



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Agenda

Work Session

Tuesday, November 26, 2019

5:30 PM

Board Room

Call to Order

Citizen Comments

WORKSESSION DISCUSSION ITEMS

1. [19-1222](#) *Consideration Of Ordinance 2019-38, An Ordinance Amending Title 14, Chapter 2 Of The Franklin Municipal Code To Change The Adoption Date Of The Pending Franklin Zoning Ordinance. FIRST OF TWO READINGS (PUBLIC HEARING at 7:00 pm meeting.)

Sponsors: Emily Hunter

Attachments: [ORDINANCE 2019-38](#)
[Zoning Ordinance \(Attachment A\) 11.20.2019](#)
[Zoning Districts Map \(Attachment B\)](#)
[Zoning Overlays Map \(Attachment B\) 11.18.2019](#)

2. [19-1211](#) *Consideration of a Professional Services Agreement (COF Contract No. 2019-0313) with Windrow Phillips Group, to provide lobbying and advisory services on behalf of the City of Franklin. (WS 11/26/19)

Sponsors: Shauna Billingsley

Attachments: [2019-0313 PSA Windrow Phillips COF Legislative Services.Law Approved](#)

3. [19-1187](#) *Consideration of Professional Services Agreement (COF Contract No. 2019-0337) with ECS Southeast, LLP for Construction Engineering, Testing, and Inspection Services for the Municipal Services Complex Improvements in an Amount Not-to-Exceed \$40,810.00. (WS 11/26/19)

Sponsors: Engineering

Attachments: [Contract 2019-0337 PSA ECS CEI MSCImprovementsRoad with Exhibit.La](#)

4. [19-1032](#) PUBLIC HEARING: Consideration Of Resolution 2019-108, Initiating The Annexation Process And Draft Plan Of Services, For 1268 Lewisburg Pike (Henpeck Market site). (WS 11/26/19)

Sponsors: Emily Hunter

Attachments: [RES 2019-108 1268 Lewisburg Pike Henpeck Market with Exhibits.Law Approv](#)
[MAP RES 2019-108 Henpeck Market Annex](#)

5. [19-1148](#) Consideration Of COF Contract 2019-0309, Accepting The 2019-2020 Funding Approval/Agreement From The Department Of Housing & Urban Development For Community Development Block Grant (CDBG) Funds. (WS 11/26/19)
- Sponsors: Tom Marsh
- Attachments: [2019-0309 CDBG plan approval FY 2019-2020.Law reviewed Executed](#)
6. [19-1134](#) Consideration Of Procurement Award To Fortiline Waterworks Of Nashville, Tennessee In The Total Amount Of \$42,120 For 3,000 Lids For Water Meter Boxes For The Water Management Department. (Purchasing Office Procurement Solicitation No. 2020-015; Contract No. 2019-0343) (WS 11/26/19)
- Sponsors: Michelle Hatcher
- Attachments: [2020-015 Tabulation of bids](#)
7. 19-1213 Consideration Of Ordinance 2019-19, An Ordinance Amending Chapter 8 Of Franklin Municipal Code Regarding Public Gatherings And Expression Events. (WS 11/26/19)
- Sponsors: Deb Faulkner and Shauna Billingsley
- Attachments: ORD 2019-19 Public Gathering and Expression EventsNotes.Law Approved.pdf
8. [19-1157](#) Discussion on Possible E-Scooter Regulations in Franklin. (WS 11/26/19)
- Sponsors: Eric Stuckey and Holland Schellhase
- Attachments: [Scooters Report.pptx](#)
 [ConceptualScooterDistrict.pdf](#)
 [E-Scooter Presentation.pdf](#)

Other Business

Adjournment

Anyone requesting accommodations due to disabilities should contact ADA coordinator at 791-3277.



FRANKLIN ZONING ORDINANCE

ADOPTION DRAFT
NOVEMBER 20, 2019



FRANKLIN ZONING ORDINANCE

This Ordinance was prepared by the City of Franklin Department of Planning & Sustainability in collaboration with Town Planning & Urban Design Collaborative, LLC and the Departmental Review Team.

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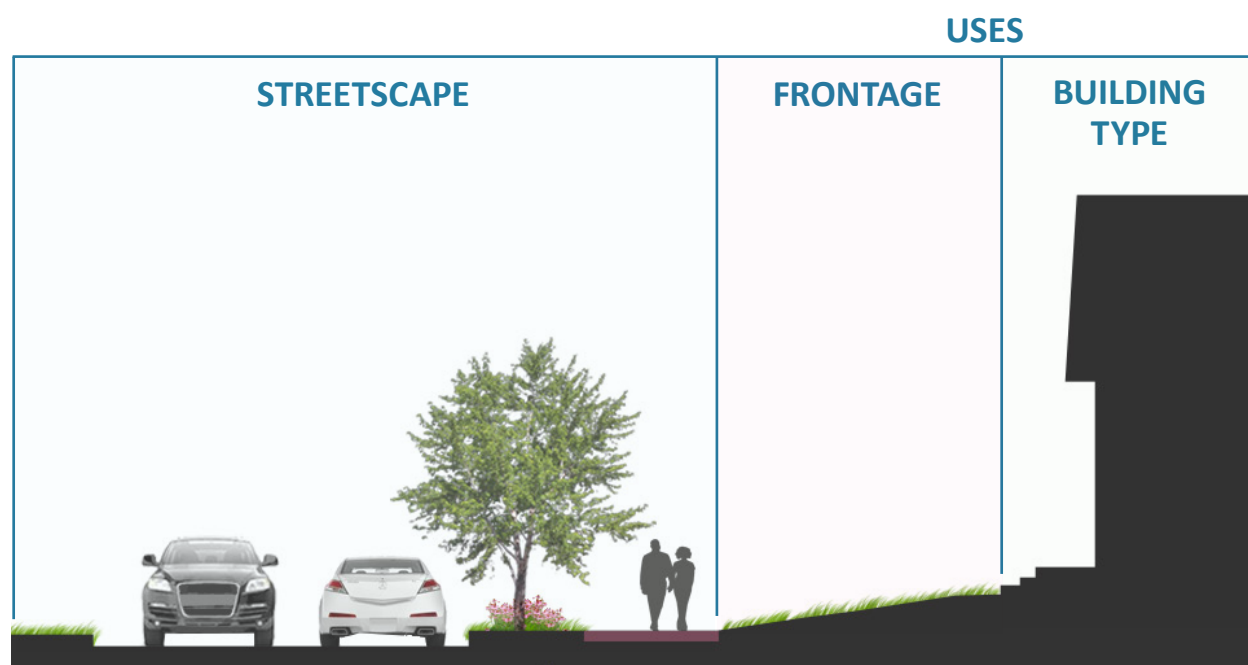
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HOW TO USE THIS ORDINANCE

Franklin Zoning Ordinance

The Franklin Zoning Ordinance is intended to facilitate the type of high-quality, vibrant, and sustainable development prescribed by Envision Franklin. This Ordinance provides standards organized around the following areas:

- A. The zoning map divides the City into zoning districts and any applicable overlay districts.
- B. The zoning districts regulate the uses, building types, frontage types, building setbacks, number of buildings, landscape surface area, and other standards for a lot in Chapter 3.
- C. The overlay districts may further regulate uses and require additional development standards in Chapter 4.
- D. Use regulations cover the principal, accessory, and temporary uses permitted by zoning district, along with any additional regulations that may apply to a particular use in Chapter 5.
- E. Building types contain the standards that apply to each type of building regulated by this Ordinance in Chapter 6.
- F. Frontage types regulate the type of development along the street edge in Chapter 7.
- G. Development standards in Chapters 8 through 18 are organized around transitional features, streets and circulation, parking and transit, open space, landscape, fences, walls, and screening, lighting, signs, utilities, natural resources, and historic resources.
- H. The review bodies and their authority are outlined in Chapter 19.



Franklin Zoning Ordinance

- ## DEVELOPMENT PLAN SAMPLE



CHAPTER 1

INTRODUCTORY PROVISIONS

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1.1 Legal Provisions

1.1.1 Title

This Ordinance shall be known as the “Franklin Zoning Ordinance”, referred to throughout this document as “this Ordinance”.

1.1.2 Authority

This Ordinance is enacted pursuant to the authority granted by the Tennessee Code Annotated (T.C.A.) § 13-7-201 et seq., § 13-7-401 et seq. and § 13-4-101 through § 13-4-310 et seq.

1.1.3 Effective Date

This Ordinance was adopted by the Board of Mayor and Aldermen (BOMA) and became effective on December 30, 2019 by Ordinance 2019-37.

1.1.4 Establishment

The adoption of this Ordinance hereby establishes all its Chapters, Sections, Subsections, sentences, phrases, and all other contents.

1.1.5 Applicability

This Ordinance applies to all land, lots, buildings, structures, uses, improvements, and development or redevelopment activity located within the City of Franklin, Tennessee, referred to throughout this Ordinance as “the City”.

1.1.6 Purpose

The purpose and intent of this Ordinance is to promote the public health, safety, and general welfare of residents and businesses in the City. This Ordinance is adopted to achieve the following:

- A. Implement the policies and principles contained within adopted general plans, including Envision Franklin;
- B. Enhance the quality of the built environment through exceptional site design, building form, uses, setbacks, activated streets, signage, and pedestrian focus;
- C. Facilitate infrastructure-supported growth, so that service demands of development and redevelopment will not exceed the capabilities of existing streets, utilities, or other public facilities and services;
- D. Direct higher intensity and taller buildings toward I-65 where infrastructure can support a thriving regional economy;
- E. Strategically locate pedestrian-oriented nonresidential and mixed-use nodes that serve surrounding residential neighborhoods to minimize traffic and trip length;
- F. Provide safe, efficient, and convenient vehicular, bicycle, pedestrian, and transit mobility and circulation patterns throughout the City;
- G. Improve active transportation for both destinations and recreation by connecting uses and development through sidewalks, multi-use paths, and nature trails;
- H. Promote a balanced mix of uses that is compatible with adjacent land uses and has good access to transportation and transit networks;
- I. Protect commercial and industrial activities to preserve and strengthen the City’s economic base;
- J. Protect the historic resources of the City, including structures, neighborhoods, districts, landmarks, landscapes, historic stone walls, cemeteries, streetscapes, and archaeological sites;
- K. Preserve and reinforce the character of established neighborhoods and ensure contextually compatible infill development;
- L. Provide a variety of housing types to serve

the needs of a diverse population;

- M. Protect the City's natural beauty by preserving scenic corridors and viewsheds;
- N. Preserve and protect existing trees and vegetation, floodplains, stream corridors, water quality, wildlife habitat, hillsides, hilltops, steep slopes, and other areas of scenic and environmental significance from adverse impacts of land development;
- O. Enhance the visual quality of the built environment through landscape standards and planting requirements;
- P. Secure safety from fire, flooding along watercourses, and other hazards;
- Q. Provide adequate light and air;
- R. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs; and
- S. Ensure greater public safety, health, and welfare, and convenience and accessibility through the physical design and location of land use and development.

1.1.7 Minimum Requirements

The requirements of this Ordinance are considered the minimum requirements for the promotion of the public health, safety, and general welfare of the City. All development or redevelopment shall occur in accordance with the regulations in this Ordinance. No land, lot, building, structure, development, improvement, establishment, facility, or premises shall be used or developed for any purpose or in any manner other than in compliance with this Ordinance.

1.1.8 Relationship to Other Provisions

If any provisions of this Ordinance are inconsistent with similar provisions of any other City, State, or Federal regulation, law, statute, or ordinance, the more restrictive provision shall control, to the extent permitted by law.

1.1.9 Conflicting Provisions

In cases where two or more standards within this Ordinance conflict with one another, the more restrictive standard shall be controlling, unless one of the provisions in conflict expressly states that it shall apply, control, or take precedence.

1.1.10 Conflicts with Private Agreements

This Ordinance is not intended to modify, revoke, or repeal any easement, covenant, or other private agreement; however, where the regulations of this Ordinance are more restrictive, the requirements of this Ordinance shall be controlling. The City does not enforce the provisions of easements, covenants, or agreements between private or third parties.

1.1.11 Review of Public Improvements

Whenever the Franklin Municipal Planning Commission (FMPC) has adopted a plan of the municipality (for example, Connect Franklin or the Master Parks Plan) or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the City until and unless the location and extent thereof shall have been submitted to and approved by the FMPC. In case of disapproval, the FMPC shall

communicate its reasons to the BOMA, which by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the BOMA shall have the power to proceed. If the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the BOMA, then the submission to the FMPC shall be by the State, County, District, City, or other Board or official having such jurisdiction, and the FMPC's disapproval may be overruled by the chief legislative body by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the FMPC to act within 30 days from and after the date of official submission to it shall be deemed approval, unless a longer period is granted by the BOMA or other submitting board or official. The date of official submission shall be the date at which the FMPC first considers the item.

1.1.12 Continuation of Violations

Any violation of previous versions of this Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties and enforcement set forth in Chapter 22: Enforcement, unless the applicable use, development, improvement, construction, or activity complies with the provisions of this Ordinance. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Ordinance.

1.1.13 Nonconformities

Any use, building, structure, development, improvement, or lot that legally existed on the effective date of this Ordinance that does not meet all provisions set forth in this Ordinance shall be considered nonconforming and shall be controlled by Chapter 2, Nonconformities.

1.1.14 Severability

It is expressly declared that this Ordinance and each Chapter, Section, Subsection, sentence, phrase, and all other content, is adopted and enforceable regardless of whether one or more other portions of this Ordinance are judged invalid or unconstitutional by a court of competent jurisdiction. Such judgment shall not affect:

- A. The validity and continued enforcement of any other provision of this Ordinance;
- B. The application of this Ordinance to any other building, structure, development, improvement, lot, land, or situation not specifically included in that judgment; or
- C. Any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Ordinance and believed that the condition or limitation was lawful.

1.2 Transitional Rules

The following transitional rules will resolve the status of properties with pending or approved applications at the time of adoption of this Ordinance:

1.2.1 Pending Applications

All applications submitted on or after December 30, 2019 shall comply with this Ordinance. Any application that is submitted for the February 27, 2020 FMPC or administrative agenda shall comply with this Ordinance.

An applicant with a pending application may waive review under prior ordinances through a written letter to the Department of Planning and Sustainability and request review and vesting under the provisions of this Ordinance.

1.2.2 Approved Plans

Approved development plans, site plans, variances, certificates of appropriateness, grading permits, tree removal permits, or building permits that are valid on the effective date of this Ordinance shall remain valid until their expiration date, where applicable. Plans approved under prior ordinances, such as concept plans, regulating plans, and conservation plans that are valid on the effective date of this Ordinance shall also remain valid until their expiration date, where applicable.

1.2.3 Vested Plans

The specific plans listed below that are approved by the applicable review body on or after January 1, 2015, cause a vested property right to be established per T.C.A. § 13-4-310:

- A. Development plan;
- B. Preliminary plat; or
- C. Site plan that is not associated with an approved development plan or preliminary plat.

Such plans are further regulated by Section 20.19, Vesting.

1.2.4 Amendments or Revisions

Amendments or revisions to previously-approved plans shall comply with this Ordinance, unless the original approval is considered to be vested, per Subsection 1.2.3, Vested Plans.

1.2.5 Re-Application of Expired Plans

Any re-application following the expiration of an approved plan shall be subject to the Ordinance in effect on the date the application is resubmitted.

1.3 Relationship to Envision Franklin

Envision Franklin is a general plan that articulates the long-term vision for growth and development throughout the City. The policies may be amended from time to time to meet the changing requirements of the City in accordance with Section 20.3, Plan Amendment. Text amendments to this Ordinance should maintain and enhance consistency with Envision Franklin.

1.4 Zoning Map

1.4.1 Establishment of the Zoning Map

- A. The location and boundaries of zoning districts and overlay zoning districts established by this Ordinance are shown and maintained as part of the City's Geographic Information System (GIS). The zoning GIS layers constitute the City's zoning map and are hereby adopted and made a part of this Ordinance.
- B. The zoning map shall be maintained and made available in accordance with T.C.A. §13-7-12. When a property is rezoned, the change shall be identified by updating the original electronic data with details of the change.

1.4.2 District Boundaries

Unless otherwise indicated on the zoning map, the district boundaries are parcel lines or the corporate limit lines, as they existed at the time of the enactment of this Ordinance. When property is rezoned, new zoning district lines shall follow parcel lines.

CHAPTER 2

NONCONFORMITIES

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2.1 General Provisions

2.1.1 Applicability

Any principal or accessory use, structure, lot of record, sign, or tower that was lawfully established before the effective date of this Ordinance and no longer complies with this Ordinance is considered nonconforming. Nonconformities shall be allowed to continue pursuant to this Chapter.

2.1.2 Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner of the property on which the purported nonconformity is located.

2.2 Nonconforming Uses

2.2.1 Change of Use

- A. A nonconforming use shall not be changed to or replaced with another use unless that use conforms to the requirements of this Ordinance.
- B. A change in occupancy or ownership shall not, by itself, constitute a change of use.
- C. If the use is changed to, or replaced by a conforming use, it shall lose its nonconforming status.

2.2.2 Discontinuance or Abandonment of a Nonconforming Use

- A. When a nonconforming use is discontinued or abandoned for a period of 30 months, as specified by T.C.A. § 13-7-208, the use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such property or structure shall comply with the regulations of the zoning district in which such land or structure is located.

- B. Operation only of an accessory use to the principal nonconforming use during the 30-month period shall not constitute continuation of the principal nonconforming use.

2.2.3 Expansion of a Nonconforming Use

Nonconforming uses may be expanded, provided the following is met:

- A. The nonconforming use shall not be enlarged, expanded, or altered in a way that increases the degree of nonconformity. Any proposed expansion must conform to all other applicable standards of this Ordinance. For example:
 1. The expansion of a nonconforming use cannot include any additional uses not permitted by the applicable zoning district; and
 2. A duplex use in a single-family residential district is not permitted to add any additional dwelling units, inclusive of accessory dwellings.
- B. The type, size, and intensity of the proposed expansion, including such considerations as the size of the site, the location of the nonconforming use upon it, the hours of operation, the amount of noise generated, and the number of people who are likely to patronize the use will be adequate with respect to minimizing any negative impacts on adjoining lots and avoiding nuisances to adjacent landowners; and
- C. The nonconforming use shall not be expanded through the acquisition of additional land beyond that in use by the nonconformity on the effective date of this Ordinance.

2.2.4 Short-Term Vacation Rentals

- A. The use regulations governing short-term vacation rentals within this Ordinance do not apply to property that were legally established and issued a permit as a short-term vacation rental, as defined by T.C.A. § 13-7-602, prior to the effective date of this Ordinance, until this grandfathering is terminated per Paragraph 2.2.4.B below.
- B. In accordance with T.C.A. § 13-7-603, short-term vacation rentals that were legally established and issued a permit prior to the effective date of this Ordinance are subject to the law in place at the time that the property was being used as a short-term vacation rental, until the property is:
 - 1. Sold;
 - 2. Transferred;
 - 3. Ceases being used as a short-term vacation rental for a period of 30 continuous months; or
 - 4. Has been in violation of generally applicable local laws three or more separate times, as provided by T.C.A. § 13-7-604.

2.3 Nonconforming Structures

2.3.1 Applicability

This Section shall apply to nonconforming structures, other than signs and towers. See Subsection 15.1.11, Nonconforming Signs, or Clause 5.1.4.T.15, Nonconforming Towers, as applicable.

2.3.2 Repair and Maintenance of a Nonconforming Structure

Routine maintenance, stabilization, or restoration to a safe condition of any part of a nonconforming structure is permitted in accordance with this Chapter.

2.3.3 Expansion of a Nonconforming Structure

A nonconforming structure may be expanded, provided the following is met:

- A. The nonconforming structure shall not be enlarged, expanded, or altered in a way that increases the degree of nonconformity. Any proposed expansion must conform to all other applicable standards of this Ordinance. For example:
 - 1. For a building that is located five feet from a side lot line, where this Ordinance requires a ten foot minimum side yard setback, any building addition or increase in building height must comply with the ten-foot setback; and
 - 2. For a building that is entirely within a required front yard setback, any building addition must occur only to the rear of the building.
- B. The type, size, and intensity of the proposed expansion, such as the size of the site and the location of the nonconforming structure upon it, will be adequate with respect to minimizing any negative impacts on adjoining lots and avoiding nuisances to adjacent landowners; and
- C. The nonconforming structure shall not be expanded through the acquisition of additional land beyond that in use by the nonconformity on the effective date of this Ordinance.

2.3.4 Reconstruction of a New Structure

- A. An existing structure for a nonconforming use, other than multifamily residential, may be torn down and a new structure of the same building type or of a building type permitted in the applicable zoning district may be reconstructed, provided the following is met:

1. There is a reasonable amount of space on the property so as to avoid nuisances to adjacent landowners. Any reconstruction or redevelopment must conform to all other applicable standards of this Ordinance; and
 2. The type, size, and intensity of the proposed reconstruction, such as the size of the site and the location of the nonconformity upon it, will be adequate with respect to minimizing any negative impacts on adjoining lots.
- B. New structures for a nonconforming multifamily residential use may be reconstructed only in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster, pursuant to T.C.A. § 13-7-208.

2.4 Nonconforming Lots

2.4.1 Nonconforming Platted Lots

A lot in a subdivision that was legally created by final plat and recorded prior to the effective date of this Ordinance that does not meet the dimensional standards of the applicable zoning district:

- A. May be developed with the uses permitted in the applicable zoning district; and
- B. Shall retain the approved dimensional standards and minimum required open space.

2.4.2 Nonconforming Lots of Record

A lot that was legally created by deed or other legal mechanism before it was in the City or prior to the City and County initial adoption of the Subdivision Regulations that does not meet the dimensional standards of the applicable zoning district:

- A. May be developed with the uses permitted in the applicable zoning district;
- B. Shall comply with the dimensional standards of the applicable zoning district as closely as possible; and
- C. Must conform to all other applicable provisions of this Ordinance.

2.4.3 Governmental Acquisition

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in dimensional standards below that required by this Ordinance shall not render the lot nonconforming.

CHAPTER 3

ZONING DISTRICTS

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3.1 General Provisions

3.1.1 Zoning Districts

For the purposes of this Ordinance, the City is divided into the following zoning districts as set forth on the zoning map:

AG	Agriculture District
ER	Estate Residential District
R1	Residential 1 District
R2	Residential 2 District
R3	Residential 3 District
R4	Residential 4 District
R6	Residential 6 District
MR	Mixed Residential
PD	Planned District
OR	Office Residential District
CI	Civic Institutional District
NC	Neighborhood Commercial District
CC	Central Commercial District
DD	Downtown District
1ST	1st Avenue District
5TH	5th Avenue North District
RC6	Regional Commerce 6 District
RC12	Regional Commerce 12 District
GO	General Office District
LI	Light Industrial District
HI	Heavy Industrial District

3.1.2 District Components

Each zoning district contains the following provisions:

- A. The purpose, which provides the intent of the district;
- B. Use regulations, which specify the range of permitted uses and structures in accordance with Chapter 5, Use Regulations;
- C. Building types, which specify the permitted principal building types in accordance with Chapter 6, Building Types;
- D. Frontage types, which specify the permitted frontage types in accordance with Chapter 7, Frontage Types;
- E. Dimensional standards, which specify the regulations for lot standards, building setbacks, building height, landscape surface area, and other requirements; and
- F. Additional standards, which provide links to additional development standards that may be applicable in the district.

3.2 AG—Agricultural District

3.2.1 Purpose

The AG district is intended to provide for farming and agricultural uses, single-family residential on significant acreage, and open space to maintain the character of rural areas.

3.2.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures, other than agricultural structures, shall comply with Section 5.2, Accessory Uses and Structures. Agricultural structures are customary in this district and not otherwise regulated.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.2.3 Building Types

The following principal building types are permitted:

- A. House
- B. Agricultural structures, which are customary in this district and not otherwise regulated

3.2.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.2.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	15 acres
Lot Width	200 feet
Front Lot Line	160 feet
Number of Buildings	Maximum
Principal Building	1 per lot
Accessory Structure	-
Minor Accessory Structure	-
Principal Building Setbacks	Minimum
Front Yard	225 feet
Side Yard	50 feet
Rear Yard	100 feet
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet from the lot line	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Front Yard	Not permitted
Side Yard	5 feet
Rear Yard	5 feet

Building Height	Maximum
Principal Building	2 ½ stories
Accessory Structure	-
Landscape	Minimum
Landscape Surface Area	70%

3.2.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.3 ER—Estate Residential District

3.3.1 Purpose

The ER district is intended to provide for single-family residential on estate-sized lots and for preservation of rural character.

3.3.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.3.3 Building Types

The following principal building type is permitted:

- A. House

3.3.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.3.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		2 acres
Lot Width		150 feet
Front Lot Line		120 feet
Number of Buildings		Maximum
Principal Building		1 per lot
Accessory Structure		1 per lot
Minor Accessory Structure		1 per lot
Principal Building Setbacks		Minimum
Front Yard		150 feet
Side Yard		35 feet
Rear Yard		65 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location		At least 5 feet behind the principal building
		At least 5 feet from any lot line

Building Height	Maximum
Principal Building	2 ½ stories

Accessory Structure Shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	60%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.3.6 Additional Standards

Chapter References	
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Frontage Types	Chapter 7
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3.4 R1—Residential 1 District

3.4.1 Purpose

The R1 district is intended to provide for single-family residential subdivisions with large lot sizes. It also provides a default district for county subdivisions annexed into the City.

3.4.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.4.3 Building Types

The following principal building type is permitted:

- A. House

3.4.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.4.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	30,000 square feet
Lot Width	100 feet

Front Lot Line	80 feet, but may be reduced to 30 feet when on a turning radius of a cul-de-sac
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Number of Buildings	Maximum
Principal Building	1 per lot
Accessory Structure	1 per lot

Minor Accessory Structure	1 per lot
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Principal Building Setbacks	Minimum
Front Yard	60 feet
Side Yard	25 feet
Rear Yard	50 feet

Encroachments

Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet from the lot line

Steps may encroach into any required yard

Accessory Structure Setbacks

Location

At least 5 feet behind the principal building

At least 5 feet from any lot line

Building Height	Maximum
Principal Building	2 ½ stories

Accessory Structure	Shall not exceed the height of the principal building
---------------------	---

Landscape	Minimum
Landscape Surface Area	50%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.4.6 Additional Standards

Chapter References

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Transitional Features	Chapter 8
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Parking and Transit	Chapter 10
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Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
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Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.5 R2—Residential 2 District

3.5.1 Purpose

The R2 district is intended to provide for single-family residential with lot sizes of at least 15,000 square feet, designed with walkable, well-connected street systems, and designed around natural features as accessible community amenities.

3.5.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.5.3 Building Types

The following principal building type is permitted:

- A. House

3.5.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.5.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		15,000 square feet
Lot Width		75 feet
Front Lot Line		60 feet, but may be reduced to 30 feet when on a turning radius of a cul-de-sac
Number of Buildings		Maximum
Principal Building		1 per lot
Accessory Structure		1 per lot
Minor Accessory Structure		1 per lot
Principal Building Setbacks		Minimum
Front Yard		20 feet
Side Yard		10 feet
Rear Yard		40 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location		At least 5 feet behind the principal building
		At least 5 feet from any lot line

Building Height		Maximum
Principal Building		2 ½ stories
Accessory Structure		2 stories, but shall not exceed the height of the principal building

Landscape		Minimum
Landscape Surface Area		40%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.5.6 Additional Standards

Chapter References

Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.6 R3—Residential 3 District

3.6.1 Purpose

The R3 district is intended to provide for single-family residential with lot sizes of at least 9,000 square feet, designed with walkable, well-connected street systems, and designed around natural features as accessible community amenities.

3.6.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.6.3 Building Types

The following principal building type is permitted:

- A. House

3.6.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.6.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		9,000 square feet
Lot Width		65 feet
Front Lot Line		52 feet, but may be reduced to 30 feet when on a turning radius of a cul-de-sac
Number of Buildings		Maximum
Principal Building		1 per lot
Accessory Structure		1 per lot
Minor Accessory Structure		1 per lot
Principal Building Setbacks		Minimum
Front Yard		20 feet
Side Yard		10 feet
Rear Yard		30 feet
Rear Yard Abutting Alley		See building type for attached garage setbacks
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location		At least 5 feet behind the principal building
		At least 5 feet from any lot line

Building Height	Maximum
Principal Building	2 ½ stories
Accessory Structure	2 stories, but shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	40%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.6.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
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3.7 R4—Residential 4 District

3.7.1 Purpose

The R4 district is intended to preserve the established, historic residential neighborhoods throughout Central Franklin and ensure contextual compatibility of infill development.

3.7.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.7.3 Building Types

The following principal building type is permitted:

- A. House

3.7.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.7.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	75% of the average lot size of existing lots on the same block face, but in no case shall be less than 6,500 square feet
Lot Width	75% of the average lot width of existing lots on the same block face, but in no case shall be less than 60 feet
Front Lot Line	80% of minimum lot width

Number of Buildings	Maximum
Principal Building	1 per lot
Accessory Structure	1 per lot
Minor Accessory Structure	1 per lot
Principal Building Setbacks	Minimum
	Average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building, and in no case less than 10 feet
Front Yard	
Side Yard	7 feet
Rear Yard	20 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks

Encroachments

Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 2 feet

Steps may encroach into any required yard

Accessory Structure Setbacks

Location	At least 5 feet behind the principal building
	At least 5 feet from any lot line

Building Height	Maximum
Principal Building	Building height shall not exceed one-half story above the average height of existing buildings on the same block face, but in no case shall exceed 2 1/2 stories
Accessory Structure	1 1/2 stories , but shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	40%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.7.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
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3.8 R6—Residential 6 District

3.8.1 Purpose

The R6 district is intended to preserve historic, walkable neighborhoods with small lots and shallow setbacks and ensure contextual compatibility of infill development.

3.8.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.8.3 Building Types

The following principal building type is permitted:

- A. House

3.8.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.8.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	4,000 square feet
Lot Width	40 feet
Front Lot Line	40 feet
Number of Buildings	Maximum
Principal Building	1 per lot
Number of Buildings	Maximum
Accessory Structure	1 per lot
Number of Buildings	Maximum
Minor Accessory Structure	1 per lot
Principal Building Setbacks	Minimum
Front Yard	Average setback of existing buildings on the same block face, but no closer to the front lot line than the closest adjacent building, and in no case less than 10 feet
Side Yard	5 feet
Rear Yard	15 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building At least 5 feet from any lot line

Building height	Maximum
Principal Building	Building height facing the street shall not exceed one-half story above the average height of existing single-family buildings on the same block face, but in no case shall exceed two stories.
Accessory Structure	1 1/2 stories, but shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	30%
Alternate Standards	
For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern	
3.8.6 Additional Standards	
Chapter References	
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3.9 MR—Mixed Residential District

3.9.1 Purpose

The MR district is intended to provide for a variety of residential building types while protecting environmentally sensitive areas, preserving open spaces through compact development patterns, and providing standards to help ensure the compatibility of new development with surrounding neighborhoods.

3.9.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.9.3 Building Types

The following principal building types are permitted:

- A. House
- B. Duplex
- C. Multiplex
- D. Townhouse

3.9.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Urban Landscape Frontage
- C. Urban Frontage

3.9.5 Diversity in Housing

- A. In new developments, the first building next to a lot for an existing house must be a house or a duplex. This does not apply when the houses are part of the same development.
- B. Proposed development may be all houses, all duplexes, or a mix of both.
- C. If a proposed development includes townhouses or multiplex dwelling units, the townhouse and multiplex dwelling units shall not exceed 50 percent of the total dwelling unit count of a development. The remaining 50 percent shall be a balanced mix of duplexes and houses.

3.9.6 Dimensional Standards for Houses and Multiplexes

The following dimensional standards for houses and multiplexes are required:

Lot Standards for Alley-Loaded Lots		Minimum
Lot Size		4,950 square feet
Lot Width		45 feet
Front Lot Line		35 feet
Lot Standards for Frontage-Facing Attached or Detached Garage in the Rear Yard		Minimum
Lot Size		5,500 square feet
Lot Width		50 feet
Front Lot Line		40 feet
Lot Standards for Frontage-Facing Attached Garage		Minimum
Lot Size		7,150 square feet
Lot Width		65 feet
Front Lot Line		55 feet
Number of Buildings		Maximum
Principal Building		1 per lot
Accessory Structure		1 per lot
Minor Accessory Structure		1 per lot

Principal Building Setbacks	Minimum
Front Yard	10 feet
Side Yard	5 feet
Rear Yard	15 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks

Encroachments

Appurtenances may encroach into a front or rear yard setback up to 6 feet

Steps may encroach into any required yard

Accessory Structure Setbacks

Location	At least 5 feet behind the principal building
	At least 5 feet from any lot line

Building Height	Maximum
Principal Building	2.5 stories
Accessory Structure	1.5 stories, but shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	30%

Alternate Standards

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.9.7 Dimensional Standards for Duplexes and Townhouses

The following dimensional standards for duplexes and townhouses are required:

- A. Lots shall be platted in a manner in which each dwelling unit is situated on a separately platted lot where the applicable side lot line runs coincident with the common wall separating the dwelling units. The building type shall be designated on the plat as the only building type permitted on such lot.
- B. Duplexes that are horizontally split by floors shall not comply with this Subsection and instead comply with Subsection 3.9.6, Dimensional Standards for Houses and Multiplexes.

Lot Standards	Minimum
Lot Size	2,275 square feet
Lot Width	18 feet
Front Lot Line	15 feet
Number	Maximum
Dwelling Units	1 per lot
Accessory Structure	1 per lot
Minor Accessory Structure	1 per lot

Dwelling Unit Setbacks	Minimum
Front Yard	8 feet
Side Yard	0 feet when on a side lot line is designated for a common wall separating dwelling units 5 feet on any other side lot line
Rear Yard	15 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building At least 5 feet from any lot line
Building Height	Maximum
Principal Building	3 stories
Accessory Structure	2 stories, but shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	20%
Alternate Standards	
For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern	

3.9.8 Additional Standards

Chapter References	
Building Types	Chapter 6
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3.10 PD—Planned District

3.10.1 Purpose

The PD district is intended to:

- A. Allow for the review and approval of a development plan that establishes the entitlements for a property, including a customized combination of permitted uses, building types, frontage types, setbacks, and any modifications of standards in accordance with Section 20.8, Development Plan;
- B. Allow for the implementation of Envision Franklin guiding principles and design concepts; and
- C. Utilize the planned unit development process in accordance with State law.

3.10.2 Applicability

Rezoning of property to a PD district and the subsequent development plan shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements of this Ordinance or for the other zoning districts, and instead, shall be used sparingly. Rezoning of property to a PD district shall be limited to situations where:

- A. The property, due to unique site conditions or the necessary intrinsic size, use, building placement, building elements, building configuration, building type, or other building and development characteristics, cannot under any other circumstances conform to one or more of the other zoning districts or standards therefor specified in this Ordinance; or
- B. The proposal provides for innovative planning and design that respects the surrounding established land use, character, and natural or man-made features of the property, such as trees, historic features,

streams, hillsides, and floodplains, and promotes quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, which could not be achieved in accordance with the standards and requirements for any other zoning district.

