

## Legislation Details (With Text)

**File #:** 16-0904      **Version:** 1      **Name:** Parking Structures in FFO

**Type:** Ordinance      **Status:** Consent Agenda

**File created:** 10/14/2016      **In control:** Board of Mayor & Aldermen

**On agenda:** 2/28/2017      **Final action:** 2/28/2017

**Title:** Consideration Of Ordinance 2016-45, To Be Entitled: "An Ordinance To Amend Chapter 3 Of The Zoning Ordinance Of The City Of Franklin, Tennessee, In Order To Add Parking Structures To The List Of Permitted New Uses/Encroachments In The FFO - Floodway Fringe Overlay District And Revise The Requirements For Parking Lots located in the FFO." (12/15/16 FMPC 9-0; 1/10/17 1ST BOMA Reading 8-0, 02/14/17 2ND BOMA Reading 6-0) THIRD AND FINAL READING

**Sponsors:** Ald. Ann Petersen, Emily Hunter, James Svoboda

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2016-45 Amend FFO\_Parking Structures Law Approved (3)

Date	Ver.	Action By	Action	Result
2/28/2017	1	Board of Mayor & Aldermen	approved	Pass
2/14/2017	1	Board of Mayor & Aldermen	referred as a Consent Item	Pass
1/10/2017	1	Work Session	acknowledged	
1/10/2017	1	Board of Mayor & Aldermen	referred as a Public Hearing Item	Pass
12/15/2016	1	Franklin Municipal Planning Commission	recommended favorably to the Board of Alderman and	Pass
10/27/2016	1	Franklin Municipal Planning Commission		

**DATE:** December 9, 2016

**TO:** Franklin Municipal Planning Commission

**FROM:** James Svoboda, Principal Planner  
Emily Hunter, Director of Planning and Sustainability

**Subject**

Consideration Of Ordinance 2016-45, To Be Entitled: "An Ordinance To Amend Chapter 3 Of The Zoning Ordinance Of The City Of Franklin, Tennessee, In Order To Add Parking Structures To The List Of Permitted New Uses/Encroachments In The FFO - Floodway Fringe Overlay District And Revise The Requirements For Parking Lots located in the FFO." (12/15/16 FMPC 9-0; 1/10/17 1<sup>ST</sup> BOMA Reading 8-0, 02/14/17 2<sup>ND</sup> BOMA Reading 6-0) THIRD AND FINAL READING

**Background/Staff Comments**

The purpose of Ordinance 2016-45 is to add Parking Structures to the list of new uses/encroachments permitted to be constructed in the FFO - Floodway Fringe Overlay District as shown below in **bold**, and to

revise the requirements for parking lots located in the FFO as shown below with a ~~strike through~~:

### 3.4.5 FFO-Floodway Fringe Overlay District

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#### (2) Permitted Uses

All uses shall also comply with the requirements of the Stormwater Management Ordinance.

(a) The following shall be permitted new uses/encroachments:

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(v) Floodplain alternation conducted in accordance with the city's stormwater management ordinance;  
and

(vi) Parking lots, ~~completely constructed of pervious pavers, pervious asphalt, or pervious concrete;~~  
and

(vii) **Parking Structures, constructed in accordance with the following standards:**

(a) **Parking Structures shall be constructed in accordance with the requirements of the Building Code, Stormwater Management Ordinance, and Subsection 5.8.5, Floodplain Protection; and**

(b) **No other use(s) shall be permitted to be constructed above, or as part of the parking structure, unless such use(s) is located outside of the FFO, and is constructed in accordance with the requirements of Subsection 5.8.5, Floodplain Protection; and**

(c) **Foundation perimeter walls shall be constructed in accordance with the requirements of Subsection 5.8.5, Floodplain Protection; and**

(d) **Parking structures constructed and elevated on support piers shall be constructed as follows:**

a. **A minimum of seven (7) feet of clearance from the ground level to the bottom of the first level of the parking structure shall be provided in order to allow for the maintenance and access of equipment below the elevated parking structure. Upon the request of any owner of property to which this Subsection applies, the DRT may approve an alternative minimum clearance which is not in strict compliance with the requirements of this Section, if the DRT finds that such alternative clearance meets the intent and purpose of the requirements of this Section and the Stormwater Management Ordinance. In making the determination, the DRT may consider any site specific design constraints, floodplain standards, stormwater management requirements, and other natural or man-made elements which could impact a proposal's conformance to these standards.**

b. **If parking is provided at ground level (at-grade), the minimum clearance shall be as required by the Building Code.**

(e) **Ground level (at-grade) parking located below an elevated parking structure shall be screened, insofar as practicable, from surrounding uses and from public view as required by Subsection 5.4.5, Vehicular Use Area Landscape, and as permitted by Subsection 5.8.5, Floodplain Protection; and**

