


## MEMORANDUM

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April 27, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator   
Vernon Gerth, Assistant City Administrator for Community and Economic Development  
Catherine Powers, Planning and Sustainability Director

SUBJECT: Ordinance 2012-08, an ordinance amend Chapter 3, Section 3.5, Subsections 4, 6, and 10 of the Franklin Zoning Ordinance, which establishes regulations for Character Area Overlay Districts and the Special Areas therein

### Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance amend Chapter 3, Section 3.5, Subsections 4, 6, and 10 of the Franklin Zoning Ordinance, which establishes regulations for Character Area Overlay Districts and the Special Areas therein.

### Background

This ordinance was favorably recommended to the BOMA by the Planning Commission with a unanimous vote (8-0) at the April, 26, 2012, FMPC Meeting. The project information and comments from the FMPC staff report are included below.

This Zoning Ordinance Text Amendment is proposed by City Staff in an effort to update the Character Area Overlays to meet the standards adopted in recent updates to the Franklin Land Use Plan. Over the past two years, the Planning Commission has adopted revisions to the Land Use Plan Character Areas, including: the Central Franklin Area, the Seward Hall Character Area, and the Berrys Chapel Character Area. In each update to those Land Use Plan Character Areas, the Special Areas were modified, necessitating an update to both the Franklin Zoning Ordinance and the Franklin Zoning Map. This text amendment updates the Franklin Zoning Ordinance, while Ordinance 2012-07 updates the Franklin Zoning Map in order to bring the Land Use Plan and the Zoning Ordinance into conformance.

Ordinance 2012-08 includes the following:

- Changes to the Special Areas within the Berrys Chapel Character Area Overlay, based on adopted amendments to the Land Use Plan, and the addition of Special Area BCCO-8.
- Changes to the Special Areas within Central Franklin Character Area Overlay, based on adopted amendments to the Land Use Plan, and the addition of Special Areas CFCO-7, CFCO-8 and CFCO-9.
- Changes to the Special Areas within Seward Hall Character Area Overlay, based on adopted amendments to the Land Use Plan, and the addition of Special Areas SWCO-6 and SWCO-7.



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# MEMORANDUM

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**STAFF RECOMMENDATION TO FMPC:**

Favorable recommendation to the BOMA

**Financial Impact**

Not applicable to this item.

**Options**

Not applicable to this item.

**Recommendation**

Approval of Ordinance 2012-08 is recommended.

ORDINANCE 2012-08

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 3, SECTION 3.5, SUBSECTIONS 4, 6, AND 10 OF THE FRANKLIN ZONING ORDINANCE, WHICH ESTABLISHES REGULATIONS FOR CHARACTER AREA OVERLAY DISTRICTS AND THE SPECIAL AREAS THEREIN.”**

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

**SECTION I.** That Chapter 3, Sections 3.5.4, 3.5.6, and 3.5.10 of the City of Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**, to delete the following text noted with a ~~strike through~~, and is approved to read as follows:

**3.5.4 BCCO—Berrys Chapel Character Area Overlay District**

**(1) Purpose and Vision**

The Berrys Chapel Character Area Overlay District, hereinafter referred to as the “BCCO District”, is the northern gateway into the City of Franklin and will establish a precedent for quality design. It will include high quality suburban uses along Franklin and Hillsboro Roads, although design along Franklin Road will insure the preservation of a rural character through substantial setbacks. The northern gateway at Franklin Road will be maintained with a semi-rural character. This will be an area where preservation and protection of the natural scenic beauty created by hillsides, hillcrests, view sheds, and watersheds is integrated with high quality land planning and architectural design for development to enhance the community character.

**(2) Special Areas**

**(a) Establishment of Special Areas**

The BCCO District is hereby divided into ~~seven~~ **eight** special areas as illustrated on the zoning map.