3.10.3 Use Regulations

- A. Permitted principal uses shall be determined by the BOMA through the adoption of a development plan. See Subsection 5.1.3, Permitted Principal Uses by Zoning District, for the possible principal uses. Permitted principal uses may be further regulated by overlay zoning districts.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses shall comply with Section 5.3, Temporary Uses and Structures.

3.10.4 Building Types

Permitted principal building types shall be determined by the BOMA through the adoption of a development plan. The list of possible building types is below:

- A. House
- B. Duplex
- C. Multiplex
- D. Townhouse
- E. Multifamily Building
- F. Commercial/Mixed-Use Building
- G. Large-Scale Retail Building
- H. Civic Building

3.10.5 Frontage Types

Permitted frontage types shall be determined by the BOMA through the adoption of a development plan. The list of possible frontage types is below:

- A. Yard Frontage

- B. Urban Landscape Frontage
- C. Urban Frontage

3.10.6 Modifications of Standards

Development or redevelopment shall conform to all provisions of this Ordinance. In accordance with Section 20.8, Development Plan, an applicant may request certain provisions to be modified through a modification of standards (MOS) adopted by the BOMA.

3.10.7 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot sizes, widths, and frontages shall be determined by the BOMA through the adoption of a development plan	
Number of Buildings	Maximum
Principal Building	As adopted by the BOMA
Accessory Structure	1 per residential lot
Minor Accessory Structure	1 per residential lot
Principal Building Setbacks	Minimum
Front Yard	Determined by the BOMA through approval of a development plan
Side Yard	5 feet
Rear Yard	10 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet	
Steps may encroach into any required yard	

Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building
	At least 5 feet from any lot line
Building Height	Maximum
Principal Building	Shall be in accordance with Envision Franklin and Historic District Design Guidelines, as applicable
Accessory Structure	Shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	20%
Alternate Standards	

For lots in recorded subdivisions, if there are different dimensional standards on the final plat, then those standards on the final plat shall govern

3.10.8 Additional Standards

Chapter References	
Building Types	Chapter 6
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3.11 OR—Office Residential District

3.11.1 Purpose

The OR district is intended to provide office and residential uses and serves as a transition between higher-intensity commercial uses and residential neighborhoods. Buildings must appear as houses to preserve the established residential character.

3.11.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.11.3 Building Types

The following principal building type is permitted:

- A. House

3.11.4 Frontage Types

The following frontage type is permitted:

- A. Yard Frontage

3.11.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	75% of the average lot size of existing lots on the same block face, but in no case shall be less than 6,500 square feet

Lot Standards	Minimum
Lot Width	75% of the average lot width of existing lots on the same block face, but in no case shall be less than 60 feet
Front Lot Line	80% of minimum lot width
Number of Buildings	Maximum
Principal Building	1 per lot
Accessory Structure	1 per lot
Minor Accessory Structure	1 per lot
Principal Building Setbacks	Minimum
Front Yard	10 feet or no closer than the closest immediately adjacent building, whichever is larger
Side Yard	7 feet
Rear Yard	30 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 2 feet	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building
	At least 5 feet from any lot line

Building Height	Maximum
Principal Building	Building height shall not exceed one-half story of the average building height of existing houses on the same block face, but in no case shall exceed two stories
Accessory Structure	1 1/2 stories, but shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	40%

Fences and Walls
An opaque fence or wall with a height of 6 feet shall be provided along side or rear lot lines contiguous to a lot containing a residential use, in accordance with Subsection 13.1.2, Fences and Walls, Height.

3.11.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
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3.12 CI—Civic Institutional District

3.12.1 Purpose

The CI district is intended to accommodate civic, recreational, and institutional uses of public and semi-public gathering that support the common good.

3.12.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.12.3 Building Types

The following principal building types are permitted:

- A. House (for continuum of care use only)
- B. Duplex (for continuum of care use only)
- C. Multiplex (for continuum of care use only)
- D. Townhouse (for continuum of care use only)
- E. Civic Building
- F. Multifamily Building (for continuum of care use only)

3.12.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Parking Frontage
- C. Urban Landscape Frontage

3.12.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		-
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard Abutting Local or Collector Street		25 feet
Front Yard Abutting Arterial Street		75 feet
Side Yard		10 feet
Rear Yard		25 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard setback up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location	At least 5 feet behind the principal building	
	At least 5 feet from any lot line	

Building Height		Maximum
Principal Building		3 stories
Accessory Structure		2 stories, but shall not exceed the height of the principal building
Landscape		Minimum
Landscape Surface Area		40%

3.12.6 Additional Standards

Chapter References	
Building Types	Chapter 6
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3.13 NC—Neighborhood Commercial District**3.13.1 Purpose**

The NC district is intended to provide for pedestrian-oriented, small-scale commercial nodes that serve surrounding residential neighborhoods.

3.13.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.13.3 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building (for nonresidential uses only)
- B. Civic Building

3.13.4 Frontage Types

The following frontage types are permitted:

- A. Urban Landscape Frontage
- B. Urban Frontage

3.13.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	-
Lot Width	-
Front Lot Line	-
Number of Buildings	Maximum
Principal Building	-
Accessory Structure	-
Principal Building Setbacks	Minimum
Front Yard	10 feet to 40 feet
Side Yard	Minimum 5 feet
Rear Yard	Minimum 5 feet

Encroachments

Appurtenances may encroach into a front or rear yard setback up to 6 feet

Steps may encroach into any required yard

Accessory Structure Setbacks

	At least 5 feet behind the principal building
Location	At least 5 feet from any lot line

Building Height	Maximum
Principal Building	3 stories with minimum building setback of 20 feet at the 3rd floor
	2 1/2 stories for buildings with pitched roofs
Accessory Structure	2 stories, but shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	15%

3.13.6 Additional Standards

Chapter References

Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.14 CC—Central Commercial District**3.14.1 Purpose**

The CC district is intended to provide mixed-use centers or corridors with pedestrian-oriented development.

3.14.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.14.3 Building Types

The following principal building types are permitted:

- A. House
- B. Duplex
- C. Multiplex
- D. Townhouse
- E. Commercial/Mixed-Use Building
- F. Civic Building

3.14.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Urban Landscape Frontage
- C. Urban Frontage

3.14.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards	Minimum
Lot Size	-
Lot Width	-
Front Lot Line	-
Number of Buildings	Maximum
Principal Building	-
Accessory Structure	-

Principal Building Setbacks	Minimum
Front Yard	5 feet to 25 feet max Where there is an established front yard setback on a block face that is expected to remain, pursuant to Envision Franklin, new buildings on individual lots shall have the average setback of existing buildings on the same block face. No new building shall be located closer to the front lot line than the closest adjacent building.
Franklin Road Front Yard	20 feet
Side Yard	5 feet
Rear Yard	20 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building At least 5 feet from any lot line

Building Height	Maximum
Principal Building	3 stories with minimum building setback of 20 feet at the 3rd floor for a commercial/mixed-use building 2 1/2 stories for residential building types
Columbia Ave	See CAO
Accessory Structure	2 stories, but shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	15%

3.14.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.15 DD—Downtown District

3.15.1 Purpose

The DD district is intended to provide for a vibrant downtown core with a variety of pedestrian-scale commercial, civic, and residential uses. New development must adhere to traditional development patterns.

3.15.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.15.3 Building Types

The following principal building types are permitted:

- A. House
- B. Duplex
- C. Multiplex
- D. Townhouse
- E. Commercial/Mixed-Use Building
- F. Civic Building

3.15.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Urban Landscape Frontage
- C. Urban Frontage

3.15.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		-
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard		No closer than the smallest setback and no further than the largest setback of historic structures on the same block face
		If the block face does not have a historic structure, then the opposite block face shall set the range above
Side Yard		0 feet
Rear Yard		Minimum 5 feet
Encroachments		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location		At least 5 feet behind the principal building
		At least 5 feet from any lot line

Building Height		Maximum
Principal Building		3 stories
Accessory Structure		2 stories, but shall not exceed the height of the principal building
Building Coverage		Maximum
Building coverage		85%
Landscape		Minimum
Landscape Surface Area		0%
Pedestrian Facilities		
Sidewalks		Minimum width of 12 feet, with at least 8 feet continuously unobstructed by street tree pits, light poles, or similar features

3.15.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.16 1ST—1st Avenue District

3.16.1 Purpose

The 1ST district is intended to:

- A. Provide for nonresidential uses at the Franklin Road gateway into the historic downtown; and
- B. Allow for redevelopment on land previously developed prior to Federal or local floodplain regulations on the edges of the floodway fringe.

3.16.2 Applicability

In cases of conflict between the standards of the 1ST and FFO or FWO districts, the regulations of 1ST district shall apply.

3.16.3 Use Regulations

- A. Within the developable area delineated in Subsection 3.16.4, Development Limits:
 - 1. Principal uses shall comply with Section 5.1, Principal Uses.
 - 2. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
 - 3. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.
- B. Outside of the development limits, new uses/encroachments shall comply with the FFO or FWO, whichever is applicable.

3.16.4 Development Limits

- A. The uses and developable area shall be no 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.
- B. Floodplain alteration is prohibited outside

of the development limits, other than for public or private infrastructure.

3.16.5 Building Types

Within the developable area delineated in Subsection 3.16.4, Development Limits, the following principal building types are permitted:

- A. House—required fronting 1st Avenue S, south of silos
- B. Duplex (outside of FWO and FFO)
- C. Multiplex (outside of FWO and FFO)
- D. Townhouse (outside of FWO and FFO)
- E. Commercial/Mixed-Use Building (for nonresidential uses only)
- F. Civic Building

3.16.6 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Urban Landscape Frontage
- C. Urban Frontage

3.16.7 Dimensional Standards

Development shall comply with Section 17.6, Floodplain Protection, and the following dimensional standards:

Lot Standards	Minimum
Lot Size	-
Lot Width	-
Front Lot Line	-
Number of Buildings	Maximum
Principal Building	-
Accessory Structure	-
Principal Building Setbacks	Minimum
Front Yard	10 feet to 20 feet max
Bridge St	0 feet to 10 feet max
Side Yard	7 feet
Main Street Side Yard	0 feet to 10 feet max
Rear Yard	15 feet
Rear Yard Abutting Alley	See building type for attached garage setbacks
Encroachments	
Appurtenances may encroach into a front or rear yard setback up to 6 feet	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building
	At least 5 feet from any lot line
Building Height	Maximum
Principal Building	3 stories
1st Avenue S, south of silos	2 Stories

Accessory Structure	1 1/2 stories and shall not exceed the height of the principal building
Landscape	Minimum
Landscape Surface Area	30%
Pedestrian Facilities	
Multi-Use Paths	Shall be provided along the Harpeth River with connections to E. Main St and 1st Ave. N and S.
	Minimum width of 12 feet, with at least 8 feet continuously unobstructed by street tree pits, light poles, or similar features
Sidewalks	

3.16.8 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
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Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.17 5TH—5th Avenue North District

3.17.1 Purpose

The 5TH district is intended to:

- A. Provide for nonresidential uses along the 5th Avenue North corridor leading into the historic downtown; and
- B. Allow for redevelopment of properties on the edges of the floodway fringe developed prior to Federal or local floodplain regulations.

3.17.2 Applicability

In cases of conflict between the standards of the 5TH and FFO districts, the regulations of the 5TH district shall apply.

3.17.3 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.17.4 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building (for nonresidential uses only)
- B. Civic Building

3.17.5 Frontage Types

The following frontage types are permitted:

- A. Urban Landscape Frontage
- B. Urban Frontage

3.17.6 Dimensional Standards

Development shall be in accordance with Section 17.6, Floodplain Protection, and the following dimensional standards:

Lot Standards	Minimum
Lot Size	-
Lot Width	-
Front Lot Line	-
Number of Buildings	Maximum
Principal Building	-
Accessory Structure	-
Principal Building Setbacks	Minimum
Front Yard	0 feet to 25 feet max
Side Yard	0 feet
Rear Yard	5 feet
Encroachments	
Steps may encroach into any required yard	
Accessory Structure Setbacks	
Location	At least 5 feet behind the principal building and at least 5 feet from any lot line
Building Height	Maximum
	2 stories
Principal Building	Along 5th Ave N, within +/- 300 feet of N Margin St and within +/-500 feet of Mt Hope St, the second story shall have a minimum building stepback of 20 feet
Accessory Structure	1 1/2 stories and shall not exceed the height of the principal building

Landscape	Minimum
Landscape Surface Area	0%
Pedestrian Facilities	
Sidewalks	Minimum width of 12 feet, with at least 8 feet continuously unobstructed by street tree pits, light poles, or similar features

3.17.7 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.18 RC6—Regional Commerce 6 District**3.18.1 Purpose**

The RC6 district is intended to promote economic development through a diverse mix of high-intensity uses with a building height of up to six stories.

3.18.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.18.3 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building
- B. Large-Scale Retail Building
- C. Civic Building
- D. Multifamily Building

3.18.4 Frontage Types

The following frontage types are permitted:

- A. Urban Landscape Frontage
- B. Urban Frontage

3.18.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		-
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard for Collector Streets, Local Streets, or Internal Drives		5 feet to 30 feet max
Front Yard for Arterial Streets		20 feet to 85 feet max
Side Yard		15 feet
Rear Yard		25 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location	At least 5 feet behind the principal building	
	At least 5 feet from any lot line	

Building Height		Maximum
Principal Building		6 stories
Accessory Structure		3 stories, but shall not exceed the height of the principal building
Landscape		Minimum
Landscape Surface Area		15%

3.18.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
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**3.19 RC12—Regional Commerce
12 District****3.19.1 Purpose**

The RC12 district is intended to promote economic development through a diverse mix of high-intensity uses with a building height of up to 12 stories.

3.19.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.19.3 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building
- B. Large-Scale Retail Building
- C. Civic Building
- D. Multifamily Building

3.19.4 Frontage Types

The following frontage types are permitted:

- A. Urban Landscape Frontage
- B. Urban Frontage

3.19.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		-
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard for Collector Streets, Local Streets, or Internal Drives		5 feet to 30 feet max
Front Yard for Arterial Streets		20 feet to 85 feet max
Side Yard		15 feet
Rear Yard		25 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location	At least 5 feet behind the principal building	
	At least 5 feet from any lot line	

Building Height		Maximum
Principal Building		12 stories
Accessory Structure		3 stories, but shall not exceed the height of the principal building
Landscape		Minimum
Landscape Surface Area		15%

3.19.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
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Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.20 GO—General Office District

3.20.1 Purpose

The GO district is intended to provide for general office uses typically on the borders of regional commerce areas that serve as a transition to residential neighborhoods.

3.20.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses. A maximum of ten percent of the gross floor area of a principal building in the GO district may be used for retail use.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.20.3 Building Types

The following principal building types are permitted:

- A. House (for continuum of care use only)
- B. Duplex (for continuum of care use only)
- C. Multiplex (for continuum of care use only)
- D. Townhouse (for continuum of care use only)
- E. Commercial/Mixed-Use Building (for nonresidential uses only)
- F. Civic Building
- G. Multifamily Building (for continuum of care use only)

3.20.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Urban Landscape Frontage

3.20.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		-
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard		25 feet
Side Yard		25 feet
Rear Yard		40 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
At least 5 feet behind the principal building		
Location		At least 5 feet from any lot line

Building Height		Maximum
Principal Building		3 stories
Accessory Structure		2 stories, but shall not exceed the height of the principal building
Landscape		Minimum
Landscape Surface Area		30%

3.20.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
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Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.21 LI—Light Industrial District

3.21.1 Purpose

The LI district is intended to provide locations for light industrial uses and a mix of office, institutional, and commercial uses that serve the City's diverse business needs.

3.21.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.21.3 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building (for nonresidential uses only)
- B. Civic Building
- C. Flex Building

3.21.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Parking Frontage

3.21.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size	-	
Lot Width	-	
Front Lot Line	-	
Number of Buildings		Maximum
Principal Building	-	
Accessory Structure	-	
Principal Building Setbacks		Minimum
Front Yard	30 feet	
Side Yard	10 feet	
Rear Yard	25 feet	
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location	At least 5 feet behind the principal building	
	At least 5 feet from any lot line	

Building Height		Maximum
Principal Building	3 stories	
Harpeth Industrial Court	2 stories	
Accessory Structure	2 stories, but shall not exceed the height of the principal building	
Landscape		Minimum
Landscape Surface Area	20%	

3.21.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
Lighting	Chapter 14
Signs	Chapter 15
Utilities	Chapter 16
Natural Resources	Chapter 17
Historic Resources	Chapter 18

3.22 HI—Heavy Industrial District**3.22.1 Purpose**

The HI district is intended to provide for heavy industrial uses.

3.22.2 Use Regulations

- A. Principal uses shall comply with Section 5.1, Principal Uses.
- B. Accessory uses and structures shall comply with Section 5.2, Accessory Uses and Structures.
- C. Temporary uses and structures shall comply with Section 5.3, Temporary Uses and Structures.

3.22.3 Building Types

The following principal building types are permitted:

- A. Commercial/Mixed-Use Building (for nonresidential uses only)
- B. Flex Building

3.22.4 Frontage Types

The following frontage types are permitted:

- A. Yard Frontage
- B. Parking Frontage

3.22.5 Dimensional Standards

The following dimensional standards are required:

Lot Standards		Minimum
Lot Size		-
Lot Width		-
Front Lot Line		-
Number of Buildings		Maximum
Principal Building		1 per lot
Accessory Structure		-
Principal Building Setbacks		Minimum
Front Yard		30 feet
Side Yard		15 feet
Rear Yard		25 feet
Encroachments		
Appurtenances may encroach into a front or rear yard setback up to 6 feet and into a side yard up to 5 feet from the lot line		
Steps may encroach into any required yard		
Accessory Structure Setbacks		
Location		At least 5 feet behind the principal building
		At least 5 feet from any lot line

Building Height		Maximum
Principal Building		3 stories
Accessory Structure		2 stories, but shall not exceed the height of the principal building
Landscape		Minimum
Landscape Surface Area		20%

3.22.6 Additional Standards

Chapter References	
Building Types	Chapter 6
Frontage Types	Chapter 7
Transitional Features	Chapter 8
Streetscape and Circulation	Chapter 9
Parking and Transit	Chapter 10
Open Space	Chapter 11
Landscape	Chapter 12
Fences, Walls, and Screening	Chapter 13
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CHAPTER 4

OVERLAY ZONING DISTRICTS

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4.1 General Provisions

4.1.1 Overlay Zoning Districts

Overlay districts shall be in addition to and shall overlay the zoning districts in Chapter 3, Zoning Districts. For the purposes of this Ordinance, the following overlay zoning districts are applied to certain properties as set forth on the zoning map:

FWO	Floodway Overlay District
FFO	Floodway Fringe Overlay District
HHO	Hillside/Hillcrest Overlay District
HPO	Historic Preservation Overlay District
NCO	Neighborhood Conservation Overlay District
CAO	Columbia Avenue Overlay District
CFO	Central Franklin Overlay District
SCO	Scenic Corridor Overlay District

4.1.2 Conflicting Provisions

Where the standards of the overlay district and the underlying zoning district differ, then the overlay standard shall apply, unless specifically referenced in another Chapter or Section by a provision to override an overlay district.

4.2 FWO—Floodway Overlay District

4.2.1 Purpose

The FWO district is intended to:

- A. Preserve the portion of the floodplain that carries the flow of water during storm and flood events;
- B. Prevent an increase in flood height that may result in the loss of life or property damage; and
- C. Restrict development, improvements, uses, and encroachments that would impede or obstruct the water flow.

4.2.2 District Boundaries

The FWO boundaries shall coincide with the boundaries of floodways, as adopted in Section 17.6, Floodplain Protection.

4.2.3 Permitted Uses

The following uses are the only uses permitted in the FWO, subject to Section 17.6, Floodplain Protection, and the Stormwater Management Ordinance:

- A. Passive parks and natural areas;
- B. Active recreation features that are City-owned and operated, provided that all fencing, walls, and permanent structures are located outside of the ten-year flood zone;
- C. Golf courses, excluding permanent structures;
- D. Seasonal agricultural sales, subject to Section 5.3, Temporary Uses and Structures; and
- E. Garage/yard sales, subject to Section 5.3, Temporary Uses and Structures.

4.2.4 Permitted Encroachments

The following encroachments are the only encroachments permitted in the FWO, subject to Section 17.6, Floodplain Protection, and the Stormwater Management Ordinance:

- A. Public and private infrastructure; and
- B. Event tents, subject to Section 5.3, Temporary Uses and Structures.

4.2.5 Exemptions

Historic structures within the HPO shall be used in accordance with the permitted uses in the underlying zoning district. Historic structures may be altered or subjected to major repair, subject to Section 17.6, Floodplain Protection, and Section 20.11, Certificate of Appropriateness.

4.2.6 Prohibited Development

Any portion of land within the FWO shall be placed in an open space lot and noted on the final plat as non-buildable.

4.3 FFO—Floodway Fringe Overlay District

4.3.1 Purpose

The FFO district is intended to:

- A. Preserve the holding capacity of the floodway fringe;
- B. Limit uses and encroachments that would impede or obstruct the holding capacity of the floodway fringe; and
- C. Prevent an increase in flood height that may result in the loss of life or property damage.

4.3.2 District Boundaries

The FFO boundaries shall coincide with the boundaries of the 100-year floodplain, excluding floodways, as adopted in Section 17.6, Floodplain Protection.

4.3.3 Permitted Uses

The following uses are the only uses permitted in the FFO, subject to Section 17.6, Floodplain Protection, and the Stormwater Management Ordinance:

- A. Passive parks and natural areas;
- B. Active recreation facilities, provided that all fencing, walls, and permanent structures are located outside of the ten-year flood zone. Active recreation facilities are subject to development plan approval;
- C. Golf courses, excluding permanent structures;
- D. Parking areas, subject to Section 5.2, Accessory Uses and Structures;
- E. Seasonal agricultural sales, subject to Section 5.3, Temporary Uses and Structures;
- F. Garage/yard sales, subject to Section 5.3, Temporary Uses and Structures; and
- G. Any use as permitted by the Municipal Code.

4.3.4 Permitted Encroachments

The following encroachments are the only encroachments permitted in the FFO, subject to Section 17.6, Floodplain Protection, and the Stormwater Management Ordinance:

- A. Public and private infrastructure;
- B. Walls and open fencing, subject to NFIP requirements;
- C. Floodplain alteration;
- D. Event tents, subject to Section 5.3, Temporary Uses and Structures; and
- E. Parking structures, subject to the following:
 - 1. Parking structures constructed and elevated on support piers shall be constructed with a minimum of seven feet of clearance from the ground level to the bottom of the first level of the parking structure to allow for the maintenance and access of equipment below the elevated parking structure. The DRT may approve an alternative minimum clearance if the DRT finds that such alternative clearance meets the intent 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.
 - 2. If parking is provided at ground level (at-grade), the minimum clearance must meet all applicable building codes.
 - 3. Basement or below ground level (grade) parking shall be prohibited.

4.3.5 Uses and Structures Established Prior to The Date of Adoption

There exist uses and structures within the FFO that were lawfully established before this Ordinance was adopted or amended, that now do not conform to its terms and requirements. These uses and structures may continue pursuant to Section 17.6, Floodplain Protection, and the following:

- A. Industrial, commercial, or other business uses may continue pursuant to Chapter 2, Nonconformities; however, a legally-nonconforming use may be changed to another use in the same use classification permitted in the underlying zoning district, so long as the use is not a residential use, does not involve overnight stay, and does not have outdoor storage;
- B. Residential uses may continue;
- C. Historic structures within the HPO are exempt from Chapter 2, Nonconformities, and may be used in accordance with the permitted uses in the underlying zoning district. Historic structures may be expanded, altered, or subjected to major repair, subject to Section 20.11, Certificate of Appropriateness;
- D. Non-historic residential structures and accessory structures may be expanded, altered, subjected to major repair, or re-constructed. New accessory structures may be constructed; and
- E. Accessory structures shall:
 - 1. Be permitted only for the purposes of storage and vehicle parking;
 - 2. Be designed to have low flood damage potential;
 - 3. Be constructed and placed on the site to achieve the minimum resistance to the flow of floodwaters;
 - 4. Be firmly anchored to prevent flotation,

collapse, and lateral movement, which otherwise may result in damage to other structures; and

5. Have utilities and service facilities, such as electrical and heating equipment, elevated or otherwise protected from intrusion of flood waters.

4.3.6 Prohibited Development

- A. For residential uses, other than multifamily residential, any portion of land within the FFO shall be placed in an open space lot and shall be noted on the final plat as non-buildable.
- B. Any portion of land within the FFO on a nonresidential, mixed-use, or multifamily development site shall:
 1. Be placed in an open space lot and noted on the final plat as non-buildable; or
 2. Be placed in an easement where the permitted uses and encroachments are limited to the uses and encroachments in Subsection 4.3.3, Permitted Uses, and Subsection 4.3.4, Permitted Encroachments.

4.4 HHO—Hillside Hillcrest Overlay District

4.4.1 Purpose

The HHO district is intended to protect the City's hillsides and hillcrests, including their natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and viewshed.

4.4.2 District Boundaries

The HHO boundaries shall be determined by a combination of GIS data, including elevation contours of hillsides and hillcrests, steep slopes, and a viewshed analysis from major thoroughfares.

4.4.3 Permitted Uses

The following uses are the only uses permitted in the HHO:

- A. Passive parks and natural areas; and
- B. Telecommunication towers and antennas.

4.4.4 Permitted Encroachments

The following encroachments are the only encroachments permitted in the HHO:

- A. Public infrastructure and associated retaining walls.

4.4.5 Prohibited Development

- A. Any portion of land within the HHO shall:
 1. Be placed in an open space lot and noted on the final plat as non-buildable; or
 2. Be placed in a conservation easement within a lot where the buildable portion is outside of the HHO.
- B. Tree removal shall be prohibited, unless written verification is provided from a certified arborist that a tree is dead or dying or there is the danger of a tree falling or damaging structures. The Department

of Building and Neighborhood Services may make an exception in extraordinary circumstances (e.g. weather-related emergencies, natural disasters) and may impose conditions as necessary to ensure compliance with Section 17.2, Tree Protection.

- C. Grading shall be prohibited, except as it relates to:
 - 1. Development permitted pursuant to Subsection 4.4.6, Lots, Uses, and Structures Established Prior to the Effective Date of this Ordinance; and
 - 2. Public infrastructure as identified in Connect Franklin and any associated retaining walls.
- D. Grading associated with Paragraph 4.4.5.C above shall be minimized by following existing contours.

approval by the Fire Department. Driveway approaches shall be in accordance with the Transportation and Street Technical Standards; and

- E. Structures shall be designed so that roof and exterior wall colors are a non-reflective neutral tone designed to minimize the appearance of the structure as viewed from locations at lower elevations. If an applicant demonstrates that the structure will not be visible from arterial streets, I-65, or Mack Hatcher Parkway, then this standard shall not apply.

4.4.6 Lots, Uses, and Structures Established Prior to The Effective Date of this Ordinance

There exist lots of record, uses of land, and structures within the HHO that were lawfully established before the effective date of this Ordinance that now do not conform to its terms and requirements. Such lots, uses, and structures shall comply with Chapter 2, Nonconformities, and the following:

- A. Grading shall be minimized by following existing contours;
- B. Development shall be prohibited on natural slopes of 20 percent or greater;
- C. Tree removal shall be prohibited on natural slopes of 14 percent or greater;
- D. The maximum slope permitted on a driveway shall be 14 percent and shall have landings at the top and bottom to prevent vehicles from scraping pavement. Driveways with lengths of longer than 100 feet may require a reduced slope, subject to

4.5 HPO—Historic Preservation Overlay District

4.5.1 Purpose

The HPO district is intended to:

- A. Preserve and protect historic or architecturally worthy buildings, structures, sites, landmarks, monuments, streetscapes, landscapes, cemeteries, walls, squares, neighborhoods, and archaeological sites; and
- B. Safeguard the character of the district as a whole and individual property therein that embody important elements of its social, economic, cultural, political or architectural history.

4.5.2 Conflicting Provisions

Where the Historic District Design Guidelines or certificate of appropriateness and any requirement of this Ordinance conflict, the Historic District Design Guidelines or certificate of appropriateness shall take precedence.

4.5.3 District Boundaries and Designation Criteria

The HPO shall be comprised of many individual historic districts of various sizes and geographic areas. The following criteria shall be used to determine HPO districts:

- A. The quality of significance in American history, architecture, archaeology, and culture is present;
- B. Sites, buildings, or structures possess integrity of location, design, setting, materials, workmanship, feeling, or association with events that have made a significant contribution to the broad patterns of history or with the lives of persons significant in the past;
- C. Sites, buildings, or structures embody

the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

- D. Sites, buildings, or structures have yielded, or may be likely to yield, archaeological information; or
- E. Sites, buildings, or structures are listed in the National Register of Historic Places.

4.5.4 Certificate of Appropriateness

Construction, alteration, rehabilitation, relocation, or demolition in the HPO may be performed only when an application has been submitted and reviewed considering the Historic District Design Guidelines, and a certificate of appropriateness has been issued. For certain development applications, a preliminary recommendation by the HZC shall be required prior to issuance of a certificate of appropriateness. See Section 20.11, Certificate of Appropriateness.

4.5.5 Signs

Signs in the HPO may be installed only when the sign has received a certificate of appropriateness and sign permit.

4.5.6 Maintenance and Repair of Structures

- A. Property owners shall perform routine maintenance and repairs to maintain the exterior of structures in the HPO in conformance with this Ordinance, the Municipal Code, the Historic District Design Guidelines, and all applicable building codes.
- B. When a notice of violation has been issued for failure to maintain improvements in the

HPO, the property owner or their agent shall meet with the Building & Neighborhood Services Department and the Department of Planning & Sustainability to discuss a plan of action to address the maintenance issues identified on the property. Within 60 days following the issuance of a notice of violation, the property owner or their agent will propose a timeline for the completion of the repair and will come to a consensus with staff as to the prioritization of each item necessitating repair. Deviation from the timeline will result in citation to court, as provided in the Municipal Code.

4.5.7 Remedying of Dangerous Conditions

- A. City enforcement agencies may determine, in consultation with, at a minimum, the Department of Planning and Sustainability, that the condition of a property is dangerous to life, health, or property.
- B. Upon making such a determination, when an enforcement agency orders or directs the construction, removal, alteration, or demolition of an improvement, to remedy conditions determined to be dangerous to life, health, or property, then nothing contained in this Section shall be construed as making it unlawful for a person, without prior issuance of a certificate of appropriateness, to comply with the order or direction. Where practicable, the enforcement agency shall give the HZC notice of the proposed order or direction if it may affect the exterior appearance of a structure or site. The HZC shall have adequate opportunity to review and provide written comments upon the action proposed by an enforcement agency prior to the initiation of an action.

4.5.8 Right of Entry Upon Land

The HZC, its members and employees, in the performance of its work, may enter upon land within its jurisdiction, make examinations and surveys, and place or remove public notices as required by this Ordinance, but there shall be no right of entry into a building without the consent of the owner.

4.6 NCO—Neighborhood Conservation Overlay District

4.6.1 Purpose

The NCO district is intended to:

- A. Protect the traditional character and distinctive features of established neighborhoods; and
- B. Have tailored development standards for each NCO to regulate new buildings so they relate to and strengthen the core characteristics of the neighborhood while mitigating adverse impacts on adjacent properties.

4.6.2 District Boundaries and Designation Criteria

The NCO shall be comprised of individual overlay districts in different blocks or neighborhoods. Each NCO shall meet the following criteria:

- A. The NCO contains a minimum of one block face;
- B. At least 75 percent of the land area in the NCO is improved or developed;
- C. One or more of the following distinctive features is present that creates a cohesive, identifiable setting, character, or association:
 - 1. Scale, size, type of construction, or distinctive building materials;
 - 2. Lot layouts, setbacks, street layouts, alleys, or sidewalks;
 - 3. Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;
 - 4. Land use patterns, including mixed or unique uses or activities; or
 - 5. Adjacent to or linking designated historic landmarks and/or districts; and
- D. The designation is supported by a petition of at least 51 percent of the total number of

parcels or lots within the NCO.

4.6.3 Development Standards

The NCO development standards adopted as part of the ordinance creating the NCO shall become the standards in the overlay district and may include:

- A. Development standards that supersede or augment the standards in this Ordinance; and
- B. Restriction or expansion of the use regulations of Chapter 5, Use Regulations.

4.6.4 Maintenance and Repair of Structures

Property owners shall perform regular maintenance and repairs to maintain the exterior of structures in the NCO in conformance with all applicable building codes and Municipal Code.

4.6.5 Building Permit

A building permit for construction, expansion, or alteration of a structure in the NCO may be issued only when the proposal complies with the development standards in the NCO.

4.7 CAO—Columbia Avenue Overlay District

4.7.1 Purpose

The CAO district is intended to:

- A. Enhance the character and function of the Columbia Avenue gateway into Franklin;
- B. Ensure the compatibility of new buildings with respect to the specific character of their immediate context; and
- C. Enhance the quality of development surrounding historic and cultural resources.

4.7.2 Applicability

If the Historic District Design Guidelines and this Section conflict as they relate to any property within the CAO, the Historic District Design Guidelines shall take precedence.

4.7.3 District Boundaries

The CAO generally contains properties fronting along the Columbia Avenue/Pike corridor. The CAO is divided into five sub-overlay districts as shown on the zoning map.

4.7.4 CAO1—Urban Commercial Development Sub-District

Properties within the CAO1 shall comply with the requirements of this Subsection.

A. Sub-District Boundaries

The CAO1 includes properties along Columbia Avenue between Five Points and Fowlkes Street. This sub-district is characterized by:

1. A mix of one and two-story commercial buildings built over time;
2. Two historic residential buildings; and
3. Shallow front building setbacks with some variation.

B. Dimensional Standards

The following dimensional standards are required:

Building Setbacks

Front Yard	5 feet minimum
	10 feet maximum
	As measured from the back of the sidewalk

Front Yard for Civic Building	5 feet minimum
	40 feet maximum
	As measured from the back of the sidewalk

Building Height

Building Height	2 stories for buildings with frontage along Columbia Avenue or Fowlkes Street
	3 stories for buildings that do not have frontage on the streets listed above

C. Building Type Standards

1. The following building types are the only permitted building types:
 - a. Commercial/Mixed-Use Building
 - b. House
2. For one-story buildings, the facade shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing into 35-50 foot segments.
3. For buildings of two or more stories, the facade shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing into 35-100 foot segments.
4. Each facade segment shall include a separate main entrance and differ from each of the other segments with respect to all of the following:
 - a. A change in shape, sill and header height, detail, size, spacing, rhythm,

and muntin pattern of windows;

- b. A change of building or cornice height;
 - c. A change in cornice details;
 - d. A change of wall material or wall color;
 - e. A change in trim courses and other horizontal elements;
 - f. A change in dormer or balcony design, if any; and
 - g. Providing or changing pilasters, columns, or other facade elements.
5. Brick or natural stone shall comprise a minimum of 75 percent of the primary materials of a facade. For accent purposes, natural stone and cement-based stucco shall be permitted.

