

Legislation Details (With Text)

File #: 19-1096 **Version:** 1 **Name:** Zoning Ordinance 2019-37

Type: Ordinance **Status:** Passed

File created: 10/14/2019 **In control:** Board of Mayor & Aldermen

On agenda: 12/10/2019 **Final action:** 12/10/2019

Title: Consideration Of Ordinance 2019-37, As Amended, An Ordinance To Adopt A New Zoning Ordinance And Map Of The City Of Franklin, Tennessee. (FMPC 10/24/19, 9-0; WS 11/12/19; BOMA 1st Reading 11/12/19, 8-0 AS AMENDED; 2nd Reading 11/26/19, 8-0 AS AMENDED) THIRD AND FINAL READING

Sponsors: Emily Hunter

Indexes:

Code sections:

Attachments: 1. ORD 2019-37 Adopt new Zoning Ordinance and Map.Law Approved 3.pdf, 2. Franklin Zoning Ordinance December 10 2019.pdf, 3. Zoning Base Districts Map Updated 12.9.2019, 4. Zoning Overlay Map 12.2.2019.pdf, 5. Public Outreach Comments, 6. Fairground St Mailer, 7. Postcard to all Property Owners, 8. CFHCLetterPlanningADUs, 9. FINAL FMPC Franklin ZO Update Presentation 10-24-19, 10. BOMA Worksession ZO Update FINAL for Granicus 11-12-19.pdf, 11. BOMA 1st Reading ZO Update FINAL for Granicus 11-12-19.pdf, 12. CFHCLetterADUsBOMA.pdf, 13. CFHCLetterPlanningLotsBOMA.pdf, 14. Walter Green Comment, 15. Michael Good Comment, 16. Patrick Baggett Comment

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Mayor & Aldermen	approved on third and final reading	Pass
11/26/2019	1	Board of Mayor & Aldermen	referred as an Old Business Item	Pass
11/12/2019	1	Work Session	acknowledged	
11/12/2019	1	Board of Mayor & Aldermen	referred as a Public Hearing Item	Pass
10/24/2019	1	Franklin Municipal Planning Commission	recommended favorably to the Board of Alderman and	Pass

DATE: October 16, 2019

TO: Franklin Municipal Planning Commission

FROM: Kelly Dannenfelser, Assistant Planning Director
Amy Diaz-Barriga, Current Planning Supervisor
Emily Hunter, Director of Planning and Sustainability

Subject

Consideration Of Ordinance 2019-37, As Amended, An Ordinance To Adopt A New Zoning Ordinance And Map Of The City Of Franklin, Tennessee. (FMPC 10/24/19, 9-0; WS 11/12/19; BOMA 1st Reading 11/12/19, 8-0 AS AMENDED; 2nd Reading 11/26/19, 8-0 AS AMENDED) THIRD AND FINAL READING

Project Information

Applicant: The City of Franklin, Tennessee

Background/Staff Comments

Recap of BOMA Changes from November 26 2nd Reading

Five amendments were made at the 2nd Reading of the Zoning Ordinance. They are as follows:

An amendment was made by the Board of Mayor and Aldermen to the Scenic Corridor Overlay District for New Highway 96 West so that the 300-foot setback on south side of New Highway 96 West is located between Boyd Mill Pike and the western edge of the UGB, and the setback on the north side of New Highway 96 West is located between Mack Hatcher Parkway and the western edge of the UGB.

An amendment was made by the Board of Mayor and Aldermen to Subsection 17.2.4.B, Minimum Tree Canopy Retention, to carry forward the current SD-X tree canopy requirements for mixed-use and nonresidential development in the Planned District.

An amendment was made by the Board of Mayor and Aldermen to the Planned District Subsection 3.10.7, Dimensional Standards, for Principal Building Setbacks to instead read: "All principal building setbacks shall be determined by the BOMA through the adoption of a development plan. Buildings shall maintain a minimum spacing of ten feet."

An amendment was made by the Board of Mayor and Aldermen to the house building type to remove the words ", including side or wrap-around porches" from the Side Façade Facing a Frontage provision.

An amendment was made by the Board of Mayor and Aldermen to Subsection 2.2.4, Short-Term Vacation Rentals, to add "If ownership of a STVR changes to a family member (persons related by blood, marriage, civil union, or adoption), grandfathering protections will continue."

Non-Substantive Changes Made by Staff

Staff also made some non-substantive changes to the Ordinance draft before the BOMA for 3rd and Final Reading. They were inadvertent clerical and formatting errors that are now corrected. The summary is below:

The Ordinance contains a typographical error on the Acknowledgements page that omitted the newest planning commissioner, Jennifer Szilagyi.

The Ordinance was corrected for a number of formatting and clerical errors throughout the Ordinance.

Duplicate information related to the purpose of Administrative Appeals was eliminated from Section 19.4, Board of Zoning Appeals, and merged into the purpose of appeals of administrative decision in Subsection 20.18.1, Purpose.

Duplicate information related to the applicability subsections for Section 3.10, Planned District, and Section 20.8, Development Plan, were synchronized.

The public notice requirements in Subsection 20.2.9, Public Notice Requirements, were corrected to reflect State law requirements and current requirements.

The zoning map was updated to include the 26 properties in the Goose Creek area that were annexed and zoned ER, which was finalized between the 1st and 2nd Readings of the Zoning Ordinance update.

Recap of BOMA Changes from November 12 1st Reading

One amendment was made at the 1st Reading of the Zoning Ordinance. It is:

An amendment was made by the Board of Mayor and Aldermen to begin the New Highway West segment of the Scenic Corridor Overlay at the intersecting street of Boyd Mill Pike.

