



## Legislation Text

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**File #:** 15-0899, **Version:** 1

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**DATE:** 12/11/2015

**TO:** Franklin Municipal Planning Commission

**FROM:** Josh King, Senior Planner  
Bob Martin, Interim Director of Planning and Sustainability

### **Subject**

Consideration Of Ordinance 2015-51, As Amended, To Be Entitled "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.2, Subsection 3.2.7(5) Pertaining To Convenience Stores And Automotive Fuel Sales And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(3) Pertaining To Automotive Uses On Lots Located At Major Intersections And To Modify Figure 5-37 Which References Subsection 5.3.6 (3) And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(9) Which References Roof Types On Non Residential Structures." (11-10-15 1<sup>st</sup> Reading BOMA: 8-0; 12-10-15 2<sup>nd</sup> Reading And Public Hearing Postponed And Proposed Amendment Referred To 12-17-15 FMPC by BOMA 8-0; 12-17-15 FMPC approved proposed amendment 7-0; 01/12/16 WS; 02/09/16 BOMA 8-0). THIRD AND FINAL READING

### **Background Information**

The purpose of proposed Ordinance 2015-51 is to amend various sections of the Zoning Ordinance pertaining to convenience stores, automotive fuel sales and automotive uses located at major intersections.

Ordinance 2015-51, as amended, will do the following:

- Prohibit convenience stores that sell gasoline and facilities for automotive fuel sales from locating adjacent to properties zoned residential or properties whose primary use is residential in nature; unless approved by the Board of Mayor and Alderman as part of a PUD Development Plan.
- Permit convenience stores, automotive fuel sales or other automotive-oriented service and sales uses from locating at intersections with the exception of the intersection of two or more major or minor arterial streets.
- Require that structures intended for automotive fuel sales or automotive-oriented service uses have pitched roofs for both the principal structure and associated canopies.

The Board of Mayor and Alderman (BOMA) held a public hearing on Ordinance 2015-51 on December 8, 2015, and considered the item on second reading. The ordinance was amended to prohibit convenience stores that sell gasoline and facilities for automotive fuel sales from locating adjacent to residentially zoned properties, or properties whose primary use is residential in nature, unless the use is approved by the BOMA as part of a PUD Development Plan. The BOMA deferred the item back to the Planning Commission for a recommendation on the proposed amendment.

**Original language of Section I as recommended by Planning Commission**

**SECTION I.** That Chapter 3, Section 3.2, Subsection 3.2.7(5) of the Franklin Zoning Ordinance shall be, and 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:

3.2.7 Regulations for Commercial Uses

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(5) ~~Convenience Stores and Automotive Fuel Sales~~

~~Convenience stores that sell gasoline and facilities for automotive fuel sales are prohibited from locating at the intersection of two public streets. **Reserved**~~

**Amendment proposed by BOMA**

The proposed amendment removed the strikethrough shown highlighted below in yellow and added the language noted in **bold**.

**SECTION I.** That Chapter 3, Section 3.2, Subsection 3.2.7(5) of the Franklin Zoning Ordinance shall be, and 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:

3.2.7 Regulations for Commercial Uses

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(5) Convenience Stores and Automotive Fuel Sales

Convenience stores that sell gasoline and facilities for automotive fuel sales are prohibited from locating at the intersection of two public streets **adjacent to residentially zoned properties, or properties whose primary use is residential in nature, unless approved by the Board of Mayor and Alderman as part of a PUD Development Plan.** ~~Reserved~~

**Recommendation**

**Approval of Ordinance 2015-51, as amended, is recommended.**