D. Frontage Types

The following frontage type are the only permitted frontage types:

1. Urban landscape frontage
2. Urban frontage

E. Signs

Internally illuminated signs attached to the building shall be permitted only on front facades facing Columbia Avenue.

F. Parking

1. Certain uses in CAO1 may have reduced parking requirements, pursuant to Subsection 10.1.6, Minimum Parking.
2. Where surface parking serving a nonresidential use is adjacent to or across the street from a residential use, a six-foot brick or stone wall shall be installed to screen the parking area.

4.7.5 CAO2—Historic Residential Development Sub-District

Properties within the CAO2 shall comply with the requirements of this Subsection.

A. Sub-District Boundaries

The CAO2 includes properties located along Columbia Avenue between Fowlkes and Fairground Streets. This sub-district is characterized by:

1. Predominantly one- and two-story houses built prior to WWII, including the historic Carter House and the Lotz House; and
2. Scattered one-story commercial buildings and reclaimed battlefield open space.

B. Dimensional Standards

The following dimensional standards are required:

Building Setbacks (Minimum)

Front Yard for East Side of Columbia Avenue	40 feet As measured from the right-of-way
---	--

Front Yard for West Side of Columbia Avenue	30 feet from the right-of-way, but no closer than the front setback of the closest existing principal building on the same block face
---	---

Building Height (Maximum)

Building Height	2 stories, with a maximum height of 35 feet to the top of pitched roof
-----------------	--

Facade Width (Maximum)

Front Facade Width	45 Feet
--------------------	---------

C. Building Type Standards

The house is the only permitted building type. Each building shall meet the following additional standards:

1. Each front facade shall have a porch; and
2. The roof shall have overhanging eaves on all sides that extend a minimum of one foot beyond the building wall.

D. Frontage Type

The yard frontage is the only permitted frontage type.

E. Signage

Internally illuminated signs are not permitted.

F. Parking

Certain uses in the CAO2 may have reduced parking requirements, pursuant to Subsection 10.1.6, Minimum Parking.

4.7.6 CAO3—Commercial Transition Development Sub-District

Properties within the CAO3 shall comply with the requirements of this Subsection.

A. Sub-District Boundaries

The CAO3 includes properties located along Columbia Avenue generally from Fairgrounds Street to south of Downs Boulevard. These standards are intended to create a more pedestrian-oriented commercial node that is complementary to the adjacent residential neighborhoods.

B. Dimensional Standards

The following dimensional standards are required:

Building Setbacks

	15 feet minimum
	40 feet maximum
Front Yard	As measured from the right-of-way

Building Height

Building Height	2 stories maximum
-----------------	-------------------

C. Building Type Standards

Primary materials on facades of residential buildings shall be brick, wood siding, or fiber cement siding. Natural stone, cultured stone, and fiber cement materials are permitted and encouraged as accent materials.

D. Parking

Certain uses in CAO3 may have reduced parking requirements, pursuant to Subsection 10.1.6, Minimum Parking.

**4.7.7 CAO4—Suburban Commercial/
Industrial Development Sub-District**

Properties within the CAO4 shall comply with the requirements of this Subsection.

A. Description

The CAO4 includes properties along Columbia Avenue from near Downs Boulevard/Carr Avenue to Mack Hatcher Parkway, as shown on the zoning map. This sub-district is characterized by:

1. One and two-story commercial buildings with large footprints; and
2. Deep front setbacks with parking in front of the buildings.

B. Stone Walls

Historic stone walls shall be preserved, unless removal of a segment is necessary for the extension of a street, internal drive, or driveway. In these cases, only the minimum width necessary shall be removed, pursuant to applicable requirements, and the remaining walls shall be stabilized. Excess removed stone wall segments shall be relocated on the site.

**4.7.8 CAO5—Rural Gateway
Development Sub-District**

Properties within the CAO5 shall comply with the requirements of this Subsection.

A. Sub-District Boundaries

The CAO5 includes properties along Columbia Pike, south of Mack Hatcher Parkway, as shown on the zoning map. This sub-district is characterized by:

1. Rural character and scenic beauty;
2. Environmentally sensitive areas; and
3. Historical significance.

Columbia Pike serves as a southern gateway into the City and these characteristic above shall be retained.

B. Dimensional Standards

The following dimensional standards are required:

Building Setbacks (Minimum)

Front Yard	250 feet
------------	----------

Building Height (Maximum)

Building Height	2 1/2 stories
-----------------	---------------

C. Frontage and Landscape Requirements

1. The yard frontage is the only permitted frontage type.
2. There shall be a 20-foot landscape treatment along the entire length of each frontage that consists of the following:
 - a. At least two canopy trees per 100 linear feet. In overhead utility easements, understory trees may be substituted for canopy trees; and
 - b. A historically-based fence or a dry-stacked stone wall consistent in design and stone type, as applicable, with historic antecedents in the County.

4.8 CFO—Central Franklin Overlay District

4.8.1 Purpose

The CFO district is intended to:

- A. Recognize that the oldest parts of the City have unique qualities; and
- B. Ensure context-responsive infill development in areas where the existing development is established and expected to remain, pursuant to Envision Franklin.

4.8.2 District Boundaries

The CFO shall encompass the area generally within Mack Hatcher Parkway to the north and east and within Downs Boulevard to the south and west.

4.8.3 Conflicting Provisions

- A. In cases where the standards of this Section and other Chapters or Sections of this Ordinance conflict, the standard in this Section shall apply.
- B. If the Historic District Design Guidelines and this Section conflict as they relate to any property within the CFO, the Historic District Design Guidelines shall take precedence.

4.8.4 Facade Standards

Development in the CFO that is located either adjacent to a designated national or local historic district, or located within 600 feet of a designated historic landmark building, shall be designed to be complementary with such historic district or building in terms of architectural style, building color, exterior materials, and detailing, such as the height of horizontal elements, alignment and proportion of windows and doors, roof pitch and form, and solid-to-void ratio.

4.8.5 Materials

Primary materials on a facade in the CFO shall be brick, natural stone, or other materials compatible with surrounding buildings expected to remain, pursuant to Envision Franklin.

4.8.6 Transitional Features

Development or redevelopment shall comply with Chapter 8, Transitional Features.

4.8.7 Parking

- A. Certain uses in the CFO may have reduced parking requirements, pursuant to Subsection 10.1.6, Minimum Parking.
- B. Lots along North Margin Street that are vacant as of the effective date of this Ordinance and are in the FFO may have parking areas as a principal use.
- C. No historic structure shall be demolished for the purpose of providing a surface parking area.
- D. Parking structures shall comply with Subsection 10.1.9, Parking Structures.

4.8.8 Stone Walls

Historic stone walls shall be preserved, unless removal of a segment is necessary for the extension of a street, internal drive, or driveway. In these cases, only the minimum width necessary shall be removed, pursuant to applicable requirements, and the remaining wall shall be stabilized. Excess removed stone wall segments shall be relocated on the site.

4.9 SCO—Scenic Corridor Overlay District

Properties within the SCO shall comply with the requirements of this Section.

4.9.1 Purpose

The SCO district is intended to:

- A. Protect the City's natural beauty along scenic corridors by preserving viewsheds and gateways; and
- B. Enhance the City's community identity through landscape and common design elements.

4.9.2 Applicability

In cases where the standards of this Section and other Chapters or Sections of this Ordinance conflict, the more restrictive standards shall apply.

4.9.3 Scenic Corridor Boundaries

The SCO shall encompass land fronting along the scenic corridors listed in Subsection 4.9.4, Scenic Corridor Setbacks.

4.9.4 Scenic Corridor Setbacks

The scenic corridors shall have a minimum front yard setback pursuant to the table below:

Scenic Corridor	Intersecting Street	Intersecting Street	Minimum Front Yard Setback
Carters Creek Pike	West of Southhall	-	80 feet
Del Rio Pike/Cotton Lane	North of Del Rio Pike	-	150 feet
Franklin Road	North of Hooper Lane	South of Country Road	150 feet, except in the R4 district, in which the R4 front yard setback shall apply
Goose Creek Bypass	West of Lewisburg Pike	East of Columbia Pike	250 feet
Lewisburg Pike	South of Goose Creek Bypass	-	80 feet
Mack Hatcher Parkway	North of Townsend Boulevard	North of Liberty Pike	150 feet
Murfreesboro Road	West of Mack Hatcher Parkway	East of the Harpeth River	150 feet, except in the R4 district, in which the R4 front yard setback shall apply
Murfreesboro Road	East of Oxford Glen Drive	-	150 feet
New Highway 96 West	West of Boyd Mill Pike	-	300 feet
Old Charlotte Pike	North of New Highway 96 West	East of Del Rio Pike	150 feet

4.9.5 Conflicting Provisions

In cases where the standards of this Section and other Chapters or Sections of this Ordinance conflict, the standard in this Section shall apply.

4.9.6 Prohibited Encroachments

Buildings, parking areas, parking area drive aisles, and streets or internal drives that parallel the scenic corridor shall be prohibited within the front yard setback.

4.9.7 Landscape Requirements

Street trees are not required along the scenic corridor. Instead, there shall be a 20-foot landscape easement along the entire length of frontage along the scenic corridor with the following plantings:

- A. A minimum of three canopy trees and three understory trees for every 100 linear feet. In overhead utility easements, understory trees may be substituted for canopy trees;
- B. Trees placed informally or coordinated with fencing and planted pursuant to Section 12.9, Planting Standards.

4.9.8 Fences and Walls

- A. Fencing and walls within the scenic corridor setback shall be limited to the following:

Type of Fence ¹	Height	Material
Three-board horse fence	3.5 feet maximum	Wood
Four-board horse fence	4.5 feet maximum	Wood
Stone wall	3 feet	Natural stone stacked in the dry-stack method

Notes:

- 1. Other types of fences or walls, such as picket, split rail, wrought iron, or brick walls, may be approved by the Department of Planning and Sustainability, if the applicant demonstrates that such a fence or wall is more appropriate based on fencing in surrounding developments, historical antecedents, or similar considerations.

- B. Existing historic stone walls shall be preserved, unless removal of a segment is necessary for the extension of a street, internal drive, or driveway. In these cases, only the minimum width necessary shall be removed, pursuant to applicable requirements, and the remaining wall shall be stabilized. Excess removed stone wall segments shall be relocated on the site.

4.9.9 Grading

The natural, existing topography of a site shall be used in development and grading shall be minimized. Mass grading techniques are prohibited.

CHAPTER 5

USE REGULATIONS

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5.1 Principal Uses

5.1.1 General Provisions

- A. Permitted principal uses by district are listed in the table in Subsection 5.1.3, Permitted Principal Uses by Zoning District. Specific uses are grouped into six use classifications: agricultural, residential, recreation, civic and institutional, commercial, and industrial. Certain zoning overlay districts may restrict or expand the permitted principal uses listed in the underlying zoning district.
- B. Certain uses are subject to additional requirements, as described in Subsection 5.1.4, Principal Use Regulations.
- C. In the case of a principal use not listed in the table, the Department of Building and Neighborhood Services, in consultation with the Department of Planning and Sustainability, may make a determination whether such use is substantially similar to a listed use. If no similar use determination can be made, the Department of Building and Neighborhood Services shall refer the use to the Department of Planning and Sustainability, who may initiate an amendment to this Ordinance to classify the use.

5.1.2 Principal Use Table Key

- A. A solid black circle indicates a permitted principal use in the respective district. The use is also subject to all other applicable requirements of this Ordinance.
- B. A half-black circle indicates additional requirements associated with the permitted principal use or uses in a district. The use is also subject to all other applicable requirements of this Ordinance.
- C. A blank cell indicates the principal use is not permitted in the respective district.

5.1.3 Permitted Principal Uses by Zoning District

Principal Use	Zoning Districts																
Permitted Permitted with Additional Use Regulations per Subsection 5.1.4	AG	ER R1	R2 R3 R6	R4	MR	PD ¹	OR	CI	NC	CC	DD	1ST	5TH	RC6 RC12	GO	LI	HI
AGRICULTURAL USES																	
Agricultural Uses																	
Community Gardens																	
RESIDENTIAL USES																	
Duplexes																	
Multifamily Residential																	
Multiplexes																	
Single-Family Residential																	
Townhouses																	
RECREATION USES																	
Active Recreation																	
Commercial Recreation																	
Golf Courses																	
Neighborhood Amenities																	
Passive Parks and Open Space																	
CIVIC AND INSTITUTIONAL USES																	
Cemeteries																	
Charitable, Fraternal, or Social Organizations																	
Clinics																	
Continuum of Care Facilities																	
Correctional Facilities																	

Principal Use	Zoning Districts																
Permitted Permitted with Additional Use Regulations per Subsection 5.1.4	AG	ER R1	R2 R3 R6	R4	MR	PD ¹	OR	CI	NC	CC	DD	1ST	5TH	RC6 RC12	GO	LI	HI
Essential Services																	
Group Homes																	
Hospitals																	
Places of Public Assembly																	
Rehabilitation Centers																	

COMMERCIAL USES

Day Care Centers																	
Event Venues																	
Funeral Homes																	
Garden Centers																	
Gas Stations																	
Hotels																	
Indoor Animal Services																	
Indoor/Outdoor Animal Services																	
Offices																	
Personal Services																	
Restaurants																	
Retail																	
Short-Term Vacation Rentals																	
Showrooms																	
Telecommunication Towers and Antennas																	
Theaters																	

Principal Use	Zoning Districts																
Permitted Permitted with Additional Use Regulations per Subsection 5.1.4	AG	ER R1	R2 R3 R6	R4	MR	PD ¹	OR	CI	NC	CC	DD	1ST	5TH	RC6 RC12	GO	LI	HI
Uses with Drive-In/Drive-Through Facilities																	
Vehicle Sales and Rental																	
Vehicle Service Facilities																	
Vehicle Wash Facilities																	
Wholesale Sales																	

INDUSTRIAL USES

Adult-Oriented Establishments																	
Data Centers																	
General Warehousing																	
Heavy Industrial Uses																	
Industrial Sales																	
Industrial Services																	
Light Industrial Uses																	
Machinery Assembly and Repair Facilities																	
Self-Storage Facilities																	
Vehicle Repair Facilities																	
Wrecker Service																	

¹ Permitted principal uses in the PD district are determined by the BOMA during the development plan approval process.

5.1.4 Principal Use Regulations

A. Agricultural Uses

In the AG district, agricultural uses shall include the land, buildings, and machinery used in the commercial production of farm products and nursery stock, farming activities carried on in connection with the commercial production of farm products and nursery stock, recreational and educational activities on land used for the commercial production of farm products and nursery stock, and entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock, as defined by T.C.A. § 1-3-105 and § 43-1-113.

B. Adult-Oriented Establishments

1. Adult-oriented establishments shall not be permitted on any lot within 500 feet of any lot containing the following:
 - a. Any use in the civic and institutional use classification or property zoned CI;
 - b. Any dwelling or residential lot;
 - c. Any use in the recreation use classification;
 - d. A day care center;
 - e. A funeral home;
 - f. A packaged liquor store; or
 - g. Another adult-oriented establishment.
2. An adult-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in Clause 5.1.4.B.1.

3. No adult-oriented establishment may be enlarged so as to violate the provisions of this Ordinance.

C. Continuum of Care Facilities

Continuum of care facilities may have one or any combination of assisted living, nursing home, or skilled nursing for the elderly or for other individuals incapacitated in some manner for medical reasons, as determined and licensed and/or certified by the Tennessee Department of Health, Board of Licensing Health Care Facilities. In addition to the above, up to 30 percent of the total building footprint may be used for age-restricted independent living as part of the overall continuum of care.

D. Data Centers

The building footprint for a data center shall not be located within 500 feet of an arterial street; however, a data center may be closer than 500 feet if it is not visible from the arterial street.

E. Duplexes

In the 1ST district, duplexes are permitted only outside of the FWO and FFO.

F. Essential Services

Public buildings that are 12,000 square feet or less may be located in any zoning district. Larger buildings or uses shall be limited to the PD, CI, NC, CC, DD, 1ST, 5TH, RC6, RC12, GO, LI, and HI districts.

G. Event Venues

1. Event venues shall not create a substantial or undue adverse impact upon adjacent property, the character of the area, or the public health, safety and welfare.
2. Event venues shall be constructed, arranged, and operated so as not to

dominate the immediate vicinity or to interfere with the use and development of neighboring property pursuant to the applicable district regulations.

3. Event venues shall not cause undue traffic congestion or draw significant amounts of traffic through residential streets.
4. All necessary steps shall be taken to minimize any adverse effects of the event venue and development on the immediate vicinity through building design, site design, landscaping, and screening.
5. When establishing this use in a PD district, conditions of approval may be imposed to minimize adverse impacts with the surrounding residential areas. Conditions may include:
 - a. Limitations and restrictions on the use of the property;
 - b. Restrictions on construction activity that will occur on and around the property;
 - c. Conditions concerning the character and design of the proposed use and development;
 - d. The location of the use within the property;
 - e. The provision of landscaping and screening with specificity as to design, quantity, quality, size, and location;
 - f. Restrictions on the hours of operation of the use;
 - g. Requirements for sound proofing or other noise mitigation;
 - h. A requirement that the property be developed and used in strict accordance with the development plan; and
 - i. A requirement for periodic review

with a public hearing before the BOMA.

H. Garden Centers

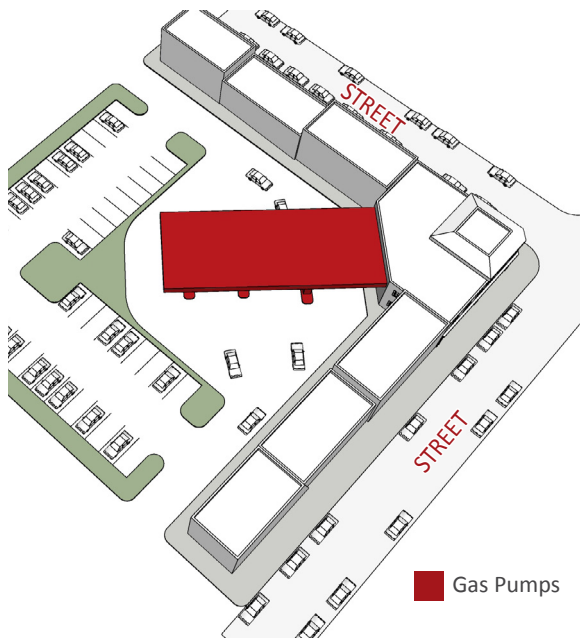
1. Outdoor storage and outdoor sales are not permitted in required setbacks, fire lanes, drive aisles, required parking areas, or areas intended for pedestrian circulation.
2. Any outdoor storage other than live vegetation shall be located behind the building or screened from public view and adjacent properties with an opaque fence or wall with a height of at least six feet. Landscaping may be used if a six-foot tall solid evergreen screen is provided at the time of planting.
3. Garden centers are not subject to Paragraph 5.2.7.J, Outdoor Sales Area, or Paragraph 5.2.7.K, Outdoor Storage.

I. Gas Stations

1. Gas stations shall not be located on a lot at a street intersection composed of two or more arterial streets.
2. Gas stations on lots at intersections, where permitted, shall be designed so that any fueling pumps and associated canopies are located away from the intersection and to the side or rear of the building.
3. Gas stations shall not be located adjacent to a residential lot, unless approved by the BOMA as part of a development plan.
4. Gas stations shall have pitched roofs for buildings and canopies.
5. Canopies shall have a maximum clearance height of 15 feet from the finished grade to the underside of the canopy.
6. Canopies shall use the same exterior materials and architectural style as

- the principal building. Each column or pier shall have a base of brick, natural stone, or cultured stone.
7. Canopy lighting shall comply with Subsection 14.3.5, Canopy and Awning Lights.
 8. A gas station canopy is permitted one sign that does not exceed 15 percent of the canopy face that does not project above or below the canopy or roofline.

Figure 5.1.4.H Gas Station Canopy



J. Hotels

1. Hotels in the RC6 and RC12 districts shall contain a minimum of 100 guest rooms.
2. Hotels in the CFO or CAO shall contain a maximum of 120 guest rooms.
3. Each guestroom shall be accessed from an interior corridor, not an exterior entrance.
4. Hotels shall provide high quality services such as concierge availability, meeting rooms, conference facilities,

full service restaurants, sitting rooms, patios, and other amenities.

5. Hotels shall have a lobby that is staffed 24 hours a day, seven days a week; and
6. Hotels shall offer complimentary maid service.

K. Indoor Animal Services

1. The building footprint for indoor animal services shall not be located within 200 feet of a property line of a residential lot, but may be reduced to 100 feet if the building is soundproofed.
2. This use shall adhere to the provisions in Title 10, Animal Control, as well as Title 11, Chapter 4, Offenses Against the Peace and Quiet, of the Municipal Code.

L. Indoor/Outdoor Animal Services

1. The outdoor portion of any indoor/outdoor animal services for:
 - a. Companion animals shall not take place within 500 feet of a property line of a residential lot; and
 - b. Pasture animals shall not take place within 100 feet of a property line of a residential lot.
2. The building footprint for any indoor portion of animal services shall not be located within 200 feet of a property line of a residential lot, but may be reduced to 100 feet if the building is soundproofed.
3. Outdoor runs, kennels, and storage areas shall not be visible from streets or adjacent properties.

M. Machinery Assembly and Repair Facilities

In the LI district, all assembly and repair activities shall take place within an enclosed structure.

N. Multifamily Residential

1. In the CC and DD districts, where buildings containing multifamily residential are along a street frontage, they must have ground-floor commercial uses along the street frontage.
2. In the RC6 and RC12 districts, multifamily residential is permitted only if:
 - a. It does not occupy more than 40 percent of the overall building square footage of the proposed development;
 - b. It is integrated horizontally and/or vertically with the nonresidential uses in the proposed walkable development; and
 - c. Stand-alone multifamily residential cannot be separated from the nonresidential uses by an arterial or collector street.

O. Multiplexes

In the 1ST district, multiplexes are permitted only outside of the FWO and FFO.

P. Neighborhood Amenities

Neighborhood amenities that have commercial activities, such as restaurants, banquet halls, food sales, pro shops, or retail sales, shall be allowed in residential districts only as part of an approved development plan.

Q. Self-Storage Facilities

1. The building footprint for a self-storage facility shall not be located within 500 feet of an arterial street; however, a self-storage facility may be closer than 500 feet if it is not visible from the arterial street.
2. Outdoor storage associated with this

use shall comply with Subsection 13.3.6, Outdoor Storage Areas.

R. Short-Term Vacation Rentals

In addition to the applicable requirements of the Municipal Code, the following shall apply:

1. A maximum of one short-term vacation rental is permitted on a lot;
2. The owner of the lot is a permanent occupant of the premises, as defined under 'family' in Chapter 23, Definitions and Interpretations;
3. On a lot that has both a dwelling and an accessory dwelling, the owner of the lot may live in one and rent out the other as a short-term vacation rental; and
4. On a lot that has a dwelling without an accessory dwelling, the owner shall rent out the entire dwelling and vacate the premises for the duration of the rental, but only on an occasional basis that complies with Clause 5.1.4.R.2.

S. Single-Family Residential

In the 1ST district, single-family residential is permitted only outside of the FWO and FFO.

T. Telecommunication Towers and Antennas

1. Applicability

HAM radio antenna shall be exempt from these requirements.
2. General Requirements
 - a. Towers and antennas may be either principal or accessory uses.
 - b. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If lighting is required, then the lighting alternatives and design

- chosen shall cause the least disturbance to surrounding views.
- c. Towers and antennas shall comply with current regulations of the FAA, the Federal Communications Commission (FCC), and any other federal or state government agency with the authority to regulate towers and antennas. If those regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling federal or state agency. Failure to bring towers and antennas into compliance with such revised regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.
 - d. Owners or operators of towers and antennas shall:
 - i. Certify that all franchises required by law for constructing or operating a wireless communication system in the City have been obtained; and
 - ii. File a copy of all required franchises with the City.
 - e. Signs on towers or antennas shall be prohibited, except for those required by regulatory agencies.
 - f. Buildings, equipment cabinets, or structures associated with towers shall comply with all applicable building codes.

3. Separation Distances Between Towers and Off-Site Lots

The minimum separation between a new tower or an existing tower to be modified or rebuilt to a taller height and an off-site lot shall comply with the table below:

Off-Site Lot ^{1 2}	Separation Distance
Lot for a House, Modular Home, or Mobile Home	200 feet or 300% of tower height, whichever is greater
Lot for a Duplex, Multiplex, Townhouse, Multifamily, or Mixed-Use	200 feet or 200% of tower height, whichever is greater
Lot in a Nonresidential Zoning District	Minimum setbacks per the applicable zoning district

Notes:

1. Tower separation shall be measured from the base of the tower to the lot line of the off-site lot.
2. Measurements shall be measured from the outer perimeter of the towers included in an AM array (excluding guy anchors).

4. Separation Distances Between Existing and Proposed Towers

The minimum separation between a new tower or an existing tower to be modified or rebuilt to a taller height and an existing tower shall comply with the table below:

Type	Lattice or Guyed	Monopole 60 Feet in Height or Less	Monopole Greater than 60 Feet in Height
Lattice or Guyed	5,000 feet	5,000 feet	1,500 feet
Monopole 60 Feet in Height or Less	750 feet	250 feet	750 feet
Monopole Greater than 60 Feet in Height	1,500 feet	750 feet	1,500 feet

Notes:

1. Required separation distances are measured from the base of the existing tower to the base of the proposed tower.
2. Measurements shall be measured from the outer perimeter of the towers included in an AM array (excluding guy anchors).
3. Additional towers and antennas may be constructed on a lot with existing towers and antennas and its associated structures.

5. Fall Radius Requirements

Towers shall be located so that there is sufficient radius of land around the tower so that its collapse will be contained on the property where located. A professional engineer licensed under the guidelines of the State of Tennessee shall certify technical documentation concerning

the tower fall radius.

6. Aesthetic Requirements

- a. Towers shall have either a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness, subject to any applicable FAA standards.
- b. The design of the buildings, related structures, and equipment cabinets shall use colors, landscaping, materials, screening, and textures that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, then the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

7. Landscape and Fencing

- a. In addition to landscape otherwise required, tower facilities shall be landscaped with plant materials that effectively screen the view of the tower compound and ground-based equipment from off-site view.
- b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent practicable. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be accepted as effective screening.
- c. Towers and related appurtenances, such as guy wire anchors, shall be

enclosed by security fencing at least six feet in height that shall be equipped with appropriate anti-climbing devices.

8. Application Submittal

- a. Telecommunication construction plans shall be submitted in accordance with the requirements established by the Department of Building and Neighborhood Services.
- b. An applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are within the City, and towers outside of the City which serve areas within the City, as well as within the coverage area of the proposed tower or antenna, whether within the City or outside its jurisdiction, including specific information about the design, height, and location of each tower.

9. Administrative Final Action

The Department of Building and Neighborhood Services may administratively approve the following:

- a. Telecommunication towers with a height of 60 feet or less, including small cellular potential support structures, that are located on a lot. Small cellular facilities in the right-of-way are subject to the Municipal Code;
- b. Antennas on existing structures as an accessory use to a nonresidential, mixed-use, or multifamily residential structure of eight or more dwelling units, provided that the antenna:
 - i. Extends no more than 30 feet

above the highest point of the structure;

- ii. Complies with applicable FAA and FCC regulations; and
- iii. Complies with all applicable building codes. Documentation shall be provided justifying why the antenna cannot be a concealed device; and
- iv. Antennas on existing towers for collocation purposes. To minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1) A tower that is modified or reconstructed to accommodate the collocation of additional antennas shall be of the same tower type as the existing tower, unless the Department of Building and Neighborhood Services permits reconstruction as a monopole, or otherwise determines that a different tower type would enhance collocation possibilities;

2) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's original height, to accommodate the collocation of additional antennae. The tower's pre-modification height shall be used to calculate distance

separation requirements; and
3) A tower that is being rebuilt to accommodate the collocation of an additional antenna may be moved within 50 feet of its existing location, or elsewhere on the site, as determined by the Department of Building and Neighborhood Services. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower shall in no way be deemed to cause a violation of this Subsection.

10. Administrative Appeal

If an administrative final action is for disapproval, then the applicant may file an appeal to the FMPC.

11. FMPC Final Action

Except for telecommunications towers approved administratively in accordance with Clause 5.1.4.T.9, Administrative Final Action, all other towers or antennas must obtain approval by the FMPC, pursuant to Section 20.12, Site Plan.

12. Approval Criteria

The applicable review body shall consider the following criteria in approving applications for towers and antennas and may impose conditions necessary to minimize adverse effects of proposed towers or antennas on adjoining properties:

- a. The applicable standards of the zoning district;
- b. The standards in this Subsection and other applicable standards in this Ordinance;

- c. Tower or antenna height;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Proposed ingress and egress; and
- g. Availability of suitable existing towers, other structures, or alternative technologies that do not require a tower or structure. No new tower shall be permitted unless the applicant submits evidence that meets one of the following criteria that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna:
 - i. No existing towers or structures are located within the geographic area that meets the applicant's engineering conditions consistent with these requirements;
 - ii. Existing towers or structures are of insufficient height to meet the applicant's engineering requirements, or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;
 - iii. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - iv. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt

an existing tower or structure for sharing exceed the cost of new tower development;

v. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; or

vi. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology un-suitable.

13. Maintenance

To ensure the structural integrity of towers and antennas, owners shall ensure that they are maintained in compliance with standards contained in applicable building codes and the applicable standards published by the Electronic Industries Association.

If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being given, the owner shall have 30 days to bring such tower or antenna into compliance. Failure to do so shall constitute grounds for the removal of the tower or antenna at the owner's expense.

14. Removal of Abandoned Towers and Antennas

Any tower or antenna that is not operated for a continuous period of 12 months or more shall be considered to have been abandoned, and the owner

shall remove the same within 90 days of receipt of notice of abandonment from the Department of Building and Neighborhood Services. Failure to remove an abandoned tower or antenna within said 90 days shall be grounds to remove the tower or antenna at the owner's expense.

If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower. A performance agreement shall be established with appropriate financial security to defray the costs of removal.

15. Nonconforming Towers

a. Nonconforming towers and antennas approved prior to the effective date of this Ordinance shall be permitted to continue their usage as they presently exist. Routine maintenance shall be permitted. All other construction or improvements must comply with this Ordinance.

b. Notwithstanding Clause 5.1.4.T.14, Removal of Abandoned Towers and Antennas, nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to meet separation requirements. Building permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, then the tower or antenna shall be deemed abandoned.

U. Townhouses

In the 1ST district, townhouses are permitted only outside of the FWO and FFO.

V. Uses with Drive-In/Drive Through Facilities

See Paragraph 5.2.7.G, Drive-In/Drive-Through Facilities.

W. Vehicle Sales and Rental

1. Vehicle sales and rental shall not be located on a street intersection composed of two or more arterial streets.
2. Vehicle sales and rental is not permitted on any lot within 200 feet of a dwelling or residential lot.

X. Vehicle Service, Repair, or Wash Facilities

1. Vehicle service, repair, or wash facilities shall take place within an enclosed structure when located:
 - a. Within 500 feet of a dwelling; or
 - b. Within 500 feet of an arterial street or higher classification as shown in Connect Franklin.
2. Any other vehicle service areas or washing bays shall be placed to the rear of the building and screened from off-site.

5.2 Accessory Uses and Structures

5.2.1 General Provisions

- A. Accessory uses and structures are permitted in conjunction with a permitted principal use.
- B. Accessory uses and structures are permitted by district as listed in the table in Subsection 5.2.6, Permitted Accessory Uses and Structures by Zoning District.
- C. Accessory uses and structures are subject to additional requirements, as described in Subsection 5.2.7, Accessory Use and Structure Regulations.
- D. Accessory uses and structures shall be subject to approval by the Department of Building and Neighborhood Services, unless a site plan is required pursuant to Section 20.12, Site Plan.

5.2.2 Accessory Uses

Accessory uses shall be:

- A. Clearly incidental and subordinate to a permitted principal use in terms of area and function;
- B. Customarily found in connection with the principal use;
- C. Located on the same lot as the principal use; and
- D. Owned or operated by the same person as the principal use.

5.2.3 Accessory Structures

Accessory structures shall:

- A. Comply with the maximum number, setback, and height requirements in the applicable zoning district, except those structures subject to Paragraph 5.1.4.T, Telecommunication Towers and Antenna;
- B. Not be located within platted or recorded easements or over underground utilities;

- C. Be subordinate in area and size to the principal building (except for agricultural structures);
- D. Meet all other applicable standards of this Ordinance when taken together with the principal building or use; and
- E. Not be constructed prior to the time the principal building is constructed (except for community gardens and agricultural uses).

5.2.4 Minor Accessory Structures

Minor accessory structures, such as storage or potting sheds, workshops, or greenhouses shall:

- A. Comply with Subsection 5.2.2, Accessory Uses, and Subsection 5.2.3, Accessory Structures;
- B. Not exceed a building footprint of 120 square feet; and
- C. Not be subject to the building type standards associated with the principal building.

5.2.5 Accessory Uses and Structures Table Key

- A. A solid black circle indicates a permitted accessory use or structure in the respective district. The use and structure are also subject to all other applicable requirements of this Ordinance.
- B. A half-black circle indicates additional requirements associated with the permitted accessory use or uses within a district. The use and structure are also subject to all other applicable requirements of this Ordinance.
- C. A blank cell indicates the accessory use is not permitted in the respective district.

5.2.6 Permitted Accessory Uses and Structures by Zoning District

ACCESSORY USE OR STRUCTURE	ZONING DISTRICTS																
Permitted Permitted with Additional Use Regulations per Subsection 5.2.7	AG	ER R1	R2	R3	R4	R6	MR	PD	OR	CI	NC	CC	DD	1ST 5TH	RC6 RC12	GO	LI HI
Accessory Dwellings																	
Agricultural Uses																	
Bed and Breakfasts																	
Canopies																	
Carports																	
Detached Garages																	
Drive-In/Drive-Through Facilities																	
Home Occupations																	
Mailbox Delivery Facilities																	
Outdoor Sales																	
Outdoor Storage																	
Parking Areas Serving a Principal Use																	
Recreational Facilities/Non-Illuminated Athletic Fields																	
Refuse Areas																	
Retail Sales of Goods (as part of a freight or warehouse use)																	
Satellite Dish Antennas																	
Security/Caretaker Quarters																	
Sheds																	

5.2.6 Permitted Accessory Uses and Structures by Zoning District (Continued)

ACCESSORY USE OR STRUCTURE	ZONING DISTRICTS																
Permitted Permitted with Additional Use Regulations per Subsection 5.2.7	AG	ER R1	R2	R3	R4	R6	MR	PD	OR	CI	NC	CC	DD	1ST 5TH	RC6 RC12	GO	LI HI
Short-Term Vacation Rentals																	
Stand-Alone Drive-Through Uses or Automated Teller Machines or Kiosks																	
Storage/Parking of Major Recreational Equipment																	
Storage/Parking of Commercial Vehicles or Trailers																	
Swimming Pools																	
Telecommunication Towers and Antenna																	

5.2.7 Accessory Use and Structure Regulations

In addition to the standards in Subsection 5.2.2, Accessory Uses, and Subsection 5.2.3, Accessory Structures, the following regulations shall apply to each specific accessory use or structure. Where there is a conflict between the Subsections and the specific accessory use or structure, the standards for the specific accessory use or structure shall apply.