**(b) BCCO-1 Standards**

- (i) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.
- (ii) Development shall be restricted to detached residential dwellings **and agricultural uses or limited civic and institutional uses along Ernest Rice Lane.**
- (iii) Development with lot frontage on Berrys Chapel Road shall have a lot area equal to the average lot size of properties with lot frontage on Berrys Chapel Road within 500 feet of the subject lot.
- (iv) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.

- (v) The maximum gross density of new development shall be one unit per acre.
- ~~(vi) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Concept Plan approval process.~~

**(a) BCCO-2 Standards**

- (i) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.
- (ii) Development shall be restricted to attached and detached residential dwellings.
- (iii) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.
- (iv) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.**

**(a) BCCO-3 Standards**

- (i) Development shall be restricted to attached and detached residential, with limited civic and institutional uses.**
- ~~(i)~~**(ii)** Development with lot frontage on Franklin Road shall have a front setback equal to the average front setback of properties along Franklin Road between Country and Berrys Chapel **Mallory Station** Roads.
- ~~(ii)~~**(iii)** New development shall reflect the use, lot area, setbacks, and scale of surrounding development within this area.

(...)

**(f) BCCO-5 Standards**

- (i) Development shall be restricted to attached and detached residential.**
- ~~(i)~~**(ii)** New development shall reflect the use, lot area, setbacks, and scale of surrounding development within this area.
- ~~(ii)~~**(iii)** Development at the northeast corner of Haliberton Drive and Hillsboro Road shall comply with the use and development standards for the NC or GC Districts.

(...)

**(h) BCCO-7 Standards**

- (i) The requirements for Central Franklin Character Overlay Special Area Five (CFCO-5) shall also apply within this special area.**
- (ii) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.**
- (iii) Development shall be restricted to attached and detached residential, with limited civic and institutional uses appropriate in places other than Hamlets if designed in keeping with the character of the area. Commercial uses shall not be considered.**
- (iv) Building scale shall be limited to 1-2 stories with the exception of Civic and Institutional buildings, which are subject to the PUD review process during which an alternative maximum height may be established.**
- (v) Attached residential is appropriate if it has the massing and scale of detached residential.**
- (vi) There shall be a restriction on over-lot grading techniques that dramatically alter site vegetation and topography. Development shall use the natural, existing topography.**

**(i) BCCO-8 Standards**

- (i) The MN and NC Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.**

(...)

**3.5.6 CFCO—Central Franklin Character Area Overlay District**

(...)

**(2) Special Areas**

**(a) Establishment of Special Areas**

The CFCO District is hereby divided into six nine special areas as illustrated on the zoning map.

(...)

**(d) CFCO-3 Standards**

- (i) For mixed-use centers, the MN and ML Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.**
- (ii) New residential development shall match the existing character of traditional areas, including architecture, materials, scale, and setbacks.**

- (iii) All sides of a nonresidential building open to view by the public and adjoining neighborhoods shall display a similar level of architectural quality that is appropriate and proportioned using features such as windows, entrances, arcades, awnings or similar features.
- (iv) Street and trail/sidewalk systems shall have multiple interconnections. Streets shall be designed for slower speeds to allow for mixing of vehicular and pedestrian traffic.
- (v) **Buildings shall not exceed three stories or a total of 42 feet. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.**

**(e) CFCO-4 Standards**

- (i) New street systems shall have multiple interconnections and connectivity between subdivisions where street stubs exist.
- (ii) **Buildings shall not exceed three stories or a total of 42 feet. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.**

(...)

**(g) CFCO-6 Standards**

- (i) **Appropriate building scale is 1-3 stories in height. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.**
- (ii) New street systems shall have multiple interconnections, through streets, and connectivity between subdivisions where street stubs exist.
- (iii) **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.**

**(h) CFCO-7 Standards**

**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.**

**(i) CFCO-8 Standards**

**Buildings shall not exceed 2 stories in height.**

**(a) CFCO-9 Standards**

**Buildings shall not exceed 2 stories in height. However, a maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.**

(...)

