer as required by the Stormwater Management Ordinance, or the outer boundary of the FWO, whichever is most restrictive.
2. Within the Development Limits, development and/or redevelopment shall be permitted in accordance with this Subsection, Traditional Development standards, and Floodplain Protection standards. Associated grading shall be approved only as part of a Site Plan for development. All Site Plans, including mass grading, shall be submitted to the FMPC for review.

#### B.) Uses and Standards

1. Within the Development Limits, use types in the applicable base zoning district shall be permitted, except for the following uses which shall be prohibited: assisted living facilities, correctional facilities, hospitals, nursing/convalescent homes, bed and breakfast establishments, hotels, boutique hotels, and residential uses.
2. Buildings shall face both the street and multi-use path, with pedestrian gathering spaces located along the multi-use path.

3. Beyond the Development Limits, new uses/encroachments shall be in accordance with Section 3.4.4, FWO District, or 3.4.5, FFO District, whichever is applicable, except for the following use which shall be prohibited: floodplain alteration not associated with public or private infrastructure.

4. CFCO-2 within the FWO or FFO shall meet the Open Space Standards, LSR, and Tree Canopy Retention standards in Chapter 5, Development Standards per the applicable Base Zoning District, and shall not be otherwise exempted by any other referenced CFCO-2 exemption.

**C.) Multi-Use Path**

1. A public multi-use path shall be located along the Harpeth River with pedestrian access points to E. Main Street and 1<sup>st</sup> Avenue South and North.

2. Paths shall have a minimum width of 12 feet. The width may be reduced to 8 feet in portions of the path to minimize disturbance to native vegetation or environmental constraints.

**SECTION III.** That Chapter 2, Section 2.4, Subsection 2.4.3 of the Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, and is approved to read as follows:

(2) Applicability

c.) Site Plans shall be submitted to the FMPC approval instead of administrative review by staff, if the development application:

...

(vi) is for property located within the CFCO-1 or CFCO-2 Overlay Districts and within the FFO or FWO Overlay Districts. Mass grading shall only be approved as part of a site plan for development.

**SECTION IV.** That Chapter 8, Section 8.3, of the Franklin Zoning Ordinance is hereby amended to remove the following text with a ~~strike through~~ and add the following text noted in **bold**, and is approved to read as follows:

8.3 Definitions and Use Classifications

...

Infrastructure, Public or Private

Public improvements for ~~Facilities and services needed to sustain development and land-use activities~~ including but not limited to water, sewer, drainage, **stormwater management improvements**, streets, sidewalks, and similar facilities.

...

**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 S. Stuckey  
**City Administrator**

**BY:** \_\_\_\_\_  
Dr. Ken Moore  
**Mayor**

**Approved as to Form:**

\_\_\_\_\_  
Shauna R. Billingsley, City Attorney

PLANNING COMMISSION RECOMMENDED:

\_\_\_\_\_

PASSED FIRST READING:

\_\_\_\_\_

PUBLIC HEARING HELD:

\_\_\_\_\_

PASSED SECOND READING:

\_\_\_\_\_

PASSED THIRD READING:

\_\_\_\_\_