A. Accessory Dwelling

1. A maximum of one accessory dwelling is permitted on a lot.
2. On a single-family residential lot, the owner of the lot is a permanent occupant of the premises, as defined under 'family' in Chapter 23, Definitions and Interpretations.
3. The building footprint shall not exceed 50 percent of the building footprint of the principal building.
4. Accessory dwellings shall comply with the principal building type standards for materials, material changes, colors, and roof elements.
5. Accessory dwellings are not required to have exposed foundation cladding.
6. Any dormers shall be set back a minimum of one foot from the exterior wall.
7. Exterior stairs, decks, entry doors, and major windows shall face the principal building, the alley, the street, or the interior of the lot, and away from adjacent properties where possible.
8. Accessory dwellings may be converted from an existing accessory structure, as long as the conversion does not increase any dimensional nonconformity.
9. Parking shall be provided pursuant to Subsection 10.1.6, Minimum Parking.

10. Accessory dwellings shall be subject to all applicable building codes.

B. Agricultural Uses

See Paragraph 5.1.4.A, Agricultural Uses.

C. Bed and Breakfasts

1. Prior to establishment, the applicant for a bed and breakfast shall:
 - a. Hold a neighborhood meeting pursuant to Subsection 20.8.7, Neighborhood Meeting, prior to obtaining FMPC site plan approval; and
 - b. Obtain a City-issued business license.
2. The operator shall permanently reside on the premises.
3. A maximum of four sleeping rooms may be available for transient occupancy by up to eight guests, and in no event shall a sleeping room be occupied by a guest for more than seven consecutive days.
4. Cooking facilities shall not be permitted within individual sleeping rooms, and food may be served only to overnight guests.
5. Dining or gathering areas shall not be leased for social events.
6. Occupancies shall comply with International Fire Code and the National Fire Protection Association Life Safety Code, which may result in additional requirements.

D. Canopies

Canopies, except those associated with gas stations, shall comply with the following:

1. Canopies shall be attached to a principal building and shall not be freestanding or attached to an accessory structure, unless it is located to the rear of the principal building.

2. Canopies shall have a maximum clearance height of 15 feet from the finished grade to the underside of the canopy.
3. Canopies shall use the same exterior materials and architectural style as the principal building. Each column or post shall have a base of brick, natural stone, or cultured stone.
4. Canopy lighting shall comply with Subsection 14.3.5, Canopy and Awning Lights.

E. Carports

1. Carports, whether attached or detached, shall comply with the principal building type standards for materials, material changes, and colors.
2. Carports, whether attached or detached, shall comply with the accessory structure setback in the applicable zoning district.
3. The parking area dimensions shall be at least 10 feet by 20 feet of clear space per vehicle parking space.
4. The footprint shall not exceed 50 percent of the building footprint of the principal building.

F. Detached Garages

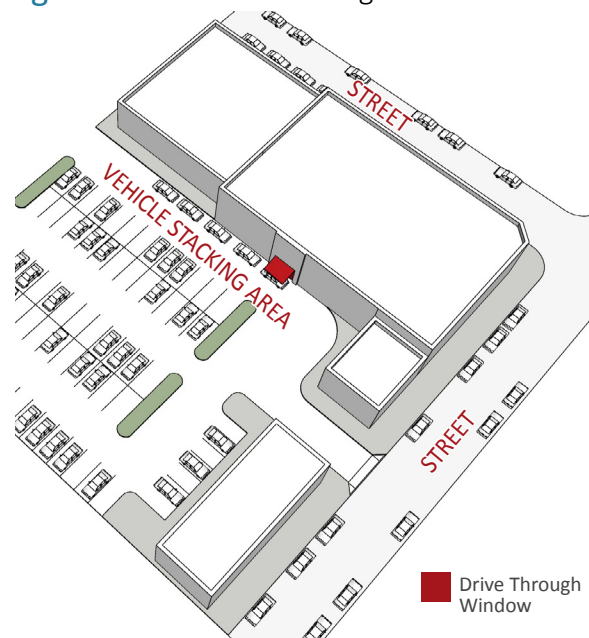
1. Detached garages shall comply with the principal building type standards for garage interior dimensions, materials, material changes, and colors.
2. Detached garages shall comply with the accessory structure setbacks in the applicable zoning district; however, if the lot abuts an alley, the detached garage shall instead comply with the alley-loading garage standards of the building type.
3. The building footprint shall not exceed 50 percent of the building footprint of

the principal building.

G. Drive-In/Drive-Through Facilities

Drive-in or drive-through facilities shall be located behind the building; however, service windows may be located on a side facade only when the side facade faces away from any street.

Figure 5.2.7.F Drive-through window



H. Home Occupations

1. The following home occupations are permitted:
 - a. Accountant;
 - b. Architect;
 - c. Artist;
 - d. Attorney;
 - e. Author;
 - f. Catering;
 - g. Contractor (office only);
 - h. Consulting services, such as designer, draftsman, graphic artist, Information Technology consultant, management or financial

- consultant, real estate agent, or like profession;
 - i. Counseling services that do not provide instruction or counseling services to more than two pupils or clients at a time; however, this shall not preclude a family counseling session, provided that all other provisions of Paragraph 5.2.7.H are followed;
 - j. Data entry;
 - k. Office for direct sales provided that customer contact is via phone/internet or off-site;
 - l. Engineer;
 - m. Insurance agent;
 - n. Manufacturer's representative;
 - o. Office for mobile service provider;
 - p. Planner;
 - q. Small-scale child care that does not provide care for more than four children not related to the resident who is operating the business and meets the standards for a Family Child Care Home, as regulated by the State of Tennessee Department of Human Services;
 - r. Songwriter;
 - s. Tutor; and
 - t. Traveling salesperson.
 - 2. Personal services and retail sales from on-site inventory are prohibited as a home occupation.
 - 3. Home occupations shall:
 - a. Be located entirely within the principal building and not exceed 25 percent of the total floor area of the principal building;
 - b. Be owned and operated by the person residing in the principal building;
 - c. Employ no more than one person who does not reside on the premises;
 - d. Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises;
 - e. Cause no change in the exterior appearance of the existing dwelling or other structures on the premises;
 - f. Not include more than one vehicle not customarily found in a residential district parked on the premises overnight; and
 - g. Not include signs or other means of advertising on the property.
- I. Mailbox Delivery Facilities**
- 1. This type of accessory structure may be on a stand-alone lot or part of a larger development.
 - 2. Centralized mail delivery facilities shall be provided for all subdivisions with seven or more lots. Each delivery location shall be installed in an open space lot or on an individual lot to be owned by the developer or management company. Centralized mail delivery facilities shall be maintained by the homeowner's association or property management association.
 - 3. Each centralized mail location shall be built to USPS specifications with a concrete or asphalt pad and covered roof over and extending three feet on all sides of the cluster box unit. Adequate lighting shall be provided at each unit at an average illuminated intensity of 0.5 foot-candle. The aesthetic and

protective nature of the centralized mail delivery facility shall be considered an integral element of the overall site design and shall be reviewed as part of the development application review procedures.

4. Two dedicated parking spaces shall be provided with easy access to each centralized mail unit. The number of required parking spaces shall increase at a rate of one required space per 50 dwelling units served.

J. Outdoor Sales Area

Outdoor sales areas associated with commercial uses shall:

- a. Be located immediately adjacent to the front building facade;
- b. Be limited to no more than one-half of the length of the front building facade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the storefront associated with the display area;
- c. Be prohibited in fire lanes, drive aisles, parking spaces, or areas intended for pedestrian circulation;
- d. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and
- e. Take place only on an improved surface such as the sidewalk or pavement.

K. Outdoor Storage

1. Any storage shall be located inside of a building or fully enclosed by a shed or similar structure, unless the items stored are:
 - a. Vehicle sales or rental;
 - b. Farm equipment in the AG district;
 - c. Live vegetation that is for retail sale,

provided the location and extent of the area used for such storage is indicated on a site plan; and

- d. Equipment or materials related to Local, State, or Federal government facilities provided such storage is fully screened pursuant to Section 13.3, Screening.
2. Outdoor storage of storage trucks, trailers, covered containers, or similar containers, whether on wheels or stationary, are prohibited, unless it is temporary storage or temporary holiday storage in a portable shipping container in accordance with Section 5.3, Temporary Uses and Structures.
3. Storage tanks of flammable liquid or gas in excess of 1,000 gallons shall be stored underground.
4. Outdoor storage shall comply with Subsection 13.3.6, Outdoor Storage Areas.

L. Refuse Areas

See Subsection 13.3.4, Refuse Areas.

M. Retail Sales as Part of General Warehouse Use

Retail sale of goods as part of permitted freight or warehouse uses shall:

1. Be conducted entirely within the same building as the principal warehouse or freight use;
2. Have hours of operation limited to between 8:00 a.m. and 9:00 p.m., or to the operating hours of the principal use, whichever is more restrictive;
3. Include no additional signage for the retail sales operation;
4. Include only sales items manufactured in the principal building or from part of the principal warehouse's stock; and
5. Be limited to either ten percent

of the total gross floor area of the principal building or 5,000 square feet, whichever is less.

N. Satellite Dish Antennas

Satellite dish antennas measuring one meter (39 inches) or larger in diameter shall:

1. Comply with the setback requirements in the applicable zoning district, unless otherwise permitted by applicable FCC regulations;
2. Be erected in a secure, wind-resistant manner;
3. Be screened so that no more than 40 percent of the area of the satellite dish antenna is visible from public right-of-way. The screen may consist of fencing, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure; and
4. Be prohibited in locations where an antenna would be visible from the public right-of-way on lots in the HPO, unless otherwise permitted by applicable FCC regulations.

O. Security/Caretaker Quarters

A dwelling unit for security or caretaker quarters shall:

1. Be limited to one such dwelling unit per permitted principal use;
2. Be inside the principal building (detached dwelling units or mobile homes are prohibited);
3. Not exceed 1,500 square feet of gross floor area;
4. Provide at least one parking space for each bedroom, in addition to the required parking for the principal use; and
5. Be occupied only by the owner,

operator, caretaker, or an employee of the principal building, plus that person's immediate family.

P. Sheds

1. Sheds with a building footprint larger than 120 square feet shall comply with the principal building type standards for materials, material changes, roof elements, and colors.
2. The building footprint shall not exceed 50 percent of the building footprint of the principal building.

Q. Short Term Vacation Rental

See Paragraph 5.1.4.R, Short Term Vacation Rentals.

R. Stand-Alone Drive-Through Uses or Automatic Teller Machines or Kiosks

Stand-alone drive-through uses or automatic teller machines or kiosks shall:

1. Be a permanent structure with a fixed foundation;
2. Be limited in size to 30 percent of the gross floor area of the principal building or 600 square feet, whichever is less;
3. Use the same exterior materials, colors, and architectural style as the principal building;
4. Have adequate vehicle stacking spaces;
5. Be oriented so that vehicle stacking does not queue within public right-of-way or interfere with other on-site vehicular circulation;
6. Not be located in private streets, internal drives, landscaping areas, required yards, or setbacks; and
7. Not use freestanding signs.

S. Storage/Parking of Commercial Vehicles or Trailers

Storage/parking of commercial vehicles or trailers shall comply with the Municipal

Code.

T. Storage/Parking of Major Recreational Equipment

1. Storage or parking of major recreational equipment in the RC6 and RC12 districts shall be limited to approved self storage facilities.
2. Major recreational equipment shall comply with Subsection 13.3.6, Outdoor Storage Areas.

U. Telecommunication Towers and Antenna

See Paragraph 5.1.4.T, Telecommunication Towers and Antenna.

5.3 Temporary Uses and Structures

5.3.1 General Provisions

- A. Temporary uses and structures allow for the short-term activities, many of which would not be allowed on a permanent basis.
- B. Permitted temporary uses and structures are listed in the table in Subsection 5.3.4, Permitted Temporary Uses and Structures by Zoning District.
- C. Temporary uses and structures are subject to additional requirements, as described in Subsection 5.3.5, Temporary Use and Structure Regulations.
- D. Unless expressly stated otherwise, temporary uses and structures shall be subject to approval by the Department of Building and Neighborhood Services.

5.3.2 Temporary Uses and Structures

Temporary uses and structures shall:

- A. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- B. Contain sufficient land area to handle the temporary use or structure without disturbing environmentally sensitive lands; and
- C. Accommodate the parking and traffic movement associated with the temporary use.

5.3.3 Temporary Uses and Structures Table Key

A half-black circle indicates additional requirements associated with the permitted accessory use or uses within a district. The use and structure are also subject to all other applicable requirements of this Ordinance.

5.3.4 Permitted Temporary Uses and Structures by Zoning District

 Temporary Use or Structure Permitted with Additional Use Regulations per Subsection 5.3.5	All Zoning Districts
Construction Dumpster	
Construction Trailer	
Event Tent	
Garage/Yard Sale	
Mobile Food Vendor	
Residential Development Sales Office/Model Home Seasonal Agricultural Sales	
Temporary Field Office	
Temporary Housing	
Temporary Holiday Storage in a Shipping Container	
Temporary Storage in a Shipping Container	
Temporary Place of Business	
Temporary Structures for Institutional Uses	

5.3.5 Temporary Use and Structure Regulations

In addition to the standards in Subsection 5.3.2, Temporary Uses and Structures, the following regulations shall apply to each temporary use or structure.

A. Construction Dumpster

Temporary construction dumpsters or other trash receptacles are used to hold waste from construction projects may be permitted:

1. Within a public right-of-way or other City-owned property, subject to the Municipal Code; or
2. On a lot or construction site, where the dumpster or trash receptacle shall:
 - a. Be located to the side or the rear of the site, to the maximum extent practicable;
 - b. Be located as far as possible from lots containing existing development;
 - c. Not be located within a floodplain or otherwise obstruct drainage flow;
 - d. Not be placed within 15 feet of a fire hydrant or within a required landscape area;
 - e. Be located outside of tree protection fencing and the dripline of existing trees; and
 - f. Be allowed to remain on the site until issuance of a certificate of occupancy.

B. Construction Trailer

Construction trailers are mobile structures used to accommodate temporary offices, dining facilities, and storage of building materials during construction projects, and may be permitted, provided that the trailer

shall:

1. Be located on the same site or in the same development as the related construction;
2. Not be located within a required open space set-aside or landscape area;
3. Be associated with development for which a valid building permit has been or will be issued; and
4. Be allowed to remain on the site until the issuance of a certificate of occupancy.

C. Event Tent

1. Event or party tents and membrane structures larger than 400 square feet shall:
 - a. Be subject to issuance of a permit from the Fire Department;
 - b. Be limited to a maximum of 30 days per occurrence and a maximum of three occurrences per year;
 - c. Not exceed more than two tents on a single lot that is less than 12 acres in size (the Department of Building and Neighborhood Services may approve more than two tents as a part of a special event on a single lot of 20 or more acres in size);
 - d. Maintain a minimum clearance of 20 feet from all other structures and tents;
 - e. Not be placed within required landscape areas;
 - f. Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation;
 - g. Be removed within two days of the event; and
 - h. Be required to have the area or site restored to its original condition within two days of the tent removal.

2. Tents for event venues are exempt from Clause 5.3.5.C.1.b and c above.

D. Garage/Yard Sale

Garage/yard sales are intended to allow for the occasional sale of miscellaneous household goods in the garage or yard of a dwelling.

1. Garage/yard sales shall:

- a. Be subject to issuance of a garage sale permit by the Department of Revenue Management prior to the sale;
- b. Have the permit posted in a location that is visible from the public right-of-way during the sale;
- c. Not take place on lots beyond the property specified in the permit;
- d. Be limited to a maximum of four per dwelling per year. Members of more than one dwelling may join in obtaining a permit for a sale to be conducted at the dwelling of one of the persons indicated on the permit;
- e. Not exceed a maximum duration of two consecutive days per sale or more than eight total days per calendar year;
- f. Be limited to the hours of 7:00 a.m. to 9:00 p.m.; and
- g. Not negatively affect surrounding properties in terms of noise, boisterous conduct, trash, parking, or impede the flow of traffic on nearby streets.

2. Following the conclusion of the sale, unsold items or other sale-related materials shall be removed from public view and trash must be placed in receptacles in accordance with solid waste regulations.

3. The applicant to whom a permit is issued and the owner or tenant of the premises on which a sale is conducted shall be jointly and severally responsible for the sale and the premises.

4. A police officer or other City official responsible for enforcing this or other City ordinances shall have the right of entry onto the premises showing evidence of a sale for enforcement or inspection and may close the premises from the sale.

5. The Police Department may enforce temporary controls to alleviate special hazards or congestion created by a sale.

6. Failure to observe these standards can result in revocation of the permit and the inability to obtain a subsequent permit for a period of up to two years.

7. If a sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and a statement by the permit holder to this effect is submitted, then another permit may be issued to the applicant for a sale to be conducted at the same location within 30 days from the date when the first sale was to be held, with no additional permit fee.

E. Mobile Food Vendors

See the Municipal Code.

F. Residential Development Sales Office/ Model Home

Temporary real estate sales offices/model homes are for the initial sale or lease of properties or buildings within a developing residential development and shall:

1. Not exceed one sales office or model home per builder or developer in a section or phase of a new development;
2. Be operated by a developer or builder active in the same section or phase where the sales office or model home is located;
3. Be located on an approved lot intended to be occupied by a dwelling unit;
4. Comply with the applicable zoning district standards or the development plan, if applicable;
5. Be aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;
6. Be either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional standards shall be met:
 - a. The modular office unit must be placed on a proper foundation, as recommended by the manufacturer.
 - b. Skirting shall be installed around all sides of the modular office unit; and
 - c. Evergreen shrubs shall be planted around the base of the structure, each located five feet on-center, when visible from other developed lots or public right-of-way; and

7. Be removed or, if a model home, converted into a permanent dwelling once the occupancy in the section or phase of the development reaches 85 percent.

G. Seasonal Agricultural Sales

Seasonal agricultural sales shall:

1. Be contained in an area that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability;
2. Not occur within the public right-of-way or within 200 feet of a dwelling;
3. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display;
4. Be limited to products obtained primarily through farming or agricultural activities, including:
 - a. Pumpkins;
 - b. Grains and seed crops;
 - c. Fruits and vegetables;
 - d. Nursery, floral, ornamental, and greenhouse products;
 - e. Trees and forest products, including Christmas trees, firewood, and pine straw;
 - f. Bees and beekeeping products;
 - g. Seafood; and
 - h. Dairy products.
5. Not include processed or prepared food products;
6. Not involve the display or short-term storage of products on-site for a period of two days or longer;
7. Not involve sales which are accomplished solely from a vehicle;
8. Be limited to the hours of 7:00 a.m.

to 9:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive; and

9. Be allowed on an individual lot a maximum of 120 days per calendar year.

H. Temporary Field Office

Temporary field offices are intended for businesses that wish to substantially redevelop their properties while operating on-site during the construction period. Temporary field offices shall:

1. Be limited to office and administrative uses and not involve the interior stocking or interior display of merchandise for immediate sale;
2. Be shown on any applicable site plan. The applicant shall provide the characteristics of the use, location of the temporary structure, temporary signage, parking, sanitation, landscaping, safety, etc. and shall include a definitive timeframe and construction schedule for the permanent building, along with proof of necessity for the temporary field office;
3. Be subject to a performance agreement prior to issuance of a building permit for the removal of the temporary field office if the structure exceeds the permitted timeframe;
4. Be associated with a building permit for the principal building and shall coincide with the construction of the principal building for a period not to exceed 60 days preceding the start of construction of the principal building and 30 days beyond the issuance of a certificate of occupancy for the principal building or it shall expire with

the building permit expiration for the principal building, whichever is sooner, but in no case shall the period exceed two years, unless approved by the BOMA; and

5. Be an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect and shall comply with the City's adopted building and fire codes.

I. Temporary Housing

This use is intended to provide temporary housing on a site where a previous dwelling was destroyed or rendered uninhabitable. Temporary housing shall:

1. Be in the form of a mobile or modular home;
2. Be located in accordance with the minimum setbacks and required yards to the maximum extent practicable;
3. Not include permanent alterations to the site;
4. Remain in place for a maximum of six months, but the duration may be extended for an additional three-month period with approval by the Department of Building and Neighborhood Services; and
5. Be removed within 30 days of the certificate of occupancy for the principal building.

J. Temporary Holiday Storage in a Shipping Container

Temporary holiday storage in a shipping container shall:

1. Serve an existing principal use;
2. Be located in the rear or side yard;
3. Maintain a minimum ten-foot setback from any lot line or structure;
4. Not impede ingress, egress, or

emergency access; and

5. Be placed on the site only between November 1 and January 31.

K. Temporary Storage in a Shipping Container

Temporary storage in a shipping container shall:

1. Serve a principal use;
2. Be located in the rear or side yard;
3. Maintain a minimum ten-foot setback from any lot line or structure;
4. Not impede ingress, egress, or emergency access; and
5. Not exceed a maximum duration of 30 days over a five-year period or be present only during a construction period.

L. Temporary Place of Business

This use is intended to provide a temporary place of business on a site where the previous place of business was destroyed or deemed unsafe for human occupancy by natural disaster or hazard. A temporary place of business shall:

1. Be an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect;
2. Meet the minimum setbacks and required yards;
3. Remain in place for six months or less, but may be extended for an additional three-month period as approved by the Department of Building and Neighborhood Services; and
4. Be removed within 30 days of the certificate of occupancy for the principal building.

M. Temporary Structures for Institutional Uses

Temporary structures, such as modular classrooms or portable buildings, serving institutional uses shall:

1. Be located to the side or rear of the principal building and at least five feet from any other structure;
2. Be permitted within the building envelope but not within required parking, open space set-aside, or required landscape areas;
3. Have skirting or other methods that prevent unauthorized access underneath the structures;
4. Have evergreen shrubs planted around the base of the structure, each located five feet on-center, when visible from other developed lots or public right-of-way;
5. Comply with parking requirements according to Subsection 10.1.6, Minimum Parking;
6. Remain on the site a maximum of three years, but may be renewed for up to two additional one-year periods, as approved by the Department of Building and Neighborhood Services. The applicant shall submit a request at least 30 days prior to the expiration date. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years;
7. Be required to have the area restored to its original condition following the removal of the temporary structure, including required trees and shrubs, unless the area is intended to accommodate new construction; and
8. Comply with Chapter 21, Performance Agreements, as applicable, to ensure the site is restored to its original condition.

CHAPTER 6

BUILDING TYPES

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6.1 General Provisions

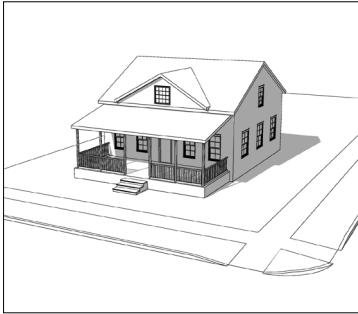
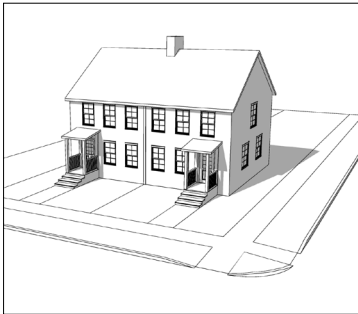
6.1.1 Applicability

This Chapter shall apply to:

- A. New principal buildings;
- B. An expanded or altered portion of any existing principal building;
- C. The entire existing principal building when an expansion or alteration exceeds 50 percent of the building's existing square footage prior to the expansion or alteration; and
- D. Any accessory structure as specifically required by Section 5.2, Accessory Use and Structures.

6.2 Overview of Building Types by Zoning District

Building types are used to organize certain standards that apply to buildings. Building types are permitted by zoning district and in some cases, further regulated by overlay district. Each principal building shall comply with all standards and tables for the corresponding building type.

Building Type Description	Illustration	Districts Where Permitted
House: A building containing one dwelling unit on its own lot, surrounded by yards on all sides. In some districts, nonresidential uses may be housed in this building type.		AG ER R1 R2 R3 R4 R6 MR PD OR CI CC DD 1ST GO
Duplex: A building containing two dwelling units, which may be side-by-side, stacked, or front-to-back. They may have separate entrances or a shared common entrance.		MR PD OR CI CC DD GO
Multiplex: A building containing three to four dwelling units that has the appearance of one house from the street.		MR PD OR CI CC DD GO
Townhouse: A building where the dwelling units are joined side-by-side and separated by shared walls. Each dwelling unit has independent access to the frontage and may have small yards.		MR PD OR CI CC DD GO

Multifamily Building: A building containing five or more dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and often called apartments, lofts, condominiums, stacked flats, or age-restricted independent living.



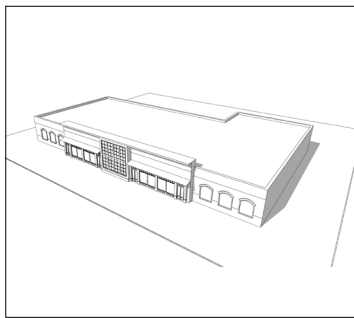
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Commercial/Mixed-Use Building: A building that typically accommodates a single use or a vertical or horizontal mix of commercial uses. Multifamily residential may be on upper floors, depending on the district.



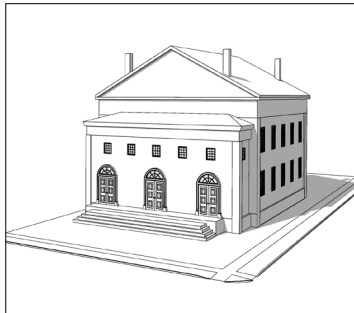
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1ST 5TH RC6 RC12
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Large-Scale Retail Building: A building of 50,000 square feet or more that is most commonly associated with large-format commercial uses. It may have several commercial uses in the building or have in-line retail, either beside or in front of the primary anchor tenant.



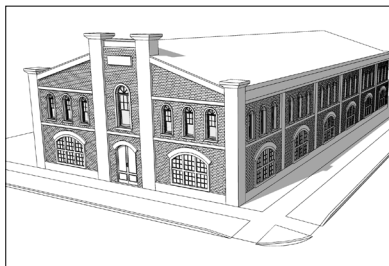
PD RC6 RC12

Civic Building: A building erected to be used only for civic or institutional purposes. It may be designed to stand apart from its surroundings due to the special nature of its use as a public facility or it may blend in with its surroundings. Civic and institutional uses may be in other building types.



CI PD NC CC
DD 1ST 5TH RC6
RC12 GO LI

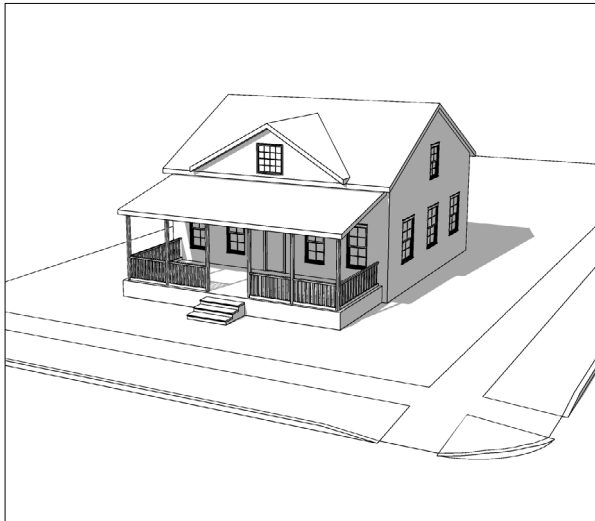
Flex Building: A building designed to accommodate uses in the industrial districts.



LI HI

6.3 House

A building containing one dwelling unit on its own lot, surrounded by yards on all sides. In certain districts, commercial uses may be housed in this building type. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

AG ER R1 R2 R3 R4 R6 MR PD
OR CI CC DD 1ST GO

Number of Dwelling Units

Dwelling Units 1 per building

Building Orientation and Entry

Main entrance	Prominently located on front facade and highly visible
Entry Features	Shall have a covered porch, covered stoop, or a balcony over the entrance
Facade Position	The front facade shall face the frontage

Building Orientation and Entry (Continued)

Side Facade Facing a Frontage	Shall have a similar level of architectural detailing, window alignment, and organization as the front facade, including side or wrap-around porches
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Windows

Glazing	Minimum 15% on front facades
Window Shape and Alignment	Vertically proportioned and symmetrically aligned, but exceptions may be approved for particular architectural style e.g. prairie style
Trim on Windows Facing a Frontage	Minimum 4-inch trim with sill and top plate when siding surrounds the window Soldier course above the lintel and a rollock course below the sill when brick or stone surrounds the window
Shutters	If any, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side

Foundations, Porches, and Stoops

Finished Floor Elevation	Minimum 18 inches above grade at front facade
Porch Depth	Minimum 6 feet of clear space, exclusive of railings, pillars, columns, or other porch features
Stoop Depth	3 to 6 feet deep

Roof Elements

Pitch	3:12 to 12:12, excluding small roof sections over porches, entryways, or similar features
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Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metal, such as stainless steel, copper, brushed nickel, brass, etc., authentic stucco, or any primary material not used as a primary material on the building
Foundation Cladding	Brick, natural stone, cultured stone, or authentic stucco
Porch Pier Cladding	Brick, natural stone, cultured stone, or authentic stucco and painted or stained latticework between each pier
Chimney Cladding	Brick, natural stone, cultured stone, or material to match the primary material of the facade
Prohibited Materials	Aluminum siding, corrugated metal siding, EIFS, vinyl cladding, or exposed smooth-faced concrete block, unless finished with brick, stone, or authentic stucco
Materials in CFO or CAO	See applicable overlay district

Material Changes

	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage
Material Changes	Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change

Colors

Colors	Up to three colors, including material colors, but excluding trim colors
Prohibited Colors	Overly bright or neon colors
HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable

Facade Variety

Front Facades	For development projects that include more than one house, a variety of front facade elevations shall be provided, proof of which shall be submitted with a site plan
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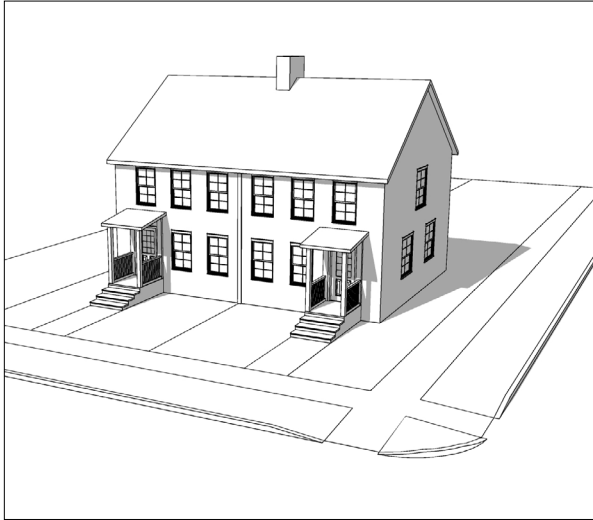
Garage	
Garage Scale	Shall be subordinate in scale and massing to the building it serves
Frontage-Facing Garages	
Front-Facing Garage Setback	Minimum 20 feet behind front facade and front door and 22 feet from sidewalk
Front-Facing Garage Plane Width	Not more than 40% (measured from the outside edges of the doors) of the total linear width of the front facade
Side-Street Facing Garage Setback	Minimum of 22 feet from sidewalk and 3 feet behind side facade
Garage Door Width	Maximum 9 feet
Separation Between Garage Doors	Minimum 2 feet
Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space Carriage house garage doors (counts as two) Garage doors behind the rear elevation (counts as two) Garage doors painted to match the main or accent color of the house
Three Required Architectural Features	Two ornamental light fixtures One window per garage parking space Eaves with exposed rafters and/or with a minimum 6-inch projection from the facade plane Roof line changes Dormers Decorative gable vent covers Decorative corning.
Alley-Loading Garages	
Garage Setback	5 feet or at least 22 feet from alley right-of-way At least 22 feet from a mews right-of-way, when facing a mews the rear facade shall have a pedestrian door
One-Car Garage Door Width	Maximum 9 feet
Two-Car Garage Door Width	16 to 18 feet
Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
Separation Between Garage Doors	Minimum 2 feet
Parking Pad	If any, minimum 10 feet by 22 feet
Side- or Rear-Loading Garages Facing Interior Lot Lines	
Garage Setback	Minimum 3 feet behind front facade and front door
One-Car Garage Door Width	Maximum 9 feet
Two-Car Garage Door Width	16 to 18 feet
Separation Between Garage Doors	Minimum 2 feet
Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
Carports	
Requirements	See Paragraph 5.2.7.E, Carports

Transitional Features

Requirements See Chapter 8, Transitional
Features

6.4 Duplex

A building containing two dwelling units, which may be side-by-side, stacked, or front-to-back. They may have separate entrances or a shared common entrance. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

MR PD OR CI CC DD GO

Number of Dwelling Units

Dwelling Units 2 per building

Building Orientation and Entry

Main entrance	Prominently located on front facade and highly visible Duplexes in existing single-family subdivisions shall be limited to one entrance on the front facade
Entry Features	Shall have a covered porch or covered stoop
Facade Position	The front facade shall face the frontage

Building Orientation and Entry (Continued)

Side Facade Facing a Frontage	Shall have a similar level of architectural detailing, window alignment, and organization as the front facade, including side or wrap-around porches
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Windows

Glazing	Minimum 15% on front facades
Window Shape and Alignment	Vertically proportioned and symmetrically aligned
Trim on Windows Facing a Frontage	Minimum 4-inch trim with sill and top plate when siding surrounds the window Soldier course above the lintel and a rollock course below the sill when brick or stone surrounds the window
Shutters	If any, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side

Foundations, Porches, and Stoops

Finished Floor Elevation	Minimum 18 inches above grade at front facade
Porch Depth	Minimum 6 feet of clear space, exclusive of railings, pillars, columns, or other porch features
Stoop Depth	3 to 6 feet deep