**3.5.10 SWCO—Seward Hall Character Area Overlay District**

**(1) Purpose and Vision**

The Seward Hall Character Area Overlay District, hereinafter referred to as the “SWCO District”, is comprised of three distinct development districts, where residential uses shall be predominant. The area shall retain a suburban and rural character. The preservation and use of natural features are critical in order to retain its current character.

**(2) Special Areas**

**(a) Establishment of Special Areas**

The SWCO District is hereby divided into five **seven** special areas as illustrated on the zoning map.

**(b) SWCO-1 Standards**

(i) A mixture of attached and detached dwellings is allowed in this area.

**(ii) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.**

~~(ii)~~**(iii)**Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.

~~(iii)~~**(iv)**A well-integrated network of connected open space and parks shall be included in PUDs to add public amenities and to preserve the qualities of the area.

~~(iv)~~(v) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity. Fences and walls shall be constructed of durable and natural materials to allow for natural weather processes and reduced maintenance. Walls shall be constructed of natural stone in the dry-stack method or without mortar, and shall be a minimum of three feet in height. (See Figure 3.12.) Cultured stone shall not be used. Fences shall be a four-board horse fence, a minimum of four feet in height, constructed of wood, and painted black. (see Figure 3.11.) Vinyl fencing is prohibited. The Department of Planning and Sustainability may approve other colors or types of fences, such as picket, split rail, wrought iron, or brick walls, if the applicant demonstrates that such a fence or wall is better suited to the portion of Seward Hall in which it is proposed. A fence or wall shall not be required if, in the opinion of the Department of Planning and Sustainability, based on steep slopes, floodplain, existing vegetation, or other topographical constraints, the fence or wall would serve no meaningful purpose or may cause adverse environmental impacts.

**(c) SWCO-2 Standards**

- (i) A mixture of attached and detached residential dwellings is allowed in this area.
- (ii) At the option of the applicant, development may comply with Subsection 5.3.9, Traditional Neighborhood Development.

**(iii) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.**

~~(iii)~~(iv) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.

~~(iv)~~(v) A well-integrated network of connected open space and parks shall be included in PUDs to add public amenities and to preserve the qualities of the area.

~~(v)~~(vi) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity pursuant to the fence and wall standards in the SWCO District Special Area 1.

~~(vi)~~(vii) The uses and development standards associated with the NC and MN District are appropriate at the intersection of two arterial streets, an arterial street and a major collector, or two major collector streets.

**(d) SWCO-3 Standards**

**(i) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.**

~~(i)~~(ii) New development shall reflect the lot area, setbacks, and scale of surrounding development within this area.



- ~~(ii)~~(iii) New development shall be restricted to detached residential dwellings on lots with a minimum lot area of one to five acres.
- ~~(iii)~~(iv) A well-integrated network of connected open space and parks shall be included in PUDs to add public amenities and to preserve the qualities of the area.
- ~~(iv)~~(v) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity pursuant to the standards within this SWCO special area.
- (vi) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.

(e) **SWCO-4 Standards**

- (i) The ML and MX Districts, The ER and R-1 Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.
- ~~(ii) At the option of the applicant, development may comply with Subsection 5.3.10, Transit Oriented Development, when mass transit service is provided.~~
- (ii) At the option of the applicant, development may comply with Subsection 5.3.8, Conservation Subdivision.
- (iii) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity pursuant to the standards within this SWCO special area.

(f) **SWCO-5 Standards**

No special provisions apply, as this area was de-annexed from the City of Franklin in 2007.

(g) SWCO-6 Standards

The ML District, and its associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.

(h) SWCO-7 Standards

- (i) If adequate infrastructure is available, Neighborhood Retail, Professional Office, and Attached Residential uses are appropriate in this area.

**(ii) Smaller lots shall not be located on the exterior of a new development adjacent to, or across the street from, larger lots of an existing development. However, smaller lots may be allowed if an applicant can demonstrate that a sufficient buffer will be provided between the two developments, or another method of mitigating potential conflicts will be provided. Such alternatives shall require approval during the Development Plan approval process.**

**SECTION II.** 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/Recorder

By: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL: 4/26/12

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_