Recap of BOMA Comments from November 12 Work Session and 1st Reading:

- Scenic Corridor Overlay
 - a. A citizen requested the scenic corridor overlay for New Hwy 96 W to start on the south side of the street at Boyd Mill Pike. The motion was made for the overlay to start at Boyd Mill Pike, which would apply on both sides (north and south). If the intent was to only amend the SCO to apply to the south side, a motion has been drafted below to clarify this.
- Short-Term Vacation Rentals
 - a. Proposed requirements for all residential districts include: existing permitted STVRs are grandfathered; a maximum of one per lot; and the owner permanently resides on the property.
 - b. It was mentioned by different aldermen that there was a desire to apply the use regulations to fewer districts and also to apply the use regulations to all districts.
 - c. Staff proposed the use regulations to apply to all of the residential districts and PD district due to the long-term impacts on attainable housing supply and the pressure it would cause on other districts if only applied to certain residential areas. Staff is not proposing to apply additional use regulations in locations where other commercial uses are already permitted, for example, the Agriculture, Office Residential, Central Commercial, or Downtown Districts. A couple of motion options are provided below.
- House Building Type
 - a. Alderman Petersen mentioned a desire to remove the requirement for an entry feature (covered porch, covered stoop, or balcony) on a house. She also mentioned amending the side façade facing a frontage provision.
- Floodplain Protection Standards
 - a. Several citizens requested relaxing the current standards and practices related to floodplain protection. If the BOMA wishes to consider these changes, staff would propose a separate study with notification and engagement of all property owners in the floodplain. To be clear, the proposed Zoning Ordinance does not include any substantive change to flood plain regulations.
- Lot Sizes
 - a. The results of the BOMA and FMPC interviews indicated that the BOMA prefers to review larger developments on a case-by case basis, which is done through development plan review and approval. The Planned District (PD that carries the development plan) does not have minimum lot sizes or lot widths, and final approval is by the BOMA.
 - b. This discussion should be focused on Envision Franklin, which sets the policy. Envision Franklin plan

amendment and mobile workshop are planned for winter/spring 2020 with a focus on lot sizes/widths.

Potential Actions/Amendments

- Scenic Corridor Overlay District
 - a. Motion to amend the Scenic Corridor Overlay district for New Highway 96 West so that the 300-foot setback on south side of New Highway 96 West is located between Boyd Mill Pike and the western edge of the UGB, and the setback on the north side of New Highway 96 West is located between Mack Hatcher Parkway and the western edge of the UGB.
- Short-Term Vacation Rentals
 - a. Motion to amend the short-term vacation rental use in Table 5.1.3, Permitted Principal Uses by Zoning District and Table 5.2.6, Permitted Accessory Uses and Structures by Zoning District to: (potential options below)
 - 1. Remove the additional use regulations for the ER and PD districts.
 - 2. Apply the additional use regulations to all zoning districts.
- House Building Type
 - a. Motion to amend the house building type to remove the Entry Features provision that requires a covered porch, covered stoop, or a balcony over the entrance.
 - b. Motion to amend the house building type to remove the words “, including side or wrap-around porches” from the Side Façade Facing a Frontage provision.
- Floodplain Protection Standards
 - a. Motion to direct staff to conduct a study of the floodplain protection standards related to the citizen requests, including notification of all property owners in the floodplain. As was shared at the 11/12 BOMA meeting, these regulations are complex and interrelated requiring a more involved study to consider options for changing regulations.
- Lot Sizes
 - a. Motion of support for a study already underway for lot sizes/lot widths in Envision Franklin.

The City of Franklin’s Department of Planning and Sustainability and their planning consultant, Town Planning & Urban Design Collaborative, LLC (TPUDC) have recently completed a major update to the City’s Zoning Ordinance. **The final draft is an attachment in Granicus.**

The goals of the new Zoning Ordinance are to guide the type of high-quality, vibrant and sustainable development prescribed by Envision Franklin; emphasize community character; be clear, simple, and understandable; organize the document for ease of use; reduce the number of conflicts and overlapping provisions; achieve desired development with base zoning districts and development standards for straightforward projects; and utilize the PUD process for complex development projects.

Throughout the update process, planning staff and TPUDC has met with design professionals, development review team staff, and members of the Franklin Municipal Planning Commission, the Board of Mayor and Alderman. Public outreach included presentations, workshops, and round table discussions on topics such as neighborhood character, architecture,

and land use. Postcards were mailed to every property owner in the City, in addition to posted signs around the City and social media outreach. Below is a list of meetings related to the Zoning Ordinance update:

- February 19-25 Planapalooza
- June 19 Special Joint Workshop
- July 14 Downtown Neighborhood Association
- July 30 Franklin Tomorrow Breakfast with the Mayors
- August 7 Design Professionals/Developers Meeting
- August 15 Williamson County Association of Realtors
- August 15 Public Open House
- August 16 All Day Drop-In Open Office Hours at Planning & Sustainability Department
- August 19 Historic Zoning Commission DRC
- August 22 Joint Conceptual Workshop
- September 6 Sustainability Commission
- September 19 Special Joint Workshop-Zoning Map/Procedures
- September 20 All Day Drop-In Open Office Hours at Planning & Sustainability Department
- September 26 Joint Conceptual Workshop-Short-Term Vacation Rentals

Recommendation

Recommend approval to the Board of Mayor and Aldermen.