Roof Elements

Pitch	3:12 to 12:12, excluding small roof sections over porches, entryways, or similar features
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Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metal, such as stainless steel, copper, brushed nickel, brass, etc., authentic stucco, or any primary material not used as a primary material on the building
Foundation Cladding	Brick, natural stone, cultured stone, or authentic stucco
Porch Pier Cladding	Brick, natural stone, cultured stone, or authentic stucco and painted or stained latticework between each pier
Chimney Cladding	Brick, natural stone, cultured stone, authentic stucco, or material to match the primary material on the facade
Prohibited Materials	Aluminum siding, corrugated metal siding, EIFS, vinyl cladding, or exposed smooth-faced concrete block, unless finished with a brick, stone, or authentic stucco
Materials in CFO or CAO	See applicable overlay district

Material Changes

	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage
Material Changes	Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change

Colors

Colors	Up to three colors, including material colors, but excluding trim colors
Prohibited Colors	Overly bright or neon colors
HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable

Facade Variety

Front Facades	For development projects that include more than one duplex, a variety of front facade elevations shall be provided, proof of which shall be submitted with a site plan
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Garage		Alley-Loading Garages	
Garage Scale	Shall be subordinate in scale and massing to the building it serves	Garage Setback	5 feet or at least 22 feet from alley right-of-way or drive aisle, where no alley right-of-way exists At least 22 feet from a mews right-of-way, when facing a mews the rear facade shall have a pedestrian door
Frontage-Facing Garages			
Number of Garage Doors	Maximum of 1 frontage-facing garage at a minimum of 20 feet behind front facade and front door and 22 feet from sidewalk Any additional garages shall be located at the rear of the building	One-Car Garage Door Width	Maximum 9 feet
Garage Door Width	Maximum 9 feet	Two-Car Garage Door Width	16 to 18 feet
Interior Dimensions	Minimum 10 feet by 20 feet	Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
Garage Door Width	Maximum 9 feet	Parking Pad	If any, minimum 10 feet by 22 feet
Three Required Architectural Features	Carriage house garage doors (counts as two)	Side- or Rear-Loading Garages Facing Interior Lot Lines	
	Garage doors behind the rear elevation (counts as two)	Garage Setback	Minimum 3 feet behind front facade and front door
	Garage doors painted to match the main or accent color of the house	One-Car Garage Door Width	Maximum 9 feet
	Two ornamental light fixtures	Two-Car Garage Door Width	16 to 18 feet
	One window per garage parking space	Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
	Eaves with exposed rafters and/or with a minimum 6-inch projection from the facade plane	Carports	
	Roof line changes	Requirements	See Paragraph 5.2.7.E, Carports
	Dormers	Transitional Features	
	Decorative gable vent covers	Requirements	See Chapter 8, Transitional Features
	Decorative cornicing		

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6.5 Multiplex

A building containing three to four dwelling units that has the appearance of one house from the street. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

MR PD OR CICC DD GO

Number of Dwelling Units

Dwelling Units 3 to 4 per building

Building Orientation and Entry

Main entrance	Only one entrance on the front facade shall be prominently located and highly visible
Entry Features	Shall have a covered porch or covered stoop
Facade Position	The front facade shall face the frontage
Side Facade Facing a Frontage	Shall have a side porch or wrap-around porch Shall have a similar level of architectural detailing, window alignment, and organization as the front facade

Windows

Glazing	Minimum 15% on front facades
Window Shape and Alignment	Vertically proportioned and symmetrically aligned
Trim on Windows Facing a Frontage	Minimum 4-inch trim with sill and top plate when siding surrounds the window Soldier course above the lintel and a rollock course below the sill when brick or stone surrounds the window
Shutters	If any, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side

Foundations, Porches, and Stoops

Finished Floor Elevation	Minimum 18 inches above grade at front facade
Porch Depth	Minimum 6 feet of clear space, exclusive of railings, pillars, columns, or other porch features
Stoop Depth	3 to 6 feet deep

Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metal, such as stainless steel, copper, brushed nickel, brass, etc., authentic stucco, or any primary material not used as a primary material on the building

Materials (Continued)

Foundation Cladding	Brick, natural stone, cultured stone, or authentic stucco
Porch Pier Cladding	Brick, natural stone, cultured stone, or authentic stucco and painted or stained latticework between each pier
Chimney Cladding	Brick, natural stone, cultured stone, authentic stucco, or material to match the primary material of the facade
Prohibited Materials	Aluminum siding, corrugated metal siding, EIFS, vinyl cladding, or exposed smooth-faced concrete block, unless finished with a brick, stone, or authentic stucco
Materials in CFO or CAO	See applicable overlay district

Material Changes

Material Changes	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change
------------------	--

Colors

Colors	Up to three colors, including material colors, but excluding trim colors
Prohibited Colors	Overly bright or neon colors
HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable

Facade Variety

Front Facades	For development projects that include more than one multiplex, a variety of front facade elevations shall be provided, proof of which shall be submitted with a site plan
---------------	---

Garages

Garage Location	Shall be located to the rear of the building
Garage Scale	Shall be subordinate in scale and massing to the building it serves
Garage Setback	5 feet or at least 22 feet from alley right-of-way or drive aisle, where no alley right-of-way exists At least 22 feet from a mews right-of-way, when facing a mews the rear facade shall have a pedestrian door
One-Car Garage Door Width	Maximum 9 feet
Two-Car Garage Door Width	16 to 18 feet
Separation Between Garage Doors	Minimum 2 feet
Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
Parking Pad	If any, minimum 10 feet by 22 feet

Carports

Requirements	See Paragraph 5.2.7.E, Carports
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Transitional Features

Requirements	See Chapter 8, Transitional Features
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6.6 Townhouse

A building where the dwelling units are joined side-by-side and separated by shared walls. Each dwelling unit has independent access to the frontage and may have small yards. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

MR PD OR CI CC DD GO

Number of Dwelling Units

Dwelling Units	Maximum 6 per building
----------------	------------------------

Dwelling Unit Orientation and Entry

Main entrance	Each entrance prominently located on front facade and highly visible
Facade Position	Each dwelling unit shall face the frontage
Side Facade Facing a Frontage	Shall have a similar level of architectural detailing, window alignment, and organization as the front facade

Windows

Glazing	Minimum 15% on the front facade
Window Shape and Alignment	Vertically proportioned and symmetrically aligned
Trim	Minimum 4-inch trim with sill and top plate when siding surrounds the window Soldier course above the lintel and a rollock course below the sill when brick or stone surrounds the window
Trim on Windows Facing a Frontage	Minimum 4-inch trim with sill and top plate when siding surrounds the window Soldier course above the lintel and a rollock course below the sill when brick or stone surrounds the window
Shutters	If any, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side

Facade Standards for Each Unit

Entry Features	The front facade of each dwelling unit shall have a covered porch, covered stoop, or balcony over the main entrance
Two Required Features	A dormer with a window Eaves with a minimum six-inch projection from the front facade with architectural details Additional features framing windows, such as shutters, transoms, arches, or other architectural elements
Side Facade Facing a Frontage	Shall have a similar level of architectural detailing, symmetrically aligned windows, and organization as the front facade, such as side or wrap-around porches

Facade Variety

Building details, materials, windows, doors, and trim shall reflect a complementary architectural style, but the front facade of each dwelling unit shall vary from adjoining dwelling units in at least two of the following ways:

- A. Varied architectural elements associated with the main entrance and entry features
- B. Varied features framing windows
- C. Front facade projections or recesses with a minimum depth of eight inches
- D. Different primary materials and/or colors on a facade, such as alternating among natural brick and painted brick colors, or other materials as permitted

Facade Variety (Continued)

A townhouse building with up to 6 units may be exempt from varying each unit above when it complies with the following: A townhouse building may have substantially similar front facades for each unit if there are no other substantially similar townhouse building facades within view of the townhouse building

For development projects that include more than one building, a variety of front facade elevations shall be provided, proof of which shall be submitted with a site plan

Foundations, Porches, and Stoops

Finished Floor Elevation	Minimum 18 inches above grade at front facade
Porch Depth	Minimum 6 feet of clear space, exclusive of railings, pillars, columns, or other porch features
Stoop Depth	3 to 6 feet deep

Roof Elements

Pitch	3:12 to 12:12, excluding small roof sections over porches, entryways, or similar features
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Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
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Accent Materials (Up to 25 Percent of Net Facade)	Architectural metal, such as stainless steel, copper, brushed nickel, brass, etc., authentic stucco, or any primary material not used as a primary material on the building
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Foundation Cladding	Brick, natural stone, cultured stone, or authentic stucco
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Porch Pier Cladding	Brick, natural stone, cultured stone, or authentic stucco and painted or stained latticework between each pier
---------------------	--

Chimney Cladding	Brick, natural stone, cultured stone, authentic stucco, or material to match the primary material of the facade
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Prohibited Materials	Aluminum siding, corrugated metal siding, EIFS, vinyl cladding, or exposed smooth-faced concrete block, unless finished with a brick, stone, or authentic stucco
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Materials in CFO or CAO	See applicable overlay district
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Material Changes

Material Changes	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change
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Colors

Colors	Up to three colors, including material colors, but excluding trim colors
--------	--

Prohibited Colors	Overly bright or neon colors
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HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable
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Garages

Garage Location	Shall be located to the rear of the building and served by an alley or drive aisle
Garage Scale	Shall be subordinate in scale and massing to the building it serves
Garage Setback	5 feet or at least 22 feet from alley right-of-way or drive aisle, where no alley right-of-way exists At least 22 feet from a mews right-of-way, when facing a mews the rear facade shall have a pedestrian door
One-Car Garage Door Width	Maximum 9 feet
Two-Car Garage Door Width	16 to 18 feet
Separation Between Garage Doors	Minimum 2 feet
Interior Dimensions	Minimum 10 feet by 20 feet per vehicle parking space
Parking Pad	If any, minimum 10 feet by 22 feet

Carports

Requirements See Paragraph 5.2.7.E, Carports

Transitional Features

Requirements See Chapter 8, Transitional Features

6.7 Multifamily

A building containing five or more dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and often called apartments, lofts, condominiums, stacked flats, or age-restricted independent living. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

PD CI RC6 RC12 GO

Number of Dwelling Units

Dwelling Units Minimum 5 per building

Building Orientation and Entry

Entrances Prominently located on front facade and highly visible
Facades along a street or internal drive shall have individual entrances to all publicly-accessed ground floor uses and all ground floor dwelling units

Facade Position The front facade shall face the public street, private street, or internal drive, in that priority order
The front facade shall parallel the frontage

Windows

Glazing Minimum 15% on facades facing frontages

Orientation Vertically proportioned

Window Arrangement Upper floor windows and other features shall be aligned with those of ground floor

Window Openings Shall be punched and recessed a minimum of 3 inches from the facade

Shutters If any, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side

Prohibited Tinted glass, reflective glass, and other glass treatments that inhibit views into the building

Facade Variety

A building facade shall not be within view of another same building facade. Building facades shall be distinguished by variation in all the following elements:

- A. A change in shape, sill and header height, detail, size, spacing , rhythm, and muntin pattern of windows
- B. A change of building or cornice height
- C. A change in cornice details
- D. A change of wall material or wall color
- E. A change in trim courses and other horizontal elements
- F. A change in dormer or balcony design, if any
- G. Providing or changing pilasters, columns, or other facade elements

Vertical Articulation

Facade Composition	Vertically orient materials, design elements, and architectural details to emphasize the proportion of height to width
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Facade Design	Proportions Proportions shall be based on approximate ratio of the golden mean (1.618:1)
---------------	---

Vertical Articulation (Continued)

A facade greater than 160 ft in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such facade into 18- to 160-foot segments, each of which includes a separate entrance and differs from each of the other segments with respect to all of the following:

- A. A change in shape, sill and header height, detail, size, spacing , rhythm, and muntin pattern of windows
- B. A change of building or cornice height
- C. A change in cornice details
- D. A change of wall material or wall color
- E. A change in trim courses and other horizontal elements
- F. A change in dormer or balcony design, if any
- G. Providing or changing pilasters, columns, or other facade elements

Facade
Articulation

Horizontal Articulation

Horizontal Articulation	Shall define the base, middle, and cap
Base	Shall anchor the building to the ground with unique design elements, such as a change in materials, a change in the profile of the facade material, or pedestrian-scale architectural elements such as fenestration
Cap	Shall provide a visual change from the main body of the building and be visible from the public realm

Roof Elements

Rooftop Mechanical Equipment	See Subsection 13.3.2, Rooftop Mechanical Equipment
Green Roofs	May be used to achieve stormwater treatment and LSA requirements

Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Material Changes	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metal, authentic stucco, or any primary material not used as a primary material on the building
Prohibited Materials	Corrugated metal, EIFS, smooth-faced or split-faced concrete block, vinyl cladding, and similar facade finishes
Materials in CFO or CAO	See applicable overlay district

Material Changes

Material Changes	Primary materials on a front facade shall continue down side facades at least 20 feet and the entire length of side facade facing a frontage Excluding trim, any material changes shall coincide with form, structural, or massing changes and shall not occur at the outside corner of such change
------------------	--

Colors	
Colors	Up to three colors, including material colors, but excluding trim colors
Color Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Prohibited Colors	Overly bright or neon colors
Color in HHO	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable
Garages/Carports	
Garages	If any, shall be located to the rear of the buildings and accessed by an alley or drive aisle
Garage Setback	5 feet or at least 22 feet from alley right-of-way or drive aisle, where no alley right-of-way exists
Carports	See Paragraph 5.2.7.E, Carports
Transitional Features	
Requirements	See Chapter 8, Transitional Features

6.8 Commercial/Mixed-Use Building

A building that typically accommodates a single use or a vertical or horizontal mix of commercial uses. Multifamily residential may be on upper floors, depending on the district. This building type shall comply with all other applicable standards of this Ordinance.

**Permitted Districts**

PD NC CC DD 1ST 5TH RC6 RC12
GO LI HI

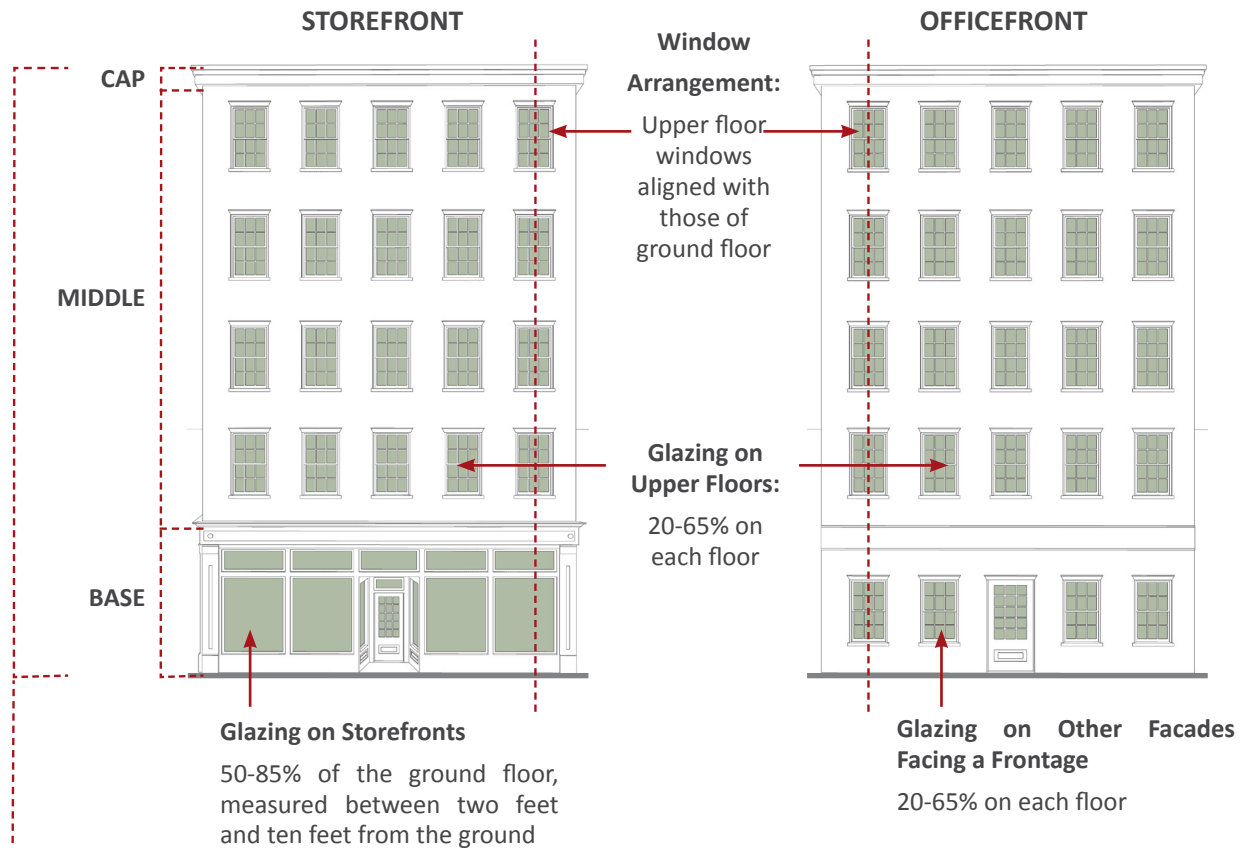
Building Orientation and Entry

Main Entrance	Prominently located on the front facade and highly visible
Facade Location	The front facade shall face the public street, private street, or internal drive, in that priority order The building shall parallel the frontage

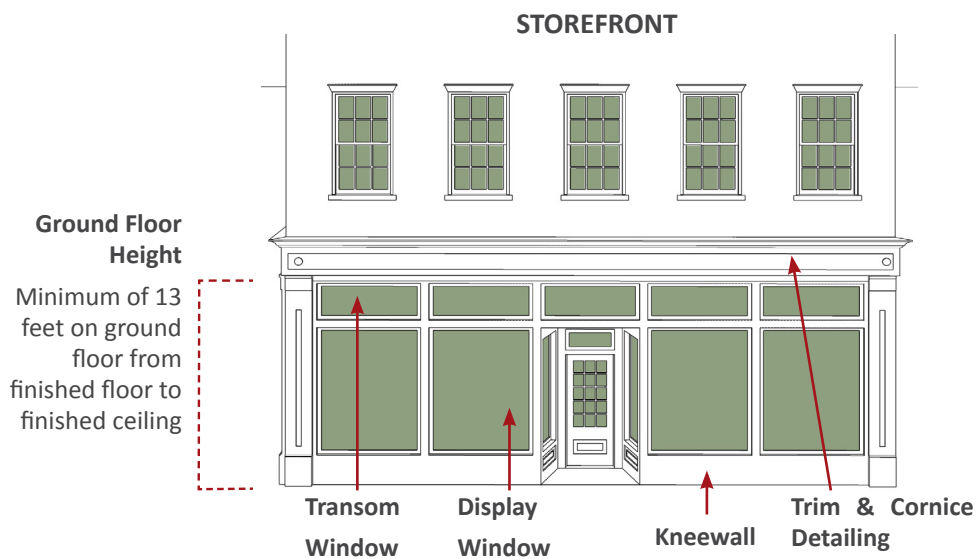
Windows

Orientation	Vertically proportioned
Window Arrangement	Upper floor windows shall be aligned with those of ground floor
Window Openings	Shall be punched and recessed a minimum of 3 inches from the facade
Glazing on Storefronts	50 to 85 percent of the ground floor, measured between two feet and ten feet from the ground 20 to 65 percent of upper floors
Glazing on All Other Facades Facing a Frontage	20 to 65 percent on each floor
Glazing for Buildings Over 6 Stories	May exceed the maximum glazing above and may have tinted glass, reflective glass and other glass treatments and may be the primary building material
Prohibited Glazing Materials	Tinted glass, reflective glass, and other glass treatments that inhibit views into the building

Figure 6.6.1 Facade Articulation for Buildings with Two-Stories or More

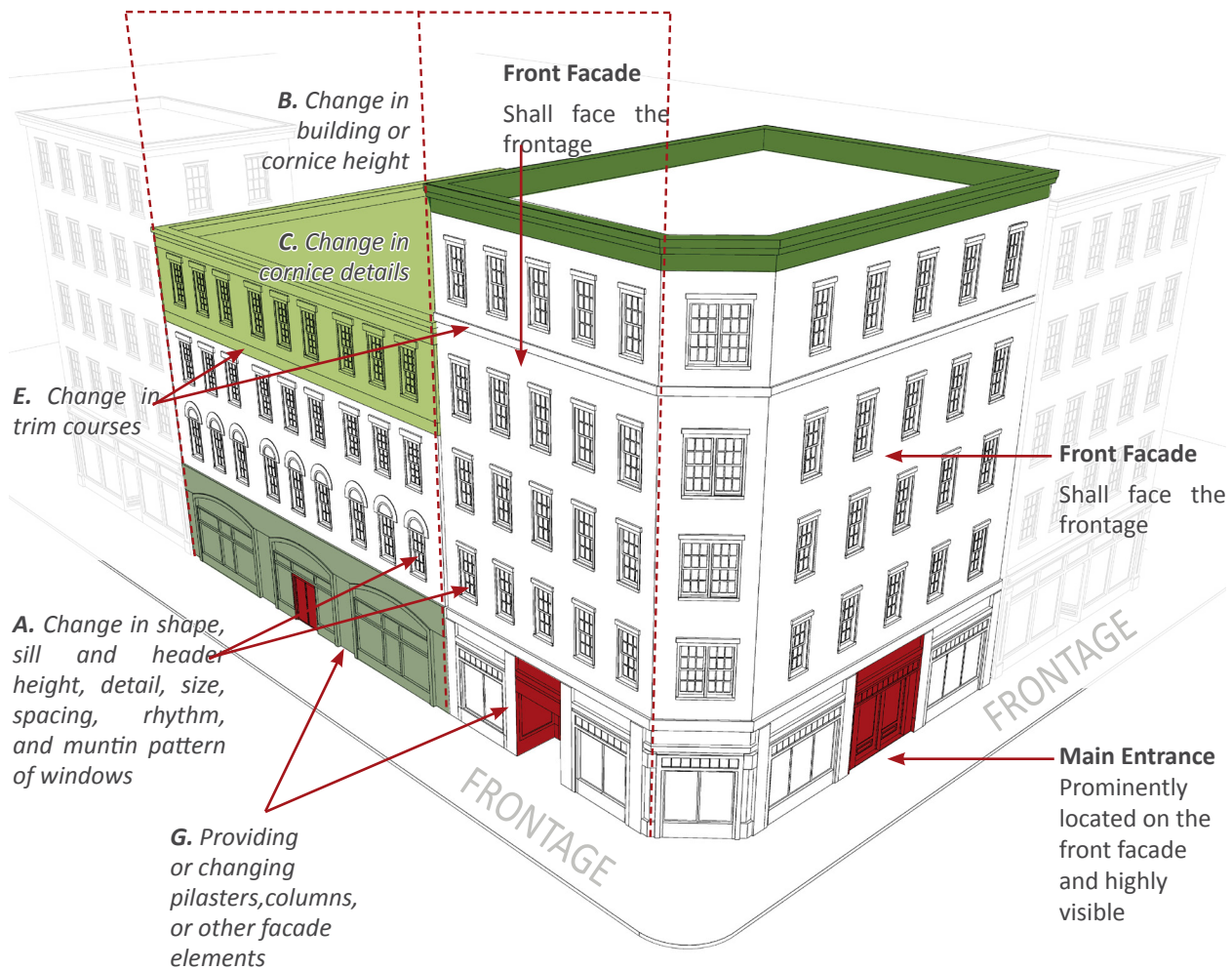


Facade Composition Vertically orient materials, design elements, and architectural details to emphasize proportion of height to width

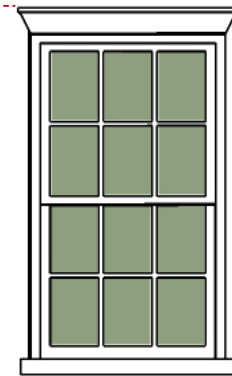


Facade Articulation

A facade greater than 200 feet in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such facade into 18- to 200-foot segments, each of which includes a separate entrance and differs from each of the following with respect to: [See notes A-C, E, G]



Window Orientation
Vertically proportioned
(height > width)



Facade Standards

Vertically orient materials, design elements, and architectural details to emphasize proportion of height to width

A facade shall be differentiated so that it appears to be comprised of two or more adjacent buildings by dividing into 35- to 50-foot facade segments, each of which includes a separate entrance and differs from each of the other segments with respect to all of the following:

- A. A change in shape, sill and header height, detail, size, spacing , rhythm, and muntin pattern of windows
- B. A change of building or cornice height
- C. A change in cornice details
- D. A change of wall material or wall color
- E. A change in trim courses and other horizontal elements
- F. A change in dormer or balcony design, if any
- G. Providing or changing pilasters, columns, or other facade elements

Facade Standards (Continued)

A facade greater than 200 feet in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such facade into 18- to 200-foot segments, each of which includes a separate entrance and differs from each of the other segments with respect to all of the following:

Facade Articulation for Buildings with Two-Stories or More

- A. A change in shape, sill and header height, detail, size, spacing , rhythm, and muntin pattern of windows
- B. A change of building or cornice height
- C. A change in cornice details
- D. A change of wall material or wall color
- E. A change in trim courses and other horizontal elements
- F. A change in dormer or balcony design, if any
- G. Providing or changing pilasters, columns, or other Facade elements

Facade Width Maximum 600 feet

Facade Design Proportions shall be based on approximate ratio of the golden mean (1.618:1)

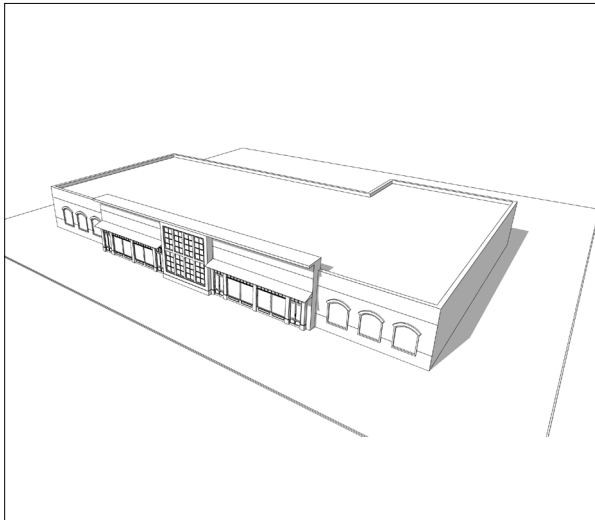
Wall-Mounted Mechanical Units Related to Hotels Shall be architecturally integrated into the window openings
Mechanical louvers shall not project from the facade

Horizontal Articulation		Materials	
Horizontal Articulation	Buildings shall have a base, middle, and cap	Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Storefronts	Any storefront shall have display windows, transom windows, knee walls of between 18 and 24 inches tall, and other architectural elements such as bulkheads, trim, and cornice detailing	Material Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Officefronts	Any officefront shall be articulated with architectural elements and pedestrian weather protection	Accent Materials (Up to 25 Percent of Net Facade)	Architectural metals, authentic stucco, scored precast concrete, or any primary material not used as a primary material on the building
Ground Floor Height	Minimum of 13 feet on ground floor from finished floor to finished ceiling, unless a lower height is required in the HPO through approval of a certificate of appropriateness	Prohibited Materials	Corrugated metal, EIFS, smooth-faced or split-faced concrete block, vinyl cladding, and similar facade finishes
Parapet	A parapet wall shall contain a cornice that projects a minimum of four inches, such as molding, corbels, traditional brick coursing patterns, or other ornamental cornicing	Materials in CFO or CAO	See applicable overlay district
Roof Elements		Colors	
Rooftop Mechanical Equipment	See Subsection 13.3.2, Rooftop Mechanical Equipment	Colors	Up to three colors, including material colors, but excluding trim colors
Green Roofs	May be used to achieve stormwater and LSA requirements	Color Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
		Prohibited Colors	Overly bright or neon colors
		HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable
		Transitional Features	
		Requirements	See Chapter 8, Transitional Features

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6.9 Large-Scale Retail Building

A building of 50,000 square feet or more that is most commonly associated with a large-format retailer. It has in-line retail or liner buildings along the front of the building. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

PD RC6 RC12 and further limited within these districts to the following locations: East of Mallory Lane and north of McEwen Drive and west of I-65; or East of I-65 and south of Goose Creek Bypass.

Building Standards

Building Footprint	Maximum ground floor of 50,000 gross square feet
Building Height	Minimum 2 stories if over 50,000 gross square feet

Building Orientation and Entry

Main Entrance	Prominently located on front facade and highly visible
Facade Location	The front facade shall face the public street, private street, or internal drive, in that priority order The front facade shall parallel the frontage

Windows

Orientation	Vertically proportioned and symmetrically aligned
Window Alignment	Upper floor windows shall be aligned with those of ground floor
Window Openings	Shall be punched and recessed a minimum of 3 inches from the facade
Front Facade Glazing	50 to 85 percent of the ground floor, measured between two feet and ten feet from the ground 20 to 65 percent of upper floors
Glazing on All Other Frontage-Facing Facades	20 to 65 percent on each floor
Prohibited Glazing Materials	Tinted glass, reflective glass, and other glass treatments that inhibit views into the building

Facade Standards

Facade Composition	Vertically orient materials, design elements, and architectural details to emphasize proportion of height to width
--------------------	--

Facade Standards (Continued)

Facade Articulation	A facade greater than 200 feet in width shall be differentiated so that it appears to be comprised of two or more adjacent buildings, by dividing such facade into 35-100 foot segments, each of which includes a separate entrance and differs from each of the other segments with respect to all of the following:
	A. A change in shape, sill and header height, detail, size, spacing, rhythm, and muntin pattern of windows
	B. A change of building or cornice height
	C. A change in cornice details
	D. A change of wall material or wall color
	E. A change in trim courses and other horizontal elements
	F. A change in dormer or balcony design, if any
Facade Design Proportions	G. Providing or changing pilasters, columns, or other Facade elements
	Proportions shall be based on approximate ratio of the golden mean (1.618:1)
Facade Width	Maximum 600 feet

Horizontal Articulation

Horizontal Articulation	Buildings shall have a base, middle, and cap
Storefronts	Storefront shall have display windows, transom windows, knee walls of between 18 and 24 inches, and other architectural elements such as bulkheads, trim, and cornice detailing
Ground Floor Height	Minimum of 13 feet on ground floor from finished floor to finished ceiling
Parapet	A parapet wall shall contain a cornice that projects a minimum of four inches, such as molding, corbels, traditional brick coursing patterns, or other ornamental corning

Materials

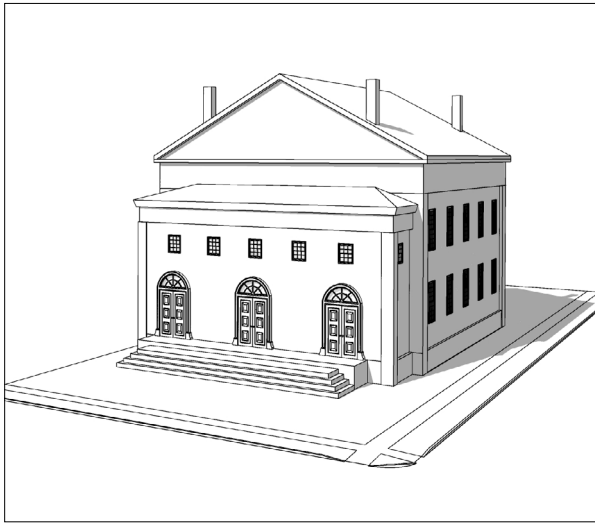
Primary Materials on a Facade	Up to two of the following: brick, natural stone, or cultured stone
Material Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metals, scored precast concrete, authentic stucco, split-faced concrete block, or any primary material not used as a primary material on the building
Prohibited Materials	Corrugated metal, EIFS, smooth-faced concrete block, vinyl cladding, and similar facade finishes
Materials in CFO or CAO	See applicable overlay district

Colors	
Colors	Up to three colors, including material colors, but excluding trim colors
Color Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Prohibited Colors	Overly bright or neon colors
HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable
Additional Parking Requirements	
No more than 50 percent of the provided parking for a site with a large-scale retail building shall be surface parking, with the remainder provided by structured or parallel parking located within 1,320 feet (five-minute walk), as measured along a sidewalk	
Transitional Features	
Requirements	See Chapter 8, Transitional Features

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6.10 Civic Building

A building erected to be used only for civic or institutional purposes. It may be designed to stand apart from its surroundings due to the special nature of its use as a public facility or it may blend in with surrounding residential or rural character. Civic or institutional uses may also be in other building types. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

PD CI NC CC DD 1ST 5TH RC6
RC12 GO LI

Building Orientation and Entry

Main Entrance	Prominently located on front facade and highly visible
Facade Location	The front facade shall face the public street, private street, or internal drive, in that priority order The front facade shall be parallel to the frontage

Windows

Orientation	Vertically proportioned
Glazing	Glazing requirements are determined by the BOMA or FMPC during development plan or site plan approval

Facade Standards

Facade Design Proportions	Proportions shall be based on approximate ratio of the golden mean (1.618:1)
Facade Width	Maximum 600 feet

Building Height Maximum

Principal Building	Maximum one story taller than the maximum building height permitted in the district (except CI district)
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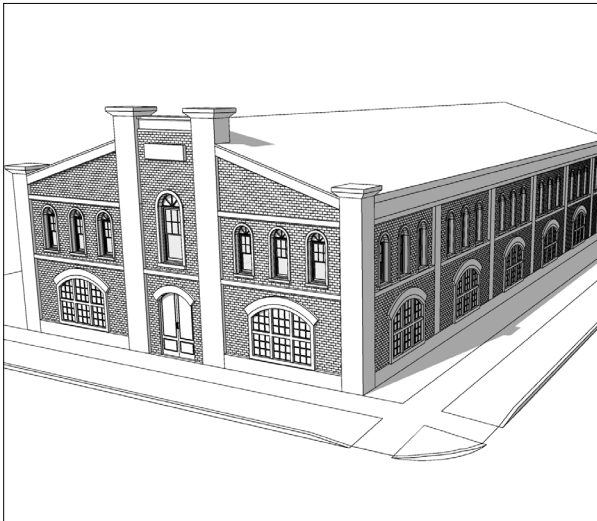
Materials

Primary Materials on a Facade	Up to two of the following: brick, natural stone, cultured stone, smooth wood siding, or fiber cement siding
Material Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Accent Materials (Up to 25 Percent of Net Facade)	Architectural metals, authentic stucco, scored precast concrete, or any primary material not used as a primary material on the building
Prohibited Materials	Corrugated metal, EIFS, smooth or split faced concrete block, vinyl cladding, and similar facade finishes
Materials in CFO or CAO	See applicable overlay district

Colors	
Colors	Up to three colors, including material colors, but excluding trim colors
Color Changes	Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change
Prohibited Colors	Overly bright or neon colors
HHO or Steep Slopes	See Section 4.4, HHO District, or Section 17.1, Steep Slopes, if applicable
Transitional Features	
Requirements	See Chapter 8, Transitional Features

6.11 Flex Building

A building designed to accommodate industrial uses in the industrial districts. This building type shall comply with all other applicable standards of this Ordinance.



Permitted Districts

LI HI

Building Orientation and Entry

Main Entrance	Prominently located on front facade and highly visible
Facade Location	The front facade shall face the public street, private street, or internal drive, in that priority order The front facade shall be parallel to the frontage

Windows

Orientation	Vertically proportioned and symmetrically aligned
Glazing	20 percent, but may be reduced for portions of a building containing active industrial use

Building Height

Height	Building height shall comply with the district; however, buildings for general warehouse uses shall not exceed a height of 42 feet
--------	--

Facade Standards

Facade Composition	Vertically orient materials, design elements, and architectural details to emphasize proportion of height to width
--------------------	--

Roof Elements

Rooftop Mechanical Equipment	See Subsection 13.3.2, Rooftop Mechanical Equipment
Green Roofs	May be used to achieve stormwater and LSA requirements

Materials

Primary Materials on a Facade Up to two of the following: brick, natural stone, cultured stone, authentic stucco, scored precast concrete, smooth wood siding, fiber cement siding, or integrally stained split-faced concrete block with differing mortar color

Material Changes Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change

Accent Materials (Up to 25 Percent of Net Facade) Architectural metals or any primary material not used as a primary material on the building

Prohibited Materials Corrugated metal, EIFS, smooth-faced concrete block, vinyl cladding, and similar facade finishes

Materials in CFO or CAO See applicable overlay district

Colors

Colors Up to three colors, including material colors, but excluding trim colors

Color Changes Shall coincide with form, structural, or massing changes and shall occur at the inside corner of such change

Prohibited Colors Overly bright or neon colors

Colors in HHO See overlay district

Transitional Features

Requirements See Chapter 8, Transitional Features

CHAPTER 7

FRONTAGE TYPES

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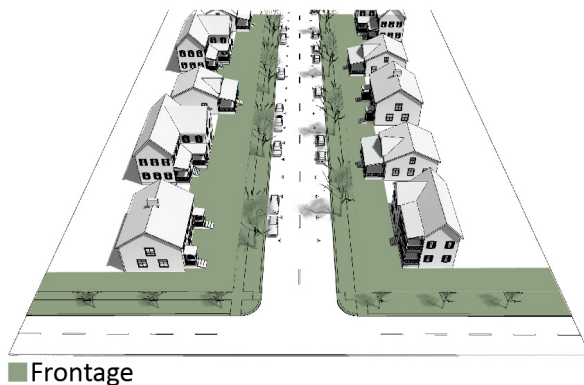
7.1 General Provisions

7.1.1 Frontage Description

- A. The frontage is the area between (a) the facade line of a principal building, extended to the side lot line or building site line, (or if there is no building, the front setback line) and (b) the curb (or if there is no curb, the edge) of the vehicular lanes of a public or private street or an internal drive, a pedestrian walkway, or an open space. Corner or through lots or building sites have two frontages.
- B. Frontage types specify the treatment of the frontage. The frontage type must be one of those permitted in the applicable zoning district per Section 7.2, Overview of Frontage Types.

- front a courtyard, pursuant to Section 11.7, Courtyard.
2. An internal drive may be an alternative to a public or private street above only when the development contains two or more principal buildings in a nonresidential, mixed-use, or multifamily development, subject to DRT approval.
- B. A lot with proposed development of two or more principal buildings shall provide building sites that designate the frontage type and location on a public street, private street, or internal drive, as applicable.
- C. New lots on the perimeter of a proposed development, where adjacent to an existing street, shall be oriented so that the front facades of buildings face the existing street.

Figure 7.1.1.A Frontage Example



7.1.2 Lot and Building Site Frontage

- A. Every lot or building site shall have a frontage on a public street, private street, or internal drive, in that priority order, except that:
 1. Residential lots shall front only a public street; however, up to five percent of the lots in a residential development of more than 100 residential lots may

7.1.3 Exceptions

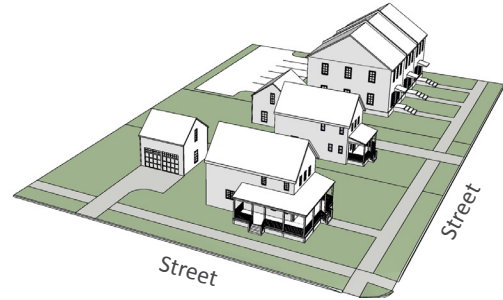
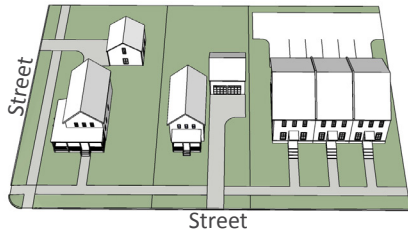
The following exceptions are permitted to Subsection 7.1.2, Lots and Building Site Frontage:

- A. A residential lot may have a side lot line that fronts an existing collector street or higher classification when the lot:
 1. Fronts a local street by the entrance to the subdivision; or
 2. Is designed around a close.
- B. New lots may be oriented so that the rear facades of buildings face I-65 or Mack Hatcher Parkway when outside of the SCO. See Subsection 12.7.3, Buffers along I-65 and Mack Hatcher Parkway, for additional requirements.

7.2 Overview of Frontage Types

Frontage Type Description	Illustration	Typical Building Types	Permitted Districts
Yard Frontage: Intended for residential areas with a moderate to deep setback where a landscaped yard is located between the building and the street or internal drive. It is also used for areas transitioning from residential to commercial where the frontage maintains the residential character of the street.		House Duplex Multiplex Townhouse Multifamily Civic Flex	AG ER R1 R2 R3 R4 R6 MR OR PD CI CC DD 1ST GO LI HI
Parking Frontage: Intended for areas where front access to buildings by vehicles is desired but where some level of walkability is maintained. This frontage has a moderate setback and a low street screen, except at the driveway or internal drive. A parking area with a maximum of two bays of on-site parking and a drive aisle is provided between the building and the street or internal drive.		Commercial/ Mixed-Use Flex	CI LI HI
Urban Landscape Frontage: Intended for areas with a shallow front setback to provide a landscaped area between the sidewalk and the front facade, typically accessed by a stoop or terrace. Parking shall be located behind the building, unless it is parallel parking		House Duplex Multiplex Townhouse Multifamily Commercial/ Mixed-Use Large-Scale Retail	MR PD CI NC CC DD 1ST 5TH RC6 RC12 GO
Urban Frontage: Intended for areas where buildings have a very shallow or no front setback and buildings may abut the sidewalk. Parking shall be located behind the building, unless it is parallel parking		Multifamily Commercial/ Mixed-Use Large-Scale Retail	PD NC CC DD 1ST 5TH RC6 RC12 MR

7.3 Yard Frontage



Description

The yard frontage is intended for residential areas with a moderate to deep setback where a landscaped yard is located between the building and the street or internal drive. It is also used for areas transitioning from residential to commercial where the frontage maintains the residential character of the street.

Permitted Districts

AG ER R1 R2 R3 R4 R6 MR OR PD
CI CC DD 1ST GO LI HI

Building Types

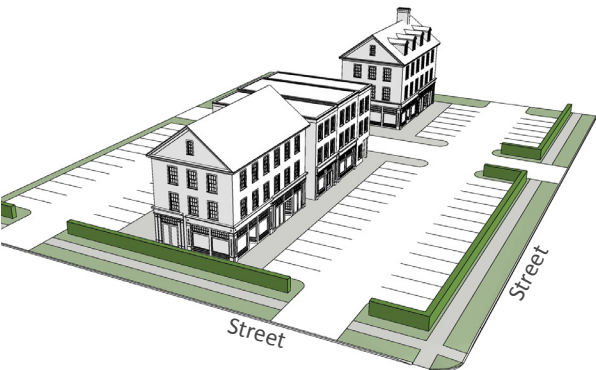
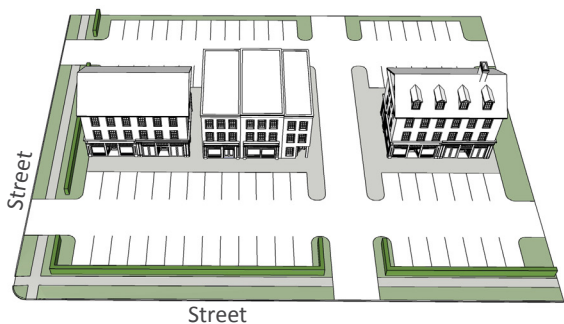
Building Types	House, duplex, multiplex, townhouse, multifamily, and civic buildings
-------------------	---

Vehicular Access and Parking

Parking Placement

No parking is permitted between the principal building and the street, except on an approved driveway or parking pad pursuant to the Municipal Code and/or the applicable building type

7.4 Parking Frontage



Description

The limited parking frontage is intended for areas where front access to buildings by vehicles is desired but where some level of walkability is maintained. This frontage has a moderate setback and a low street screen, except at the driveway or internal drive. A parking area with a maximum of two bays of on-site parking and a drive aisle is provided between the building and the street or internal drive.

Permitted Districts

CI LI HI

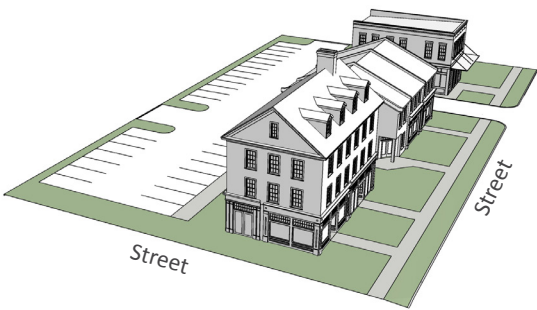
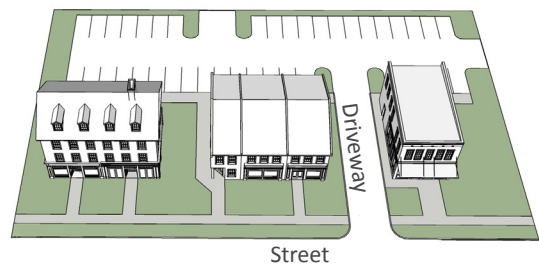
Building Types

Typical Buildings	Commercial/mixed-use and flex buildings
-------------------	---

Vehicular Access and Parking

Parking Placement	A maximum of 2 bays of parking with a single drive aisle shall be permitted between the building and the street
-------------------	---

7.5 Urban Landscape Frontage



Description

The urban landscape frontage is intended for areas with a shallow front setback to provide a landscaped area between the sidewalk and the front facade

Permitted Districts

MR PD CI NC CC DD 1ST 5TH RC6
RC12 GO

Building Types

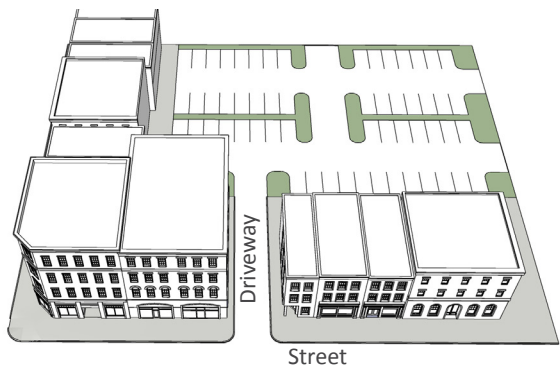
Typical Buildings	House, duplex, multiplex, townhouse, multifamily, commercial/mixed-use, and large-scale retail buildings
----------------------	---

Vehicular Access and Parking

Parking shall be located behind the building, unless it is parallel parking along the street or internal drive

Parking Placement	On corner lots, surface parking areas may occupy up to 30 percent of the lot frontage on the secondary street and shall be no closer to the street than the building
----------------------	--

7.6 Urban Frontage



Description

The urban frontage is intended for areas where buildings have a very shallow or no front setback and buildings may abut the sidewalk

Permitted Districts

PD NC CC DD 1ST 5TH RC6 RC12 MR

Building Types

Typical Buildings	Multifamily, commercial/ mixed-use, and large-scale retail buildings
-------------------	--

Vehicular Access and Parking

	Parking shall be located behind the building, unless it is parallel parking along the street or internal drive
Parking Placement	On corner lots, surface parking areas may occupy up to 30 percent of the lot frontage on the secondary street and shall be no closer to the street than the building

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CHAPTER 8

TRANSITIONAL FEATURES

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8.1 Transition Zones Abutting Residential Lots

8.1.1 Applicability

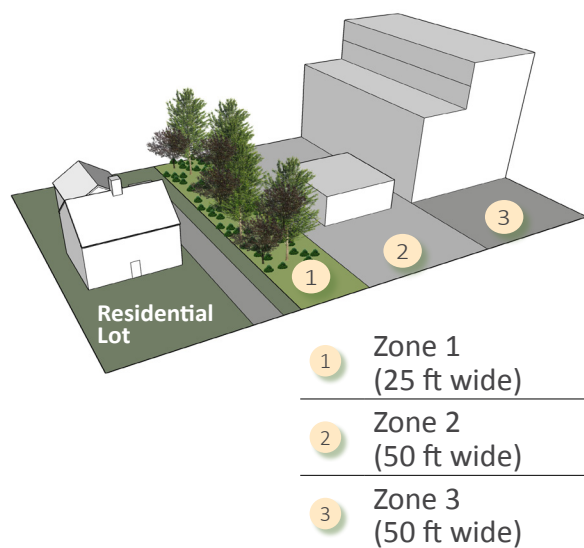
- A. This Section shall apply to development in:
1. The NC, RC6, RC12, GO, LI, and HI districts when a development site abuts an existing residential lot; and
 2. The PD and CC districts when located outside of the CFO when a development site abuts an existing residential lot.
- B. When a residential lot is part of the same development, this Section shall not apply.

8.1.2 Transition Zone Descriptions

The following transition zones shall be required along the edge of the development site where it abuts an existing residential lot:

Transition Area	Minimum Width	Requirements
Transition Zone 1	25 feet	buffer with plantings
Transition Zone 2	50 feet	restricted use
Transition Zone 3	50 feet	building height and form

Figure 8.1.2.A Transition Areas



8.1.3 Transition Zone 1: Buffer

- A. Transition Zone 1 shall be a 25-foot wide area along the edge of the development site that serves as a buffer. The buffer shall comply with Section 12.7, Buffers, and shall contain the following plantings:

Type of Material	Number per 100 Linear Feet	Minimum Evergreen
Canopy Trees	5	50%
Understory Trees	5	50%
Shrubs	60	75%

- B. Fences and walls may be used in the buffer. Fences and walls shall comply with the following:
1. The fence or wall shall have a minimum opacity of 75 percent;
 2. The fence or wall shall be a minimum height of six feet, unless otherwise approved by the DRT; and
 3. The fence or wall shall incorporate a masonry column at any end visible from a street or internal drive.
- C. Berms may be used in the buffer. Berms shall comply with the following:
1. Berms shall be used only along a rear property line of a residential lot and not located between a lot and a street or internal drive;
 2. Berms shall be a minimum of four feet in height, unless otherwise approved by the DRT;
 3. Berms shall be stabilized with a ground cover or other suitable vegetation;
 4. Shrubs shall be planted on a berm to achieve a combined height of six feet within four years of planting; and

5. Berms shall in no case damage the roots or trunks of existing healthy vegetation designated to be preserved.

8.1.4 Transition Zone 2: Restricted Use

Transition Zone 2 shall be a 50-foot wide area that abuts Transition Zone 1 and regulates uses and encroachments. The following uses and encroachments are the only uses and encroachments permitted in Transition Zone 2:

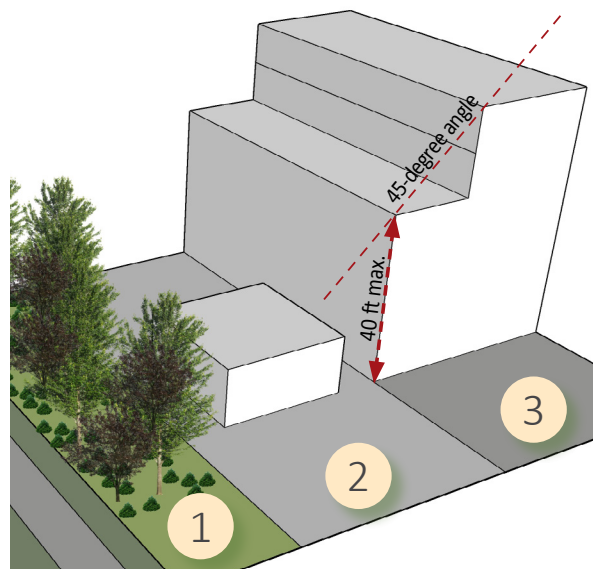
- A. Fences, walls, and plant materials;
- B. Open space, playgrounds, and trails;
- C. Stormwater management facilities;
- D. Surface parking areas;
- E. Dumpsters;
- F. Alleys; and
- G. Accessory structures up to 14 feet in height.

8.1.5 Transition Zone 3: Building Height and Form

Transition Zone 3 shall be a 50-foot wide area that abuts Transition Zone 2 and regulates building height and form. All structures and uses allowed in the applicable zoning district are permitted in Transition Zone 3 subject to the following:

- A. The maximum building height at the line where Transition Zone 3 and 2 meet is 40 feet; and
- B. Height can increase subject to a 45-degree height plane measured from a height of 40 feet at the Transition Zone 3 and 2 line, extending upward one foot for every additional foot stepped back.

Figure 8.1.5.A Transition Building Height and Form



8.2 Height at Major Intersections

At major intersections of any combination of arterials and/or collectors in RC12, building height shall be balanced across the intersection. A viewshed analysis is required as per Paragraph 20.8.8.C.

8.3 Building Character

Where the existing development pattern is established and expected to remain, pursuant to Envision Franklin, nonresidential, multifamily, and mixed-use development shall graduate the massing and scale of the new building through utilization of the following methods:

- A. Building setbacks of at least 20 feet from the stories below;
- B. Dividing buildings into smaller parts, including detached buildings, to reduce effective visual bulk and to maintain the scale and rhythm of the existing pattern of development;

Transitional Features for Nonresidential, Multifamily, and Mixed-Use Development in the CFO

- C. Sight lines or angular planes to gauge the appropriate building height necessary to achieve a steady, incremental transition; or
- D. Other techniques that break up the scale of a building to complement existing development patterns, subject to approval by the applicable review body.

8.4 Transitional Features for Nonresidential, Multifamily, and Mixed-Use Development in the CFO**8.4.1 Applicability**

- A. This Section shall apply to nonresidential, multifamily, and mixed-use development in the CFO to achieve design compatibility between new and existing development, where the existing development is established and expected to remain, pursuant to Envision Franklin.
- B. The standards in this Chapter may be used, all or in part, to achieve a transition between land uses, subdivisions, sites, lots, or structures, subject to the approval of the applicable review body, with consideration given to Envision Franklin and the Historic District Design Guidelines, where applicable.

8.4.2 Conflicting Provisions

- A. In cases where the standards of this Section and other Chapters conflict, the more restrictive standard shall apply.
- B. In cases where the standards of this Section and Section 8.1, Transition Areas Abutting Residential Lots, conflict, then this Section shall apply.
- C. Within the HPO district, where Historic District Design Guidelines and this Chapter conflict, the Historic District Design Guidelines shall take precedence.

8.4.3 Building Setbacks

Outside of the R4, R6, MR, OR, CC, DD, 1ST, and 5TH districts, the minimum front yard setback shall be the average setback of existing buildings on the same block face. No new building shall be located closer to the front lot line than the closest adjacent building.

8.4.4 Building Height

- A. Facade width and height on facades of adjacent buildings and buildings on opposing sides of a street shall be consistent with each other such that neither facade exceeds the other's dimensions by more than 25 percent. Topography, viewshed analysis, and methods outlined in Paragraph 8.4.4.D may be included in this assessment.
- B. At the edge of an underlying zoning district where the adjacent district has a lower maximum building height, buildings shall transition in height using methods outlined in Paragraph 8.4.4.D.
- C. Proposed multifamily buildings located within 100 feet of houses or duplexes shall not exceed two stories.
- D. Nonresidential and mixed-use development shall graduate the massing and scale of the new building through utilization of the following methods:
 1. Building stepbacks of at least 20 feet from the stories below;
 2. Dividing buildings into smaller parts, including detached buildings, to reduce effective visual bulk and to maintain the scale and rhythm of the existing pattern of development;
 3. Sight lines or angular planes to gauge the appropriate building height necessary to achieve a steady, incremental transition; or
 4. Other techniques that break up the

scale of a building to complement existing development patterns, subject to approval by the applicable review body.

8.4.5 Building Character

Where a clearly established building character and scale exist that is expected to remain, infill development shall blend with nearby buildings through use of:

- A. Window and door openings with area ratios and proportions similar to those on nearby buildings;
- B. Similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, primary facade materials, and other building articulations of nearby buildings; and
- C. Similar roof types, slopes, or arrangements.

8.5 Transitional Features for Residential Development in the CFO

8.5.1 Applicability

This Section shall apply to development on residential lots in the CFO to achieve compatible infill in or adjacent to existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent buildings.

8.5.2 Building Character

- A. Proposed development shall blend with nearby buildings through use of similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, primary materials on a facade, roof forms, and other architectural elements.

B. Proposed residential development shall blend with existing buildings along the same block face through use of:

- 1. Dormers that are set back a minimum of one foot from the exterior wall of a front or side elevation;
- 2. Massing that divides the building into smaller parts;
- 3. Materials that do not accentuate verticality;
- 4. A one-story front porch or entry element;
- 5. Garages with traditional placement and orientation entirely behind the main structure and subordinate in height.

8.6 Perimeter Residential Lots

8.6.1 Applicability

This Section shall apply to residential development.

8.6.2 Lot Standards

- A. New single-family residential lots on the perimeter of a proposed development, where adjacent to existing lots in a recorded residential subdivision, shall be no less than 75 percent of the average lot size of the existing contiguous lots.
- B. Duplexes or multiplexes, where permitted along the perimeter of a proposed development, that is adjacent to single-family residential lots in a recorded subdivision, shall have comparable building facade widths to the houses on the adjacent residential lots.

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CHAPTER 9

STREETS AND CIRCULATION

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9.1 Streetscape

9.1.1 Standards

- A. New public streets and private streets shall be designed pursuant to the Transportation and Street Technical Standards.
- B. Sidewalks that comply with Section 9.6, Pedestrian Circulation, and the Transportation and Street Technical Standards shall be provided along public and private streets and internal drives.
- C. Street trees that comply with Section 12.8, Street Trees, shall be provided along public and private streets and internal drives.
- D. Street lights that comply with Subsection 14.3.7, Street Lights, shall be provided along public and private streets and internal drives.
- E. Bridge or safety barriers shall be stacked stone, concrete with a decorative finish, or painted dark green or black.
- F. Traffic poles shall be painted dark green or black.

9.2 Streets

9.2.1 Standards

- A. Public and private streets shall have a functional classification as defined by Connect Franklin.
- B. New streets serving residential lots shall be public streets. Streets shall be required to have parallel parking when serving residential lots with lot widths of 45 feet or less.
- C. The DRT may require, at no cost to the City, a traffic impact study to be prepared in accordance with the Transportation and Street Technical Standards.
- D. Traffic control devices, where necessary to promote the safe and efficient movement

of traffic, shall comply with the Manual on Uniform Traffic Control Devices.

9.3 Internal Drives

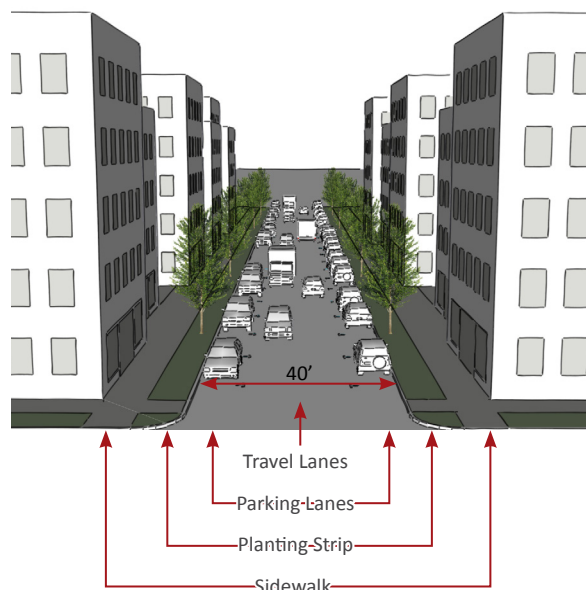
9.3.1 Applicability

Internal drives may be provided as an alternative to a public or private street in accordance with Subsection 7.1.2, Lot and Building Site Frontage.

9.3.2 Standards

- A. Where permitted, internal drives shall be designed per the Transportation and Street Technical Standards as public or private streets having an equivalent street classification based on traffic volume capacity (vehicles per day), except that internal drives shall have two ten-foot travel lanes and parallel parking along both sides.
- B. Internal drives shall be designed as an extension of the street network and shall comply with:
 - 1. Section 9.1, Streetscape; and
 - 2. Section 9.5, Vehicular Circulation.
- C. Internal drives shall be placed in a public access easement and recorded as part of a final plat.

Figure 9.3.2.A Cross section of an internal drive showing travel lanes, parallel parking, sidewalks, and street trees with planting strip.



9.4 Alleys

9.4.1 Standards

- A. Alleys shall be designed and constructed pursuant to the Transportation and Street Technical Standards.
- B. Residential lots with a lot width of 45 feet or less must be served by an alley.
- C. On each residential lot with an alley, a two-foot by six-foot concrete pad shall be placed at the rear of the lot, parallel to the alley, for garbage can collection.
- D. No vehicle, fence, structure, vegetation, or wall shall be erected, maintained, or planted within the alley right-of-way, easements, or within two feet of the edge of the alley pavement/curb, whichever is greater.

9.4.2 Alley Layout

Alley and lot layout shall be designed to screen the view into an alley from an intersecting street by meeting any one of the following:

- A. Providing evergreen planting material along the intersecting street to create an opaque screen;
- B. Requiring a build-to line for the garage at five feet from the alley right-of-way;
- C. Placing fencing with a height of six feet along the edge of the rear lot line and along the lot line abutting the intersecting street; or
- D. Creating a curve in the alley by the third lot from the intersecting street.

9.4.3 Mews

Where the Transportation and Street Technical Standards requires a wide alley, a mews shall provide vehicular access to the rear of lots fronting onto open space. All provisions in this Ordinance regarding an alley shall also apply to a mews, in addition to the following:

- A. The maximum length of a mews shall be 800 feet, as measured along the centerline; and
- B. Each end of a mews shall connect to a street and shall not terminate into an alley or another mews.

9.5 Vehicular Circulation

9.5.1 External Connectivity

- A. The arrangement of new streets and internal drives shall provide for the alignment and continuation of existing or proposed streets and internal drives into adjacent properties.
- B. Street connections, street stubs, or internal drive connections shall be provided in every direction (north, south, east, and west), including connections to all existing streets or internal drives adjacent to the development site.
- C. The DRT may determine that a street stub or internal drive connection or alignment shall not be required due to the classification of a street or when adjacent to floodplain, wetlands, riparian buffers, tree save areas, naturally-occurring slopes exceeding 14 percent, or other unique site conditions preventing a street or internal drive connection.
- D. Street right-of-way and pavement shall be extended to the adjacent property lines. Internal drive pavement shall be extended to the adjacent property lines.
- E. Traffic calming measures shall be consistent with the Transportation and Street Technical Standards. Existing residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Engineering Department. If an applicant disagrees with the recommendation, the applicant may appeal to the FMPC or the BOMA, depending on the type of application.
- F. At each location where a street terminates where a future connection is planned or accommodated, a sign shall be installed with the words "STREET TO BE EXTENDED

BY THE AUTHORITY OF THE CITY OF FRANKLIN" to inform property owners.

- G. The final plat and deeds for all residential lots shall identify street stubs and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

9.5.2 Internal Connectivity

- A. Development shall provide a grid street or internal drive pattern wherever possible.
- B. Development shall provide for the alignment and continuation of internal street or internal drive connections to maximize the internal connectivity of the site wherever possible.
- C. Block length perimeter shall not exceed a maximum of 2,400 feet, except the DRT may approve a block length perimeter up to 3,200 feet in cases:
 - 1. Where environmental or topographic constraints exist;
 - 2. Where the street classification prevents a connection; or
 - 3. Where a proposal includes an internal parking structure.
- D. New blocks shall be consistent with the Transportation and Street Technical Standards for distance between intersections.
- E. Cul-de-sacs are permitted only where existing development, floodplains, wetlands, naturally occurring slopes exceeding 14 percent, riparian buffers, tree save areas, or other unique site conditions prevent a street connection.

9.5.3 Cross Access Between Adjacent Properties

- A. Internal vehicular circulation shall be designed to provide cross access to each adjacent property, unless the DRT waives the requirement due to topographical constraints, natural features, or other vehicular safety factors. If waived, the applicant shall provide bicycle and pedestrian connections between adjacent properties.
- B. Cross access to adjacent properties shall include connection to all existing streets or street stubs, access easements, internal drives, drive aisles, driveways, and parking areas.
- C. Cross access shall provide two- way travel lanes with pavement to the property line. Property shall not be subdivided to avoid this requirement.
- D. The applicant shall provide written notice to all adjoining property owners prior to the initial submittal of the applicable application. This notice shall provide a visual and narrative explanation of the proposed cross access connection points.
- E. The applicant is responsible for constructing and improving the cross access to the adjacent property line prior to issuance of the first certificate of occupancy. The applicant shall perpetually maintain the cross access to the adjacent property line.
- F. The cross access easement shall be recorded as part of a final plat.

9.6 Pedestrian Circulation

9.6.1 Placement and Connections

- A. Sidewalks and curb shall be required on both sides of public and private streets and internal drives, except along Mack Hatcher Parkway, I-65, and undeveloped edges of natural areas.
- B. A continuous internal pedestrian circulation system shall be provided throughout the development. Sidewalk connections shall be provided:
 - 1. Between each building main entrance and the nearest street or internal drive. These connections shall be placed in a straight and direct route;
 - 2. Between differing uses, such as neighborhood commercial centers or open spaces with residential uses;
 - 3. That connect to existing, planned, or potential future sidewalks or multi-use paths at adjacent property boundaries;
 - 4. That connect to existing or planned private trail systems in adjacent developments, where possible;
 - 5. Between open spaces within a development; and
 - 6. Building main entrances with associated parking areas.
- C. In cases where a block length exceeds 600 feet, a sidewalk in a public access easement or open space lot shall be provided mid-block internally to connect streets on opposite sides of the block.
- D. At the end of a close or cul-de-sac, a sidewalk and public access easement shall be provided that extends the pedestrian circulation system, to the maximum extent practicable, to the closest adjacent street, sidewalk, or multi-use path.

9.6.2 Sidewalks

- A. Sidewalks along streets and internal drives shall comply with the Transportation and Street Technical Standards and placed in either a public right-of-way or a public access easement.
- B. Sidewalk widths shall comply with the table below:

Sidewalk Location	Minimum Width
Along Streets or Internal Drives	In accordance with Transportation and Street Technical Standards, but in no case less than 5 feet
Where Abutting Parking Spaces	7 feet
Where Abutting a Commercial/Mixed-Use or Civic Building	8 feet
In the DD, 1ST, or 5TH Districts	12 feet, with at least 8 feet continuously unobstructed by street tree pits, light poles, or similar features

- C. Sidewalk materials shall comply with the Transportation and Street Technical Standards.
- D. Sidewalks shall be raised above adjacent driving surface and may be raised at vehicular crossings as a traffic-calming measure.

9.6.3 Multi-Use Paths

- A. Multi-use paths shall be designed and constructed per the Transportation and Street Technical Standards.
- B. Multi-use paths shall have a minimum width of 12 feet. The width may be reduced to ten feet in portions of the path to minimize disturbance to existing vegetation or other environmental constraints.

- C. Multi-use paths shall be placed either in a public right-of-way or in a 24-foot wide public access easement.
- D. In the 1ST district, a multi-use path shall be located along the Harpeth River with pedestrian access points to E. Main St and 1st Avenue N and S.

9.6.4 Nature Trails

Nature trails may be constructed of natural materials, such as grass, gravel, dirt, or mulch.

9.6.5 Sidewalks

- A. Payment of fees in-lieu of installing a required public sidewalk may occur only when:
 1. The timing of the installation of the sidewalk would result in its removal shortly thereafter due to a fully-funded street widening, streetscape project, or other capital improvement project; or
 2. The right-of-way, developing lot, or lot abutting a required sidewalk is not suitable for sidewalks due to floodplain, wetlands, riparian buffers, tree save areas, HHO, or naturally-occurring slopes exceeding 20 percent.
- B. The payment of fees in-lieu shall be reviewed by the DRT or FMPC as part of the development plan, site plan, or final plat.
- C. The fees in-lieu of sidewalks shall be paid prior to:
 1. Recording the final plat; or
 2. Issuance of a building permit or a grading permit when a final plat is not required.
- D. Fees received pursuant to this Subsection shall be used in accordance with the City Sidewalk Fund.

CHAPTER 10

PARKING AND TRANSIT

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10.1 Parking

10.1.1 Applicability

This Chapter shall apply to:

- A. New development;
- B. An existing structure or use that will be expanded or increased in capacity; or
- C. A change in use that will result in increased vehicle trips.

10.1.2 Exemptions

Within the DD district, legally established uses and buildings in existence on the effective date of this Ordinance shall comply with the following:

- A. When a commercial use is changed to another commercial use, additional parking spaces are not required;
- B. When a building is expanded, additional parking spaces are required for the new square footage only; and
- C. When a building is torn down and a new building is constructed, parking spaces shall comply with the standards of this Section and required for the entire square footage of the new building.

10.1.3 Review for Compliance

Review for compliance with this Chapter shall occur with a development plan, site plan, building permit, or certificate of occupancy, as applicable.

10.1.4 Parking Plan

- A. A parking plan shall be submitted with any development that is required to provide more than three parking spaces.
- B. The parking plan shall accurately designate the required parking spaces, landscape islands, aisles, driveways, internal drives, and circulation and mobility around the development.

10.1.5 Calculation of Minimum Parking

- A. Parking spaces shall be required per the table in Subsection 10.1.6, Minimum Parking.
- B. For combinations of uses, the minimum shall be the sum of the requirement for each use. No parking space for one use can be included in the calculation of a parking requirement for any other use, except as permitted by Paragraph, 10.1.10.A, Shared Parking.
- C. When the minimum is listed as variable or if a use is not covered under Subsection 10.1.6, Minimum Parking, then the applicable City department:
 - 1. May determine the minimum based on the closest comparable use; or
 - 2. May approve an alternate standard based on a parking study that provides justification using:
 - a. A nationally-accepted standard parking resource or comparable uses and cities, as approved by the Department of Planning and Sustainability;
 - b. The size and type of the proposed development and the composition of uses;
 - c. Anticipated rate of parking turnover; and
 - d. Anticipated peak parking and traffic loads for all uses.