(f) **Basement or below ground level (grade) parking shall be prohibited.**

This item is being initiated by staff in response to an issue that arose during the review of a site plan for a project that is located on a vacant lot that was created prior to July 1, 2008, that has FFO on a portion of the

property. The proposed amendment was discussed at the October and November Joint Conceptual Workshops. Staff has revised the proposed amendment based on feedback received during those meetings and based on further discussion with City Staff. The proposed amendment as revised, removes the requirement that parking lots be completely constructed of pervious pavers, pervious asphalt, or pervious concrete, and adds Parking Structures to the list of permitted uses/encroachments that may be constructed and encroach into the 100-year floodplain/FFO.

The Stormwater BMP manual was revised recently so that Stormwater quality credit is no longer allowed for pervious material located within the floodplain. The revision was made based on the long term maintenance issues associated with the BMP. Therefore, in order to maintain consistency between the Stormwater BMP manual and the Zoning Ordinance, the proposed amendment removes the requirement that parking lots located in the FFO be constructed of pervious material. Parking lots constructed in the FFO must still meet all other Floodplain Protection and Stormwater Ordinance requirements.

The proposed amendment specifies that Parking Structures constructed within the FFO be required to meet the requirements of the Building Code, Stormwater Management Ordinance, and the Floodplain Protection Standards in Chapter 5 of the Franklin Zoning Ordinance. The finished floor elevation (FFE) of the first level of parking in the Elevated Parking Structure would be required to be constructed to be one (1) foot above the Base Flood Elevation (BFE). In addition, no other use(s) would be permitted to be constructed above, or included as part of the Parking Structure located within the FFO. However, if a portion of the Parking Structure is located outside of the FFO, additional use/uses would be permitted to be constructed in the portion of the Parking Structure or building that is located outside of the FFO. However, since a portion of the Parking Structure would encroach into the FFO, the entire structure is therefore required to be constructed to meet the floodplain protection standards.

In order to minimize the impacts of construction in the floodplain, the proposed amendment requires that any foundation perimeter walls be constructed according to the Floodplain Protection Standards in Chapter 5, and that Parking Structures constructed and elevated on piers be required to provide a minimum of seven (7) feet of clearance from the ground level to the bottom of the first level of parking. The minimum clearance must be provided in order to allow for the maintenance and access of equipment below the elevated portion of the Parking Structure.

The proposed amendment permits the Development Review Team (DRT) to approve an alternative minimum clearance if the DRT finds that the alternative minimum clearance meets the intent and purpose of the Floodplain Protection Standards and Stormwater Management Ordinance. This provision provides the DRT with flexibility to respond to site specific situations that may warrant a clearance less than the seven (7) feet required by the Ordinance. However, regardless of how the Parking Structure is constructed, basement or below ground level (grade) parking would be prohibited.

If parking is provided at ground level (at-grade) below the elevated portion of the Parking Structure, the minimum clearance required shall be as specified by the Building Code. In addition, the proposed amendment requires that any ground level (at-grade) parking be screened from surrounding uses and public view according to the existing Vehicular Use Area Landscape requirements in Subsection 5.4.5, and as permitted by the Floodplain Protection Standards.

The Franklin Land Use Plan outlines specific policies to guide the City for development within conservation areas and for the preservation of floodplains in particular that have a direct public-safety purpose. The Conservation Design Concept is unique in that it contemplates as little development as possible. The policy of the Plan is that development is inappropriate in areas designated for conservation and promotes the conservation of floodplains as a way to help preserve open space and sensitive environmental areas that have an inherent long-term value to the community.

The Plan states that “the preservation of floodplains in particular has a direct public-safety purpose and helps to minimize property damage during periods of flooding. The specific way this planning policy is applied depends on the regulations adopted in the city’s zoning ordinance and subdivision regulations.” The Plan recommends that development be limited to non-intrusive changes designed to provide public access, where appropriate, and that they be to access drives, parks, parking areas, shelters, trails or related uses, only upon a determination that the environmental integrity of the area can be protected.

The proposed amendment is in keeping with the intent and purpose of the Franklin Land Use Plan. The proposed amendment establishes strict standards for Parking Structures that minimize the amount of development that is permitted to encroach into the floodplain, yet also provides for the provision of parking areas that meet floodplain development and stormwater management regulations and have a minimal impact on the integrity of the conservation area. For these reasons, staff recommends the proposed amendment to the requirements for parking lots constructed within the FFO, and for adding provisions to permit structured parking as an encroachment within the FFO.

### **Recommendation**

**Recommend approval of Ordinance 2016-45 to the Board of Mayor and Alderman.**