10.1.6 Minimum Parking

Use	Minimum Vehicle Parking Spaces	Reduced Minimum Vehicle Parking Spaces in CFO, CAO1, CAO2, and CAO3
AGRICULTURAL USE		
Agricultural Uses	Variable ¹	No reduction
Community Gardens	Variable ¹	No reduction
RESIDENTIAL USE		
Accessory Dwellings	1 space per unit	No reduction
Duplexes/Multiplexes/ Townhouses/Multifamily Residential	1.5 spaces for a studio 1.5 spaces for a 1 bedroom unit 2.5 spaces for a 2 bedroom unit 3 spaces for a 3+ bedroom unit	No reduction
Multifamily, Age-Restricted	1.5 spaces per unit + 1 per employee on the largest shift	No reduction
Single Family Residential	2 per unit	No reduction
RECREATION USES		
All Recreation Uses	Variable ¹	No reduction
CIVIC AND INSTITUTIONAL USES		
Clinics	4 spaces per 1,000 square feet ²	No reduction
All Other Civic and Institutional Uses	Variable ¹	No reduction
COMMERCIAL USES		
Bed and Breakfasts	2 spaces + 1 space per rented room	No reduction
Day Care Centers	2 spaces per 1,000 square feet ² + 1 space per employee + 5 stacking spaces ⁶	No reduction
Event Venues	Variable ¹	No reduction
Funeral Homes	0.25 space per person of maximum occupant load ⁴	No reduction
Garden Centers	3.33 spaces per 1,000 square feet ² + 1 space per employee	No reduction
Gas Stations	3.33 spaces per 1,000 square feet ² + 1 space per gasoline pump	No reduction

Use	Minimum Vehicle Parking Spaces	Reduced Minimum Vehicle Parking Spaces in CFO, CAO1, CAO2, and CAO3
Hotels	1 space per guest room + 1 space per employee on largest shift + 0.25 space per person of maximum occupant load ⁴ in assembly areas	1 space per guest room + 0.75 per employee on largest shift
Indoor or Indoor/Outdoor Animal Services	2 spaces per 1,000 square feet ²	No reduction
Offices	4 spaces per 1,000 square feet ²	2.85 spaces per 1,000 square feet ²
Offices, Bank	4 spaces per 1,000 square feet ² + 4 stacking spaces per drive-in lane ⁶	No reduction
Personal Services	3.33 spaces per 1,000 square feet ²	2.5 spaces per 1,000 square feet ²
Personal Services, Barber Shops and Salons	1 space per seat + 1 space per employee	No reduction
Restaurants, Inside and Outside Seating	10 spaces per 1,000 square feet ² + 1 space per employee on largest shift	7.5 spaces per 1,000 square feet ² + 0.75 space per employee on largest shift
Restaurants, Drive-In/Drive-Through/Quick Service	0.52 space per seat (indoor and outdoor) ³ + 15 stacking spaces for first ordering station and +5 additional stacking spaces for each additional ordering station ⁶	0.52 space per seat (indoor and outdoor) ³ + 15 stacking spaces for first ordering station and +5 additional stacking spaces for each additional ordering station ⁶
Retail	3.33 spaces per 1,000 square feet ² for structures up to 300,000 square feet ² 2.67 spaces per 1,000 square feet ² for structures 300,001 or more square feet ²	2.5 spaces per 1,000 square feet ² for structures up to 300,000 square feet ² 2 spaces per 1,000 square feet ² for structures 300,001 or more square feet ²
Short-Term Vacation Rentals	See dwelling unit type	No reduction
Showrooms	2 spaces per 1,000 square feet ² + 1 space per employee	No reduction
Theaters	0.33 space per seat ³	No reduction

Use	Minimum Vehicle Parking Spaces	Reduced Minimum Vehicle Parking Spaces in CFO, CAO1, CAO2, and CAO3
Vehicle Sales and Rental	2 spaces per 1,000 square feet ² + 1 space per service bay	No reduction
Vehicle Service Facilities	3.33 spaces per 1,000 square feet ² + 1 space per service bay	No reduction
Vehicle Wash Facilities	1 space per drying space/bay + 2 stacking spaces per washing spaces/bay	No reduction

INDUSTRIAL USES

Adult-Oriented Establishments	0.33 space per person of maximum occupant load ⁴	No reduction
Area Dedicated to Indoor Retail Sales ⁵	1 space per 200 square feet ²	No reduction
Area Dedicated to Indoor Storage/Warehousing/Assembly/Manufacturing ⁵	1-3,000 square feet ² = 1 space per 250 square feet ² 3,001-5,000 square feet ² = 1 space per 500 square feet ² 5,001-10,000 square feet ² = 1 space per 750 square feet ² 10,001 + square feet ² = 1 space per 1,250 square feet ²	No reduction
Area Dedicated to Office or Administrative Use ⁵	1 space per 300 square feet ²	No reduction
Area Dedicated to Outdoor Storage ⁵	1 space per 1,000 square feet ²	No reduction
Data Centers	Variable ¹	No reduction
Self-Storage Facilities	0.01 space per storage unit + 4 spaces	No reduction
Vehicle Repair Facilities	3.33 spaces per 1,000 square feet ² + 1 space per service bay	No reduction

Use	Minimum Vehicle Parking Spaces	Reduced Minimum Vehicle Parking Spaces in CFO, CAO1, CAO2, and CAO3
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Notes:

1. Uses that reference this note have widely varying parking and loading demand characteristics, making it difficult to establish a uniform standard. See Clause 10.1.5.C in Calculation of Minimum Parking.
2. Square feet refers to the gross floor area of the building.
3. Seats refers to the occupant load for the area used as seating.
4. Maximum occupant load is based on the maximum fire-rated capacity.
5. The total number of required spaces is cumulative based on the variety of different functions present in a single use.
6. Minimum number of stacking spaces unless otherwise demonstrated using peak stacking lengths for comparable businesses and locations.

10.1.7 Parking Spaces Available to Count Towards Minimum Parking Standards

Parking spaces available to count towards the minimum parking standards include the following:

- A. Parking spaces on the lot;
- B. Demarcated parallel parking spaces abutting a lot for a nonresidential, mixed-use, or multifamily residential use. Spaces may not be double counted; and
- C. Parking spaces per an approved alternative parking plan per Subsection 10.1.10, Alternative Parking Plan.

10.1.8 Parking Location

The location of parking shall be in accordance with the applicable frontage type per Chapter 7, Frontage Types.

10.1.9 Parking Structures

- A. In the CFO, parking structures shall have active ground-floor uses along all street frontages. Parking structures shall comply with the commercial/mixed-use building type. Openings shall be vertically oriented to appear as window openings that meet the intent of the building type standards.
- B. Outside the CFO, where along an arterial or collector street, parking structures shall be screened by buildings at least as tall as the parking structures.
- C. Outside of the CFO, parking structures shall be visually similar in character to the principal building by:
 - 1. Matching the materials or being composed of brick; and
 - 2. Vertically orienting the openings to appear as windows of the same size and rhythm as the principal building.
- D. Parking structures are subject to the maximum principal building height as

permitted per the applicable zoning district.

- E. Vehicular entrances of parking structures shall be located so that potential conflicts with pedestrian circulation are minimized.
- F. Multiple pedestrian entrances shall be included for each parking structure.

10.1.10 Alternative Parking Plan

The alternative parking plan may use any combination of the following alternatives, subject to DRT approval:

A. Shared Parking

- 1. The applicant shall submit a shared parking study that justifies the feasibility of using shared parking with:
 - a. Information from a nationally-accepted standard parking resource using comparable uses and cities, as approved by the Department of Planning and Sustainability;
 - b. The size and type of the proposed development and the composition of uses;
 - c. Anticipated rate of parking turnover; and
 - d. Anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
- 2. A continuous sidewalk shall be provided to and from the shared parking area;
- 3. Shared parking spaces shall be located within 1,320 feet (five-minute walk) of a main entrance of each use served, as measured along the sidewalk connecting the main entrance to the shared parking area;
- 4. A shared parking agreement shall be signed by all applicable property owners and recorded at the Register of Deeds prior to issuance of a building permit for any use to be served by the

shared parking;

5. For phased development, a phased parking plan shall be provided that shows how each use will be provided with adequate parking spaces throughout the full buildout of the development; and
6. A shared parking agreement may be repealed only if all required parking spaces for each use will be provided without shared parking per Subsection 10.1.6, Minimum Parking.

B. Remote Parking

Remote parking on a separate site from the site on which the use is located may be a permitted alternative when it meets the following:

1. There are practical difficulties in locating the parking area on-site or public safety or public convenience are better served by a remote location;
2. The remote parking area shall be placed in a recorded easement for the use of an off-site parking location in perpetuity;
3. A sidewalk shall connect the remote parking to the use being served;
4. The remote parking shall be located within 1,320 feet (five-minute walk) of a main entrance of each use served, as measured along the sidewalk connecting the main entrance to the remote parking.
5. The remote parking area shall be convenient to use without causing unreasonable:
 - a. Hazard to pedestrians or vehicular traffic;
 - b. Traffic congestion;
 - c. Interference with commercial activity or convenient access to other parking areas in the vicinity;
- d. Detriment to the appropriate use of businesses in the vicinity; or
- e. Detriment to any adjacent residential neighborhood.

C. Deferred Parking

Deferral of construction of up to 30 percent of the required number of parking spaces may be a permitted alternative when it meets the following:

1. The applicant shall submit a reserve parking plan that identifies:
 - a. The number of parking spaces being deferred; and
 - b. The equivalent area reserved for the deferred parking spaces, if needed in the future.
2. The applicant shall provide assurance illustrating the provided parking is sufficient after 24 months from the initial certificate of occupancy or when at least 90 percent of the building is occupied, whichever is later. If additional parking is found to be needed, the applicant shall construct the deferred spaces; and
3. Reserved parking areas shall be brought to the finished grade and stabilized and shall not be counted towards other Ordinance requirements.

D. Valet Parking

Valet parking may be a permitted alternative when it meets the following:

1. Valet parking shall meet the Municipal Code;
2. The applicant shall provide assurance illustrating that valet parking will be available on a long-term basis;
3. An attendant shall be provided to park vehicles during business operations that use valet services;

4. Valet spaces shall be located in a parking area or parking structure; and
5. Valet parking service in a public street shall meet the Municipal Code.

10.1.11 Maximum Parking

Except for single-family residential, parking that exceeds 120 percent of the minimum in Subsection 10.1.6, Minimum Parking, shall be constructed and maintained:

- A. With pervious surfacing; or
- B. Within a parking structure.

10.1.12 Arrangement

- A. Parking, stacking, and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. The arrangement of parking shall be designed to accommodate vehicular circulation, maneuvering, parking, and associated parking movements without use of the public right-of-way, except for parallel parking
- C. The arrangement of parking shall prevent vehicle circulation from backing out directly onto a street, except on single family residential lots.
- D. Parking areas shall be configured so that a vehicle may be parked and un-parked without moving another vehicle. This shall not apply to single-family residential.
- E. The stacking arrangement shall not cause vehicles to queue within streets or internal drives or interfere with other customer vehicular circulation.
- F. Stacking space lengths shall be based on a minimum of 20 feet per space.
- G. Surface parking areas shall provide landscaping and landscape islands pursuant to Section 12.6, Parking Area Landscape.

10.1.13 Maximum Slope

Parking areas shall not exceed a slope of five percent. Parking aisles that connect parking areas shall not exceed ten percent.

10.1.14 Dimensional Standards for Standard Parking Spaces and Aisles

- A. Standard parking spaces and aisles shall comply with the dimensions below:

Parking Angle	Standard Parking Space Depth (Feet)	Standard Parking Space Width (Feet)	Aisle Width (Feet)
Parallel	22	8	10-12 (one way) 20-24 (two way)
90 Degrees	18	9	20-24
60 Degrees	20	9	16-20
45 Degrees	19	9	16-20

- B. Handicap accessible spaces and signage shall be provided pursuant to all applicable building codes.
- C. Parking structures may have dimensional adjustments based on utilization, but in no case shall the standard space width be less than eight feet, subject to approval by the Department of Building and Neighborhood Services.
- D. Where the side of a standard parking space is alongside a landscape island, the minimum width of the parking space shall be increased to ten feet.
- E. Where the end of a 90-degree standard parking space abuts a landscape island or a sidewalk of at least seven feet and allowing a bumper overhang, the minimum depth of the parking space may be reduced to 16 feet.

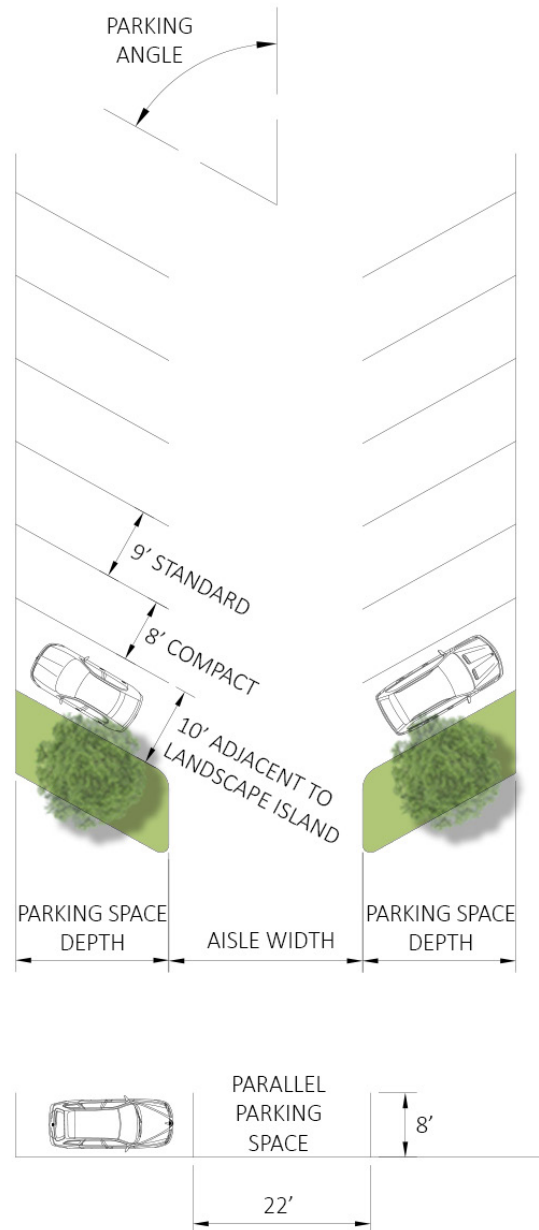
10.1.15 Dimensional Standards for Compact Parking Spaces and Aisles

A. Compact parking spaces and aisles shall comply with the dimensions below:

Parking Angle	Compact Parking Space Depth (Feet)	Compact Parking Space Width (Feet)	Aisle Width (Feet)
Parallel	N/A	N/A	N/A
90 Degrees	16	8	20-24
60 Degrees	18	8	16-20
45 Degrees	17	8	16-20

- B. Compact parking spaces shall be permitted in parking areas of at least 20 spaces. Compact spaces shall not exceed 15 percent of the minimum spaces in Subsection 10.1.6, Minimum Parking.
- C. Where the side of a compact parking space is alongside a landscape island, the minimum width of the parking space shall be increased to ten feet.
- D. No reduction in depth shall be permitted for compact parking spaces abutting landscape islands or sidewalks.

Figure 10.1.15 Parking Space Dimensions



10.1.16 Demarcation

- A. Parking areas of three or more spaces and parallel parking spaces shall be demarcated by painted lines or other methods identifying individual parking spaces, except for single family residential.
- B. Compact spaces shall be labeled as such on the pavement.
- C. Loading areas shall be demarcated by signage, striping, and labeling on the pavement.

10.1.17 Surfacing

The surface material for parking and loading areas shall be asphalt, concrete, brick, stone, pavers, or an equivalent material. The following alternative materials may be approved by the DRT or applicable City department:

- A. Pervious or semi-pervious surface materials such as:
 - 1. Reinforced grass parking systems; or
 - 2. Ring and grid systems used in conjunction with grass, pervious concrete, or permeable pavers.
- B. Recycled materials with a binder such as glass, rubber, used asphalt, brick, block, and concrete;
- C. Asphalt mixed with crushed pea gravel or limestone to achieve a particular character; or
- D. Gravel parking areas in the AG district or single family residential lots.

10.1.18 Curbs and Wheel Stops

- A. Parking and loading areas shall provide curbs or similar devices to prevent vehicle overhang into public right-of-way, sidewalks, adjacent property, or landscape areas.
- B. Vehicle wheel stops are permitted only for handicap-accessible spaces or spaces within parking structures.

10.1.19 Timing of Construction

- A. All required parking and loading areas shall be completed in accordance with approved plans prior to the issuance of a certificate of occupancy for the use they serve.
- B. Phased development shall provide parking and loading areas for each portion of the development for which a development plan or site plan is approved.

10.1.20 Maintenance

- A. Parking and loading areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding property.
- B. Surfacing materials shall be maintained in a smooth, well-graded condition, except for approved pervious paving.
- C. Parking and loading areas shall be periodically painted or otherwise maintained to retain clear identification of individual spaces.

10.1.21 Loading Areas

- A. Uses with business operations that include unloading of goods, materials, items, or stock for delivery or shipping shall be required to provide one loading area either on-site or along the curb of the abutting street or internal drive, subject to DRT approval.
- B. The size of the loading area shall be a minimum:
 - 1. Width of 12 feet;
 - 2. Depth of 25 feet; and
 - 3. Overhead clearance of 14 feet;
- C. An on-site loading area shall be:
 - 1. Located to the rear of the building adjacent to the loading doors; and
 - 2. Arranged to have safe and convenient access to a street, but in no case

shall the loading area extend into the required aisle of a parking area.

10.1.22 Use

- A. All surface parking, stacking, and loading areas required by this Chapter shall be used only for those purposes. Parking spaces in excess of the minimum required parking may be used for temporary uses and structures, pursuant to Section 5.3, Temporary Uses and Structures.
- B. Any other vehicular use, such as storage, sales, repair, service, or display of any kind shall constitute a separate business use of the space and shall not be counted towards minimum requirements.
- C. Required parking spaces shall be free and accessible to the public, unless otherwise determined by the BOMA.

10.2 Bicycle Parking

10.2.1 Minimum Bicycle Parking

Bicycle parking shall be provided in accordance with the following:

Principal Use	Minimum Bicycle Parking Spaces
Multifamily	0.05 space per bedroom
Educational Facilities	1 space per 10 students
Office	1 space per 20,000 square feet of gross floor area
Any Other Uses with Parking Areas	1 space per 20 vehicle spaces

10.2.2 Bicycle Parking Standards

- A. Bicycle parking shall be provided using bicycle racks, bicycle lockers, restricted-access bicycle enclosures, or similar secured facilities.
- B. Bicycle racks shall be securely anchored and easily usable with U-locks and cable locks.
- C. Four-foot wide aisles on all sides of bicycle parking spaces shall:
 1. Be provided for clear and maneuverable access; and
 2. Not encroach into sidewalk areas.
- D. Bicycle parking areas shall be separated from vehicle parking and circulation areas by:
 1. A physical barrier; or
 2. A distance sufficient to protect parked bicycles from damage by vehicles, including front and rear overhangs of parked or moving vehicles.
- E. Bicycle parking shall be located near the building main entrance. Where there is more than one building on a site or where a building has more than one main entrance, the bicycle parking shall be distributed to serve each main entrance.
- F. If the bicycle parking is located outside, then the following shall apply:
 1. Bicycle parking areas shall be paved with materials per Subsection 10.1.17, Surfacing;
 2. The bicycle parking area shall be connected to the internal pedestrian circulation system per Section 9.6, Pedestrian Circulation; and
 3. A curb ramp shall be provided if located next to a street or internal drive.

10.3 Transit Infrastructure

10.3.1 Requirement Thresholds

- A. Transit infrastructure shall be required when the following conditions are met:
1. The site has frontage along an existing or planned public transit route, in accordance with the Franklin Transit Authority adopted plan;
 2. The site will generate a minimum of 2,500 daily vehicular trips as calculated per the current edition of the *Institute of Transportation Engineers' Trip Generation Handbook*.
- B. Transit infrastructure shall not be required when the following conditions are present:
1. An existing transit stop is located within 1,320 feet (five-minute walk), as measured along a sidewalk and located on the same side of the street.
 2. The DRT or Franklin Transit Authority determines the location is not viable due to:
 - a. Physical constraints, such as steep slopes above 14 percent or sight distance conflicts; or
 - b. Other unsafe conditions for the transit system, vehicles, or pedestrians that would be caused by the proposed stop location.

10.3.2 Requirements on Existing Public Transit Routes

If transit infrastructure is required per Subsection 10.3.1, Requirement Thresholds, and the development is on an existing transit route, the applicant shall dedicate the required right-of-way, as applicable, or provide a public access easement and construct the following transit stop facilities, unless the FMPC or DRT, as applicable, approves an equivalent alternate design:

- A. A concrete landing pad located between the sidewalk and the back of curb;
- B. A concrete transit pad measuring 15 feet by 20 feet;
- C. Sidewalks that connect the transit stop to the nearest existing sidewalk or street intersection;
- D. Benches and other seating;
- E. A bike rack; and
- F. A transit shelter in accordance with the Franklin Transit Authority adopted plan.

10.3.3 Requirements on Future Planned Transit Routes

- A. If transit infrastructure is required per Subsection 10.3.1, Requirement Thresholds, and the development is on a future planned route, the applicant shall dedicate the required right-of-way, as applicable, or provide a public access easement, but shall not be required to construct transit stop facilities.
- B. If the DRT determines that a transit stop cannot be accommodated in the public right-of-way, then a public access easement shall be dedicated to the City with a note on the final plat that states the area is designated for a transit stop.
- C. Adequate space shall be dedicated to accommodate the transit stop, including efficient bus operations, bus stop spacing, curb clearance, placement in relation to the roadway, abutting property owner/tenant parking restrictions and regulations at and near the stop, vehicle turning radii, lane width and surfaces, intersection design topography, and other physical constraints pursuant to the Transportation and Street Technical Standards.

CHAPTER 11

OPEN SPACE

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11.1 General Provisions

11.1.1 Applicability

This Chapter shall apply to:

- A. Residential development that exceeds 25 dwelling units or exceeds 15 acres.
- B. Nonresidential or mixed-use development with:
 - 1. Two or more buildings;
 - 2. Two or more nonresidential tenants;
 - 3. A gross building area exceeding 10,000 square feet; or
 - 4. A site or lot exceeding three acres.

11.1.2 Review for Compliance

Review for compliance shall occur with the submittal of a development plan, site plan, or preliminary plat.

11.1.3 Open Space Placement

- A. Open space shall be located so as to be readily accessible and useable open space for all residents and users of the development.
- B. Open spaces shall be placed within a residential or mixed-use development so that every house, duplex, townhouse, multiplex, and multifamily building has an open space within a walking distance of 1,320 feet (five-minute walk), as measured from the perimeter of each open space. Houses on individual lots of at least 30,000 square feet are exempt from this requirement.
- C. Open spaces shall be placed within the development to connect to other open spaces through an internal pedestrian circulation system per Section 9.6, Pedestrian Circulation.
- D. The placement of open space shall not result in a view of any rear facade from a street.

11.1.4 Calculation of Minimum Open Space

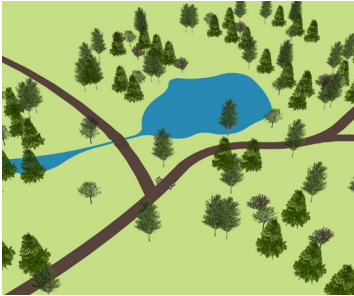
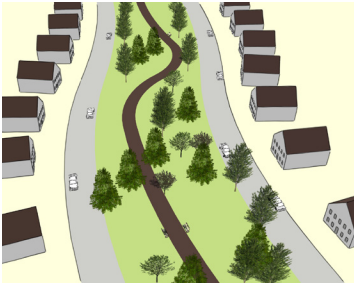
- A. Open space types and set asides shall be as required pursuant to Subsection 11.1.5, Minimum Open Space.
- B. The minimum open space set aside percentage shall be based on the acreage of the entire development site.
- C. The open space set aside shall not be required when the minimum open space set aside for:
 - 1. Residential development yields less than 5,000 square feet; or
 - 2. Nonresidential or mixed-use development yields less than 2,500 square feet.
- D. The acreage for individual single-family residential lots that are 30,000 square feet or larger may be excluded from the five percent open space set aside calculation.
- E. Parking areas, driveways, buildings, required sidewalks along streets, public right-of-way, and individual private yards shall not be counted as open space.

11.1.5 Minimum Open Space

Zoning District	Minimum Open Space Set Aside	Required Open Space Type
All Districts	5%	Any combination as permitted by district, except natural area
ER, R1, R2, R3, and PD with residential uses only	Additional 10%	Natural Area

11.2 Overview of Open Space Types Permitted by Zoning District

The following open space types are permitted in the districts indicated. Each open space shall comply with all standards and tables of the corresponding open space type.

Open Space Description	Illustration	Districts Where Permitted
Natural Area: An open space that is maintained, but left in a natural state. Natural areas may contain hillsides, hillcrests, slopes exceeding 14 percent, floodplain, streams, ponds, agricultural lands, forest, fields, meadows, tree save areas, scenic corridors and viewsheds, wildlife habitat, or vegetated stormwater management features. These areas may also contain historic or culturally significant areas, such as cemeteries, battlefields, or other archaeologically significant resources		All Districts
Greenway: Linear open space typically following the trajectories of natural corridors. Greenways are required to include multi-use paths along the length of the greenway		All Districts
Neighborhood Amenities: Outdoor recreation areas, such as pools, sports fields, sports courts, playgrounds, and dog parks typically for use by residents of the development		ER R1 R2 R3 R4 R6 MR PD CC RC6 RC12
Pocket Park: Small-scale, active or passive park within walking distance of residential uses that contain designed and regularly maintained open areas that typically include arranged plantings, playgrounds, gardens, dog parks, gazebos or similar structures, fountains, sculptures, and other forms of public art		All Districts

Overview of Open Space Types Permitted by Zoning District

Courtyard: Open space located between houses, duplexes, multiplexes, or townhouses that face each other



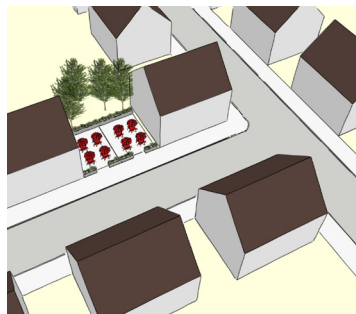
ER R1 R2 R3 R4
R6 MR PD CC

Square or Green: Passive recreation area that is primarily landscaped and bound by streets or internal drives



ER R1 R2 R3 R4 R6
MR PD 1ST 5TH
RC6 RC12 GO LI HI

Outdoor Dining Area: Open space set aside associated with restaurants within nonresidential or mixed-use development. These may be patios, terraces, upper story decks, or rooftop dining areas. These areas are open to the general public only as part of a business



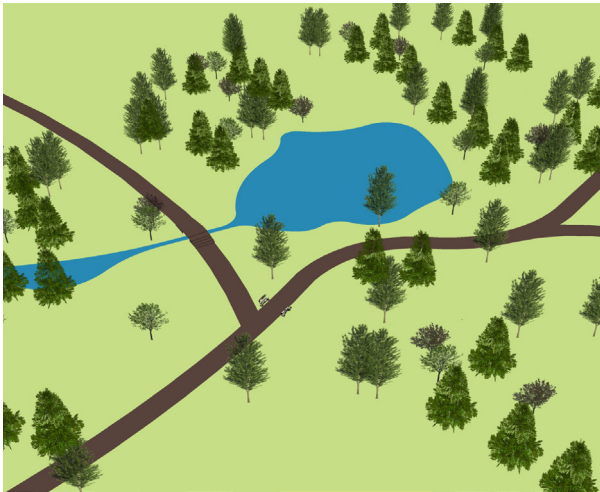
PD NC CC DD 1ST
5TH RC6 RC12 LI

Plaza: Formal gathering places typically adjacent to nonresidential and mixed-use buildings. These areas contain a greater amount of hardscape than other open space types and typically contain special features, such as public art or fountains



PD NC CC DD 1ST
5TH RC6 RC12 GO
LI HI

11.3 Natural Area



Description

An open space that is maintained, but left in a natural state. Natural areas may contain hillsides, hillcrests, slopes exceeding 14 percent, floodplain, streams, ponds, agricultural lands, forest, fields, meadows, tree save areas, scenic corridors and viewsheds, wildlife habitat, or vegetated stormwater management features. These areas may also contain historic or culturally significant areas, such as cemeteries, battlefields, or other archaeologically significant resources.

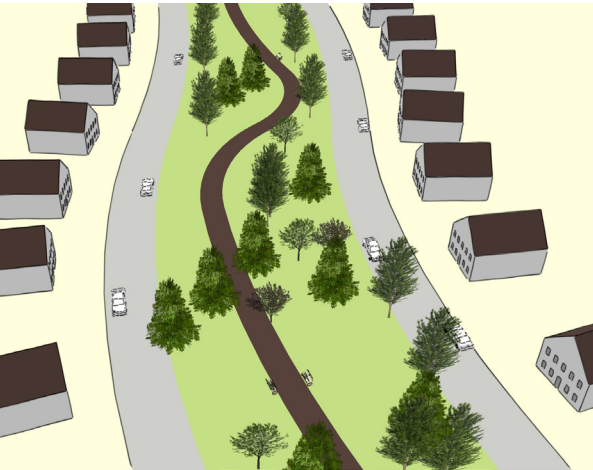
Standards

Permitted Districts	All districts
Dimensions	Minimum size of 5,000 square feet
Arrangement	Shall have at least one direct access to a public right-of-way or private street with access easement

Standards (Continued)

Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet and landscaped in an informal arrangement
Features	Shall have sidewalks, multi-use paths, or nature trails, which shall be placed within a public access easement If elected by the applicant, multi-use paths that meet ADA requirements may be counted as a greenway, subject to the standards in Section 11.4, Greenway
Additional Areas	The following areas may be credited toward the natural area set aside: A. Required landscape areas and medians of at least 5,000 square feet B. Land within the boundary of a private lot or development site subject to a conservation easement that is accepted by the City and provides for permanent open space in perpetuity C. Landscaped stormwater management features, designed pursuant to Section 17.5, Stormwater Management Features

11.4 Greenway



Description

Linear open space typically following the trajectories of natural corridors. Greenways are required to include multi-use paths along the length of the greenway

Standards	
Permitted Districts	All districts
Dimensions	Minimum width of 24 feet that includes a multi-use path and six feet adjacent to the path on each side
Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet and landscaped in an informal arrangement
Features	The following features are required: A. Multi-use paths that meet ADA requirements B. Seating elements

Standards (Continued)	
Stormwater	Stormwater management features shall not be counted as open space

11.5 Neighborhood Amenities



Description

Neighborhood amenities that count toward the open space set aside are outdoor recreation areas, such as pools, sports fields, sports courts, playgrounds, and dog parks typically for use by residents of the development

Standards

Permitted Districts	ER R1 R2 R3 R4 R6 MR PD CC RC6 RC12
Dimensions	Minimum size of 5,000 square feet
Arrangement	Shall provide a sidewalk connection to a sidewalk along any adjacent street
Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet and landscaped in a formal arrangement
Lighting	Pedestrian-scale lighting only
Stormwater	Stormwater management features shall not be counted as open space

11.6 Pocket Park



Description

Small-scale, active or passive parks within walking distance of residential uses that contain designed and regularly maintained open areas that typically include arranged plantings, playgrounds, gardens, dog parks, gazebos or similar structures, fountains, sculptures, and other forms of public art

Standards

Permitted Districts	All districts
Dimensions	No minimum size
	A sidewalk connection shall be provided to a sidewalk along a street
Arrangement	Internal sidewalks and pedestrian-scale lighting shall be provided
	The placement of buildings shall comply with Section 503 of the Fire Code

Standards (Continued)

Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet, and landscaping provided in a formal arrangement
Features	Two of the following features are required: A. Seating elements B. Canopies or gazebos to shield pedestrians C. Furnishings, such as planters, waste receptacles, bicycle racks, drinking fountains, or transit shelters D. Fountains, sculptures, or art E. Playgrounds
Stormwater	Stormwater management features may occupy up to 40 percent of the pocket park when treated as a site amenity and designed pursuant to Section 17.5, Stormwater Management Features

11.7 Courtyard



Description

An open space located between houses, duplexes, multiplexes, or townhouses that face each other

Standards

Permitted Districts	ER PD	R1 CC	R2	R3	R4	R6	MR
---------------------	-------	-------	----	----	----	----	----

Dimensions	No minimum size
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Arrangement

One or two sides of the courtyard shall abut a street
Minimum width of 30 feet with at least 40 feet between opposing front facades. No more than six dwellings shall be located on any one side of the courtyard.

Where four or fewer dwellings face a courtyard, the minimum width may be reduced to 20 feet with at least 30 feet between opposing front facades

The placement of buildings shall comply with Section 503 of the Fire Code

Standards (Continued)

Landscape

Minimum one large canopy tree and two understory trees per each 2,500 square feet, and landscaping provided in a formal arrangement

Hardscape

May cover up to 33 percent and shall be concrete, crushed stone, brick paver, or other comparable material

The following features are required:

- A. Internal sidewalks that connect all main entrances to any adjacent street
- B. Pedestrian-scale lighting that illuminates all sidewalk connections

One of the additional features is required:

- A. Seating elements
- B. Specialized or decorative hardscape
- C. Arcades, canopies, awnings, or overhangs to shield pedestrians
- D. Furnishings, such as planters, waste receptacles, bicycle racks, drinking fountains, or transit shelters
- E. Fountains, sculptures, or art

Features

Stormwater

Stormwater management features may occupy up to 40 percent of a courtyard when treated as a site amenity and designed pursuant to Section 17.5, Stormwater Management Features

11.8 Square or Green



Description

Passive recreation areas that are primarily landscaped and are bound by streets or internal drives

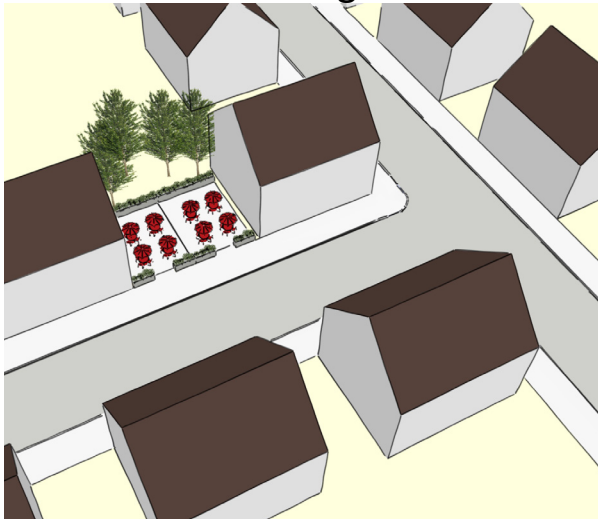
Standards

Permitted Districts	ER R1 R2 R3 R4 R6 MR PD 1ST 5TH RC6 RC12 GO LI HI
Dimensions	Minimum size of 5,000 square feet
Arrangement	Bounded by streets or internal drives on four sides Prominently located within the development Main entrances of adjacent buildings shall face the square or green
Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet and landscaped in a formal arrangement

Standards (Continued)

Hardscape	May cover up to 33 percent and shall be concrete, crushed stone, brick paver, or other comparable material
Features	Four of the following features are required: A. Seating elements B. Internal sidewalks C. Pedestrian-scale lighting beyond that required to illuminate public right-of-way D. Canopies or gazebos to shield pedestrians E. Furnishings, such as planters, waste receptacles, bicycle racks, drinking fountains, or transit shelters F. Fountains, sculptures, or art G. Playgrounds
Stormwater	Stormwater management features shall not be counted as open space

11.9 Outdoor Dining Area



Description

Outdoor dining areas that count toward the open space set aside are associated with restaurants within nonresidential or mixed-use development. These may be patios, terraces, upper story decks, or rooftop dining areas. These areas are open to the general public only as part of a business.

Standards

Permitted Districts	PD NC CC DD 1ST 5TH RC6 RC12 LI
Arrangement	Typically located next to the building, but may be placed within required setbacks
Landscape	A wall or raised planters Where on-site parking is adjacent to an outdoor dining area, a planting strip shall be provided along the perimeter, in addition to a wall or raised planters

Standards (Continued)

Features	The following features are required:
	A. Dining tables and chairs of at least two rows deep
	B. Ground-oriented, pedestrian-scale lighting
	C. Raised planters, planting strip, or similar vegetation
Stormwater	Stormwater management features shall not be counted as open space

11.10 Plaza



Description

Plazas are formal gathering places typically adjacent to nonresidential and mixed-use buildings. These areas contain a greater amount of hardscape than other open space types and typically contain special features, such as public art or fountains.

Standards

Permitted Districts	PD NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Dimensions	Minimum size of 2,500 square feet
Arrangement	Shall be generally level, stepped, or gently sloping with a three percent grade or less Main entrances of adjacent buildings shall face the plaza
Landscape	Minimum one large canopy tree and two understory trees per each 2,500 square feet and landscaped in a formal arrangement

Standards (Continued)

Hardscape	Shall cover between 50 percent and 80 percent of the plaza and be concrete, brick, pavers, crushed stone, or other comparable material
Features	Four of the following features are required: A. Seating elements B. Specialized or decorative hardscape C. Pedestrian-scale lighting beyond that required to illuminate public right-of-way D. Arcades, canopies, awnings, or overhangs to shield pedestrians E. Furnishings, such as planters, waste receptacles, bicycle racks, drinking fountains, or transit shelters F. Fountains, sculptures, or art
Stormwater	Stormwater management features shall not be counted as open space

11.11 Ownership of Open Space

Open space areas shall be owned and maintained as permanent open space by a homeowners association, property owners association, private ownership with conservation easement, or public ownership when dedicated to the City or another appropriate public agency. Natural areas may also be held by a land trust or conservancy. Outdoor dining areas are exempt from this Section.

11.11.1 Homeowners Association

If open space is to be deeded to a homeowners association, then the applicant shall place the open space in a public utility, drainage, and access easement and record a declaration of covenants and restrictions that shall:

- A. Govern the use of open space;
- B. Run with the land in perpetuity;
- C. The homeowners association shall not be dissolved, nor shall it dispose of any open space or facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the open space and facilities, and the conditions of a transfer shall conform to the approved site plan;
- D. Association membership shall be mandatory for each property owner and successive owner;
- E. Provide ability for a lien on residential properties to secure collections of assessments levied by the homeowners association; and
- F. Grant the City the authority to maintain the open space if necessary and assess the cost of maintenance against the owners of the property jointly and severally.

11.11.2 Property Owners Association

If open space is to be deeded to a property owners association, then the applicant shall provide for and establish a property owners association that shall comply with the following:

- A. The association shall own and maintain the open space and facilities;
- B. The association shall not be dissolved, nor shall it dispose of any open space or facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the open space and facilities, and the conditions of a transfer shall conform to the approved site plan. The association shall be established before property is sold;
- C. Association membership shall be mandatory for each property owner and successive owner;
- D. The association shall be responsible for liability insurance and local taxes for the open space and facilities;
- E. Property owners shall pay their pro rata share of the cost and assessments levied by the association shall be a lien on the owners' property; and
- F. The association shall be able to adjust assessments in order to meet changing needs.

11.11.3 Private Ownership

In unique circumstances, the DRT may approve a natural area to be held in private ownership. In these cases, a permanent conservation easement shall be placed on the open space area. The conservation easement shall:

- A. Require that open space be maintained and preserved as a natural area or as agricultural lands and shall not be used for buildings;
- B. Run with the land in perpetuity; and
- C. Indicate that the City and owners of land

in the development have a right to enforce the conservation easement.

11.11.4 Public Ownership

See the Municipal Code for options for parkland dedication in lieu of parkland impact fee.

11.12 Provision in Multi-Phase Developments

- A. Development proposed in phases shall be considered as a single development for the purposes of calculating the open space set aside.
- B. Development shall not be phased to avoid the minimum open space set aside.
- C. In cases where less than 100 percent of the total amount of open space set aside is provided within the first phase of a multi-phase development, the remaining open space shall be apportioned into each of the remaining development phases.

11.13 Maintenance

Open spaces shall be maintained in reasonable order and condition in accordance with the approved site plan, as determined by the Department of Building and Neighborhood Services. The Department of Building and Neighborhood Services may serve written notice of deficiencies upon the homeowners association, property owners association, or the owners of the open space. If the deficiencies have not been corrected within 30 days after written notice, then the Department of Building and Neighborhood Services shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the open space. The entire cost of correction shall be a lien upon each of the properties from the date that the lien is filed in the Register's Office of Williamson County.

CHAPTER 12

LANDSCAPE

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12.1 General Provisions

12.1.1 Review for Compliance

Review for compliance with this Chapter shall occur at the time of submittal of development plans, site plans, and preliminary plats.

12.1.2 Landscape Plan

A landscape plan that demonstrates how landscape will be planted on a development site shall be submitted as a part of a site plan application in accordance with the requirements established by the Department of Planning and Sustainability as posted on the City website. Additional landscape plantings may be required by the Stormwater Management Ordinance.

12.2 Landscape Surface Area

12.2.1 Calculation of Landscape Surface Area

The minimum landscape surface area (LSA) shall be calculated by multiplying the total development site acreage by the minimum LSA percentage for the applicable district.

12.2.2 Minimum Landscape Surface Area

Development sites and lots shall have a minimum LSA acreage according to the table below:

District	Minimum Landscape Surface Area (LSA)
AG	70%
ER	60%
R1	50%
R2 R3 R4 OR CI	40%
R6 MR GO 1ST	30%
PD	20%
NC CC RC6 RC12	15%
DD 5TH	0%
LI HI	20%

12.3 Overall Required Plantings

12.3.1 Calculation of Overall Required Plantings

- A. The overall required plantings shall be calculated by multiplying the minimum LSA acreage per Section 12.2, Landscape Surface Area, by the quantity per acre of LSA for each type of landscape material in Subsection 12.3.2, Minimum Overall Required Plantings:

(0.64 Acre Minimum LSA) x

(82 ACI of Canopy Trees) =

(52 ACI of Canopy Trees)

- B. Any required plantings for lots, open space set-asides, parking area landscape, buffers, street trees, and historic edge treatment may be counted toward the overall required plantings. In some cases, these plantings may exceed the minimum required by this Section; however, all plantings within this Chapter are required.
- C. Tree canopy replacement cannot be used to achieve the overall required plantings; however, tree save areas may be excluded from the minimum LSA acreage per Section 12.2, Landscape Surface Area, used to calculate the overall required plantings in Subsection 12.3.2, Minimum Overall Required Plantings:
- (0.64 Acre Minimum LSA) -
- (0.2 Acre Tree Save Area) =
- (0.44 Acre Adjusted LSA with Credit)
- (0.44 Acre X 82 ACI of Canopy Trees) =
- (36 ACI of Canopy Trees)
- D. Portions of lots used for athletic fields, golf courses, cemeteries, agricultural uses, and other uses where new trees and shrubs are not appropriate may be excluded from the LSA acreage used to calculate the overall

required plantings if the Department of Planning and Sustainability determines that the application of the requirements would serve no meaningful purpose.

12.3.2 Minimum Overall Required Plantings

The landscape surface area shall have the following plantings:

Type of Landscape Material	Quantity Per Acre of LSA	Minimum Evergreen
Canopy Trees	82 ACI	25%
Understory Trees	21 ACI	25%
Number of Shrubs	96	25%

12.4 Lot Plantings for Single-Family, Duplex, or Multiplex Residential

The landscape surface area for single-family, duplex, or multiplex residential lots shall have the following plantings:

Lot	Quantity of Trees
Less than 20,000 square feet	1 three-inch caliper canopy tree per every 5,000 square feet
20,000 square feet or larger	4 three-inch caliper canopy trees for the first 20,000 square feet + 1 three-inch caliper canopy tree per each additional 10,000 square feet
Alley-Loading with Garage Setback of 22 Feet or More	1 three-inch caliper canopy tree per every 5,000 square feet + 1 one-inch caliper understory tree or 3 shrubs planted along the alley side of the lot

12.5 Required Plantings for Open Space Set-Asides

Open space set-asides shall be planted according to the open space type requirements in Chapter 11, Open Space.

12.6 Parking Area Landscape

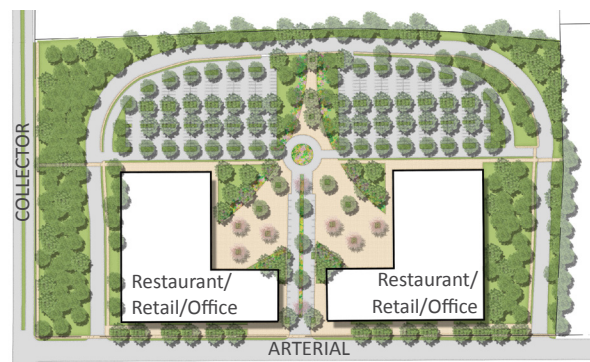
12.6.1 Internal Drives

See Section 9.3, Internal Drives.

12.6.2 Landscape Islands

- A. Surface parking areas of 20 spaces or more shall provide landscape islands that:
 1. Are placed at maximum intervals of every ten parking spaces and at the end of each row of parking spaces;
 2. Provide a minimum width of at least eight feet and the same length as adjacent parking spaces;
 3. Contain one canopy tree within a landscape island that spans one parking space length; and
 4. Contain two canopy trees within a landscape island that spans two parking space lengths.
- B. Additionally, surface parking areas of 100 or more spaces shall be organized into a series of smaller modules, no more than four parking bays wide, separated by a landscape island that:
 1. Is a minimum of eight feet wide, or 17 feet wide if accommodating a sidewalk that connects a building main entrance with its associated parking area;
 2. Runs the length of the parking bay; and
 3. Contains a minimum of two canopy trees.

Figure 12.6.2 Landscape Islands



12.6.3 Perimeter Landscape

Perimeter landscape shall screen the view of surface parking areas from streets and adjacent properties with an opaque screen, excluding required sight clearances at driveways and ingress/egress locations.

- A. A perimeter planting strip shall:
 - 1. Be located along the perimeter of a surface parking area and maintain a minimum average width of six feet, as measured from the outer edge of the parking area;
 - 2. Contain a continuous hedge composed of a double staggered row of evergreen shrubs and deciduous shrubs with a minimum planting height of 30 inches and planted three feet on-center. Up to 25 percent may be deciduous; and
 - 3. Include three canopy trees per 100 linear feet of the perimeter of the total parking area. Clustering is permitted. In areas where overhead utilities prevent the use of canopy trees, understory trees may be substituted.
- B. A perimeter planting strip shall not be required when:
 - 1. A parking area is contiguous to a required buffer and the screening intent of this Section is met; or
 - 2. A parking area is contiguous to another parking area that is on an adjacent property.

12.6.4 Planting Location

Plant material shall be located at least 2.5 feet from the back edge of the curb.

12.6.5 Fences and Walls

The width of a perimeter planting strip may be reduced to three feet when a fence or wall is provided that meets one of the following:

- A. An opaque brick or stone wall of between three and six feet tall shall be located along the perimeter of the parking area adjacent to the right-of-way; or
- B. A decorative metal fence of between three and six feet tall shall be located within the planting strip, supplemented with evergreen shrubs planted between the fence and the property line. The shrubs shall be 30-inches high and planted three feet on-center.

12.7 Buffers

12.7.1 General Standards

- A. Plant materials shall be arranged in a manner that creates an opaque screen.
- B. Existing vegetation listed on the Tennessee Exotic Plant Council list shall be removed from the buffer.

12.7.2 Buffers in Transitional Areas

See Section 8.1, Transitional Areas Abutting Residential Lots.

12.7.3 Buffers Along I-65 and Mack Hatcher

- A. Where new lots are oriented so that the rear facades of buildings face I-65 or Mack Hatcher Parkway outside of the SCO, the following buffers shall be required:

Lot Type	Minimum Buffer Width
Residential Lots	100 feet
All Other Lots	50 feet

- B. The buffer for residential lots shall contain the following minimum plantings:

Type of Landscape Material	Number per 100 linear feet	Minimum Evergreen Plantings
Canopy Trees	16	50%
Understory Trees	6	50%
Shrubs	80	75%

- C. The buffer for all other lots shall contain the following minimum plantings:

Type of Landscape Material	Number per 100 Linear feet	Minimum Evergreen Plantings
Canopy Trees	10	50%
Understory Trees	4	50%
Shrubs	60	75%

12.7.4 Location of Buffers

Buffers shall be located along the periphery of the development site and shall extend to the abutting property line or right-of-way line.

12.7.5 Development Within Buffers

- A. Buffers shall not contain any:
 1. Development;
 2. Parking areas;
 3. Parking structures;
 4. Streets or alleys that run parallel to the property boundary;
 5. Impervious surfaces;
 6. Dumpsters; or
 7. Site features that do not function to meet the standards of this Section or that require removal of existing vegetation, unless otherwise permitted in this Ordinance.
- B. The Department of Planning and Sustainability may approve the following uses and structures within the buffer if the screening intent of this Section is met:
 1. Sidewalks, trails, and multi-use paths;
 2. Fences and walls;
 3. Landscape plantings;
 4. Stormwater retention or detention facilities, green infrastructure pursuant to the Stormwater Management Ordinance and best management practices, provided they do not interfere with the performance or

- maintenance of the buffer area and the required screening is still met; and
5. Driveways or internal drives, provided they cross the buffer at a 90-degree angle and do not encroach into the buffer in a parallel fashion for more than 35 feet.
- C. In the event that utilities are installed within a buffer in a manner that is parallel to the buffer, additional width shall be added to the buffer in an amount equivalent to the amount occupied by the utility lines and any associated easements. Any path cleared by utility installation shall be replaced with plant materials consistent with what was removed.

12.7.6 Credit for Existing Vegetation

- A. Existing vegetation within the buffer may be credited toward the buffer requirement if it meets the minimum size requirement. Existing vegetation listed on the Tennessee Exotic plant council list shall not be credited.
- B. The DRT may reduce or waive the buffer requirements if an existing buffer has been recorded on an adjacent property that achieves the intent of this Section.

12.8 Street Trees

12.8.1 Where Required

Street trees shall be required along both sides of all streets and internal drives, except undeveloped edges of natural areas and as required in Section 4.9, Scenic Corridor Overlay District. Street trees shall be planted within either tree pits or planting strips.

12.8.2 Tree Pits

A. Tree pits shall comply with the following:

Minimum Surface Area	Minimum Width on One Side	Additional Requirements
25 square feet	4 feet	Underground tree structural support system not required
9 square feet	3 feet	Underground tree structural support system is required

- B. Tree pits shall be placed adjacent to the back of the curb.
- C. Tree pits shall include irrigation systems and structural soils or screened backfill to ensure appropriate root growth and drainage.

Figure 12.8.2.A Tree Pits



12.8.3 Planting Strips

- A. Planting strips shall have a minimum width of six feet.
- B. Planting strips shall be located between the back of the curb and the edge of the sidewalk, unless otherwise approved by the DRT.
- C. The trunks of street trees shall be a minimum of three feet from the back edge of the street curb at time of planting.
- D. Where public utilities are located within the planting strip that prevent street trees from being planted in the planting strip, street trees shall be planted four feet from the back edge of sidewalk.

Figure 12.8.3.A Planting Strip



12.8.4 Tree Types

Street trees shall be large-maturing canopy trees. In areas where overhead utilities prevent the use of canopy trees, understory trees may be substituted.

12.8.5 Spacing

- A. Canopy trees shall be planted between 35 to 45 feet on-center. Columnar trees shall be planted between 20 to 25 feet on-center.
- B. Understory trees shall be planted between 20 to 25 feet on-center.

- C. Clustering of street trees is permitted when utility conflicts or required sight distances prevent the minimum spacing requirements.

12.8.6 Sight Distance

Street tree placement along streets shall allow for adequate site distance for traffic control signs. These signs include mid-block warnings, speed limits signs, and stop signs. The following standards shall apply:

Street With Designated Speed Limit	Placement of First Street Tree in Front of Sign ^{1 2}
20 or 25 MPH	Minimum of 45 feet before the sign
30 MPH	Minimum of 60 feet before the sign
40 MPH or Higher	Minimum of 75 feet before the sign

Notes:

- 1. Street trees may be placed closer than the minimum distances above if the vertical clearance between the grade and the lowest branches is at least ten feet, but in no case shall a street tree be closer than 25 feet to the sign.
- 2. Where signs are placed at the front end of curb extensions or bulb-outs, the above street tree placements shall not apply.

12.8.7 Exception to Tree Installation

The Department of Planning and Sustainability may waive developer installation of street trees in the public right-of-way in special circumstances where timing of the installation would result in tree removal shortly thereafter due to street widenings, streetscape projects, or other capital improvement projects.

12.8.8 Credit for Existing Vegetation

Existing healthy, well-formed canopy trees or understory trees located along the street shall be credited toward the street tree requirements, provided the vegetation is:

- A. Surveyed, inventoried, and protected before and during development of the site in accordance with Subsection 17.2.6, Tree Protection During Construction; and
- B. Located in suitable locations to meet the standards of this Section.

12.9 Planting Standards

12.9.1 Minimum Quality and Size Standards

- A. Newly planted landscape plant materials shall conform to the latest version of the American Standard for Nursery Stock, ANSI Z60.1-2014.
- B. Type 1, 2, and 3 Trees, shall meet the planting and size requirements as defined in ANSI Z60.1.
 - 1. Canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004.
 - 2. Understory trees shall have a caliper of 1.5 inches at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004. Multi-stem varieties shall be a minimum of ten feet in height above ground level at the time of planting.
 - 3. Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.
 - 4. Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting, and shall typically grow to a minimum height of five to six feet within four years.
- C. Plant materials used to meet the requirements of this Ordinance shall be selected, installed, and maintained from the City's approved list, specifications, and details on the City website, unless otherwise approved by the Department of Planning and Sustainability.
- D. Plants listed on the current edition of the Invasive Exotic Pest Plants of Tennessee, as published by the Tennessee Exotic Pest

Plant Council, shall be prohibited and shall not be credited towards the minimum requirements of this Ordinance.

12.9.2 Plant Diversity

To maintain plant species diversity and health, new plantings shall meet the following:

Number of Required Trees or Shrubs	Minimum Number of Different Genuses in Roughly Equal Proportions
Less Than 20	2 Genuses
20 to 39	3 Genuses
40 or More	4 Genuses

12.9.3 Stabilization

Landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

12.9.4 Planting in Easements

- A. Groundcover may be planted or installed within any utility or drainage easement. Trees and shrubs require approval by the easement holder.
- B. In areas that require canopy trees where overhead utilities prevent the use of canopy trees, understory trees may be substituted. Multi-stemmed understory trees may be used provided they meet the minimum size at time of planting.

12.9.5 Planting Near Light Poles

Trees shall be clustered or moved to a more appropriate location if light poles conflict with tree locations.

12.9.6 Planting Near Fire Hydrants

Tree locations near fire hydrants shall comply with the Fire Code, as applicable.

12.10 Compliance with Landscape Standards

12.10.1 Inspections

The Department of Planning and Sustainability shall inspect the site prior to the release of any applicable performance agreement and again, after release of the performance agreement, to determine if the landscape material is living, healthy, installed, and/or properly maintained in accordance with the approved landscape plan and the standards in this Chapter.

12.10.2 Time Limits

All landscape, including mulching and seeding, shall be completed in accordance with the approved development plan, site plan, preliminary plat, or building permit prior to issuance of a certificate of occupancy, unless a performance agreement and surety is in place pursuant Chapter 21, Performance Agreements.

12.10.3 Extensions

The Department of Planning and Sustainability may grant extensions related to the installation of the landscape improvements due to:

- A. Unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species;
- B. The substitution or unavailability of plant species or acceptable plant size as specified on the landscape plan in cases where such materials are not commercially available within a reasonable time;
- C. Circumstances beyond the developer's or landowner's control, such as incomplete construction or utility work to occur in a proposed landscape area within 30 days after expected site completion, provided the developer or property owner submits a

letter from the utility company stating the estimated installation date; or

- D. Other circumstance warranting extension in the opinion of the Department of Planning and Sustainability.

12.10.4 Maintenance

- A. The property owner shall be responsible for the maintenance of:
 1. All required landscape areas on the lot; and
 2. Street trees planted adjacent to the lot in conjunction with the development of the site, unless otherwise specified by the City or a homeowners association.
- B. Homeowners associations are responsible for the maintenance of open space lots, medians, and street trees associated with the development.
- C. Landscape areas shall be maintained in accordance with the approved landscape plan and shall present a healthy and orderly appearance free from refuse and debris.
- D. All plant life shown on an approved landscape plan used to meet a minimum standard of this Ordinance shall be maintained thereafter in a healthy growing condition and shall be replaced if it dies, is seriously damaged, or removed.
- E. Plants shall be maintained in a way that does not obstruct sight distances at intersections of streets or internal drives or driveways, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- F. All required trees and shrubs used for screening purposes and buffering shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared or topped. Required trees shall not be shaped as shrubs. Trees and shrubs required by this Ordinance that have been

severely pruned, sheared, topped, or any trees shaped as shrubs that no longer meet their intended function shall be considered damaged vegetation in need of replacement and shall be replaced within one year.

- G. The Department of Planning and Sustainability shall determine the extent and timing of all other replanting requirements.

CHAPTER 13

FENCES, WALLS, AND SCREENING

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13.1 Fences and Walls

13.1.1 Location

- A. Fences and walls may encroach into required yards and setbacks.
- B. Fences and walls shall not:
 1. Be constructed within a public right-of-way or in areas to be dedicated for public right-of-way;
 2. Conflict with sight distance visibility of intersections or points of ingress/egress;
 3. Block or divert a natural drainage flow onto or off of any other property;
 4. Block access within an access easement;
 5. Encroach into a utility easement, unless the easement holder has provided written consent;
 6. Block access to fire hydrants, mechanical equipment, or utility equipment; and
 7. Be located within six feet of a fire hydrant.

13.1.2 Height

A. Exemptions

Public buildings or uses, public parks, sports courts, and sports fields are exempt from this Subsection.

B. Measurements

Fence and wall height shall be measured from finished grade to the top of the fence or wall. Fences and walls may need a building permit, depending on the height. The use of a berm to increase a fence or wall height is prohibited, unless used in accordance with Section 8.1 Transition Areas Abutting Residential Lots.

C. Front Yard Fence and Wall Height

Fence and wall height shall comply with the following table, except as provided in Paragraph 13.1.2.D and E:

Location	Maximum Height
Front Yard	3 feet, but may be 4.5 feet for board horse fencing
	AG district not regulated
Side or Rear Yard	7 feet for residential uses
	8 feet for nonresidential and mixed-uses

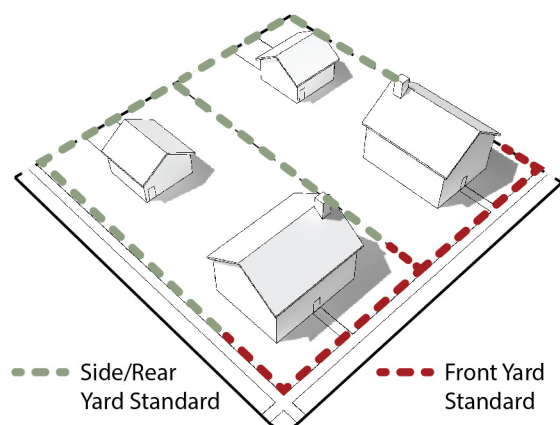
D. Corner Lot Fence and Wall Height

1. Corner lot fences and walls shall be subject to the front yard standard in Paragraph 13.1.2.C, Front Yard Fence and Wall Height, when located:
 - a. Between the front facade of the building and the front lot line; and
 - b. In the side street-facing yard between the front facade and 20 feet back from the front facade.
2. Corner lot fences and walls shall be subject to the side or rear yard standard in Paragraph 13.1.2.C, Front Yard Fence and Wall Height, when located within the side street-facing yard and more than 20 feet behind the front facade of the building.
3. Fences and walls within interior side yards and behind the front facade shall be subject to the side or rear yard standard in Paragraph 13.1.2.C, Front Yard Fence and Wall Height.
4. Where a corner lot has a driveway access on the side street, the fence or wall shall be set back a minimum of 15 feet from the side street lot line.

E. Open Space Lots

Within open space lots, fences used as part of a frontage treatment shall not exceed a height of four feet for board fencing and three feet for all other styles of fencing.

Figure 13.1.2 Fence and wall locations and heights.

**13.1.3 Fence Materials**

- A. Public buildings or uses, public parks, sports courts, and sports fields are exempt from this Subsection.
- B. Fences shall be constructed of any combination of treated wood posts, pickets, rot-resistant wood (such as cypress or redwood), or metal, except as restricted by Paragraphs 13.1.3.H and I.
- C. Posts or columns shall be constructed of wood, brick, natural stone, cultured stone, or other masonry materials.
- D. Fences shall be of a uniform architectural style and color palette compatible with the associated building.
- E. Fences shall be oriented such that the “finished” side of the fence faces outward toward adjoining lots, building sites, streets, or internal drives and the support framing faces the inside of the lot or building site.

F. Fences in front yards shall be a maximum of 75 percent opaque.

G. Fences serving nonresidential uses shall have masonry columns every 50 feet on-center or less.

H. Chain link fencing and chain link gates are not permitted, except in the LI and HI districts where the following shall apply:

1. The chain link shall be coated with dark green or black vinyl;
2. Plastic or metal slats in the chain link shall be prohibited; and
3. In the LI district, chain link fencing and chain link gates are not permitted in front yards.

I. Wire fences or above-ground electrified fences for the control of livestock shall be permitted only within the AG district.

13.1.4 Wall Materials

- A. Walls shall be constructed of any combination of brick, stone, or authentic stucco. Smooth-faced concrete block may be used only with a brick veneer, stone veneer, or authentic stucco finish. In rear yards, split-faced concrete block may be used; and
- B. Walls shall be of a uniform architectural style and color palette compatible with the associated building.

13.2 Retaining Walls

13.2.1 Exemptions

- A. Capital improvement projects for public streets are exempt from this Section.
- B. Retaining walls used for stormwater management features shall comply with Subsection 13.2.6, Materials, but are exempt from all other Subsections within this Section.

13.2.2 Location

- A. Retaining walls shall be set back from a lot line a minimum of five feet or the distance equal to the height of the wall, whichever is greater.
- B. Retaining walls shall not:
 - 1. Be constructed within a public right-of-way or in areas to be dedicated for public right-of-way;
 - 2. Conflict with sight distance visibility of intersections or points of ingress/egress;
 - 3. Block or divert a natural drainage flow onto or off of any other property;
 - 4. Encroach into a utility easement, unless the easement holder has provided written consent;
 - 5. Block access to mechanical or utility equipment; and
 - 6. Be located within six feet of a fire hydrant.

13.2.3 General

- A. Retaining wall height shall be measured from lowest finished grade to the top of the wall.
- B. Retaining walls may need a building permit, depending on the height.

13.2.4 Retaining Walls for Residential Lots

Retaining walls for residential lots shall comply with the following:

Residential Lots	
Front Yard Retaining Wall Height	Maximum 2 feet
Side and Rear Yard Retaining Wall Height	Maximum 6 feet
Number of Retaining Walls	Maximum 3 per lot
Distance Between Retaining Walls	Minimum horizontal separation of three linear feet between the opposing wall faces to allow for the planting of vegetation

13.2.5 Retaining Walls for Multifamily, Nonresidential, and Mixed-Use Lots

Retaining walls for multifamily, nonresidential, and mixed-use lots or building sites shall comply with the following:

- A. Retaining walls shall not exceed a height of ten feet;
- B. Changes in grade may be permitted to reach a maximum of 16 feet if two or more retaining walls are used, provided each wall is no greater than eight feet tall and there is a minimum horizontal separation of six linear feet between the opposing wall faces to allow for the planting of vegetation; and
- C. Retaining walls shall have a single row of evergreen shrubs, planted every five feet on center, at the base of a retaining wall to soften its appearance. Shrubs shall be a minimum of 30 inches in height at the time of planting. Evergreen trees or groundcover may be permitted as an

alternative to shrubs, subject to approval of the Department of Planning and Sustainability.

13.2.6 Materials

Retaining walls shall be clad in brick, natural stone, or cultured stone. Where not visible from a public street, private street, internal drive, or open space, stained or stamped concrete and split-face block are also permitted.

13.3 Screening

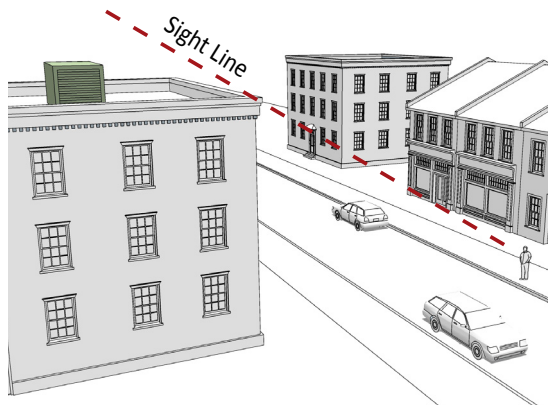
13.3.1 Conflicting Provisions

Where there is a conflict between this Section and Section 13.1, Fences and Walls, this Section shall control.

13.3.2 Rooftop Mechanical Equipment

- A. Rooftop mechanical equipment shall not be visible from any adjacent street or internal drive and shall be fully screened by either a parapet or a dark-toned screening element. A color other than dark-toned may be approved by the DRT if it is deemed a contextual color.
- B. As an alternative to Paragraph 13.3.2.A above, a sightline analysis verifying that equipment cannot be seen from any street and/or internal drive may be provided.

Figure 13.3.2.A Rooftop mechanical equipment visibility



13.3.3 Ground- or Wall-Mounted Mechanical and Utility Equipment

- A. Mechanical equipment, such as air conditioning or similar HVAC equipment, transformers, backflow preventers, telephone risers or equipment cabinets, generators, or similar devices shall be sited away from the frontage, where possible, and fully screened from public view.
- B. Screening shall be as tall as the highest point of the equipment being screened.
- C. Screening shall consist of an opaque fence or wall compatible with the principal building in terms of material and color. As an alternative, landscaping may be used if a solid evergreen screen at least as tall as the equipment being screened is provided at the time of planting.
- D. Building design or other structural features, such as knee walls, alcoves, or wing walls may be used to fully or partially enclose site items required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.
- E. Wall-mounted utility equipment, including water meters, gas meters, electrical meters, panels, or similar devices shall be sited away from any frontage and be required to be painted to match adjacent building wall surfaces.

13.3.4 Refuse Areas

- A. Refuse areas, such as dumpsters, trash compaction, garbage or recycling collection, and other similar service areas shall be located away from frontages and to the side or rear of the building.
- B. Walls shall be provided to fully screen refuse areas from public view, and be no less than six feet in height. The walls shall be opaque and constructed of brick or stone materials that complement the main colors and materials of the associated building they serve.
- C. Gates shall be opaque and designed to complement the wall materials. To allow dumpster gates to remain closed as often as possible, either a pedestrian door, wall offset for pedestrian access, or self-closing

gates shall be provided.

- D. Building design or other structural features, such as knee walls, alcoves, or wing walls may also be used to fully or partially enclose site items required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.

13.3.5 Service Areas

- A. Service areas, such as maintenance areas, equipment areas, loading docks, loading berths, or similar spaces shall be screened from public view and adjacent properties with an opaque fence or wall at least six feet in height. As an alternative, landscaping may be used if a four-foot tall solid evergreen screen is provided at the time of planting.
- B. Opaque gates shall be provided in cases where the items required to be screened are visible from streets or adjacent property due to drive aisles or parking areas.
- C. Building design or other structural features, such as knee walls, alcoves, or wing walls may also be used to fully or partially enclose site items required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.
- D. Loading docks, berths, or similar spaces in the LI or HI district that do not front collector or arterial streets shall be exempt from this Subsection.

13.3.6 Outdoor Storage Areas

- A. Where permitted by Chapter 5, Use Regulations, outdoor storage areas that contain materials, stock, tanks, equipment,

or vehicles are not permitted in front yards, required setbacks, fire lanes, drive aisles, parking areas, or areas intended for pedestrian circulation.

- B. Outdoor storage shall be screened from public view and adjacent properties with an opaque fence or wall with a height of at least six feet. Landscaping may be used if a six-foot tall solid evergreen screen is provided at the time of planting.
- C. Opaque gates shall be provided in cases where the items required to be screened are visible from streets or adjacent property due to drive aisles or parking areas.
- D. Building design or other structural features, such as knee walls, alcoves, or wing walls may also be used to fully or partially enclose site items required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.
- E. Where outdoor storage tanks are permitted, screening shall comply with the Fire Code and shall comply with the intent of the screening requirements of this Subsection.

13.3.7 Outdoor Playground Areas

- A. Outdoor playground areas related to civic, institutional, or daycare uses shall be placed to the side or rear of the building and bordered by a fence or wall at least three feet tall.
- B. The perimeter of the fence shall be planted with a row of evergreen and deciduous shrubs with a minimum planting height of 30 inches and planted three feet on-center.

13.3.8 Alternative Screening Methods

Alternative screening methods or materials that are not listed may be used if the DRT or Department of Building and Neighborhood Services, as applicable, determines that they achieve the intent of the screening methods described in this Section.

13.4 Maintenance Requirements

Fences, walls, and retaining walls shall be maintained in good repair and in a safe and attractive condition, such as replacement of missing, decayed, or broken structural and decorative elements. The property owner shall maintain the fence, wall, or retaining wall at all times, so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding property or public right-of-way. If a fence, wall, or retaining wall is not maintained in reasonable order and condition, then the Department of Building and Neighborhood Services may serve written notice of the deficiencies upon the property owner. If the deficiencies cited by the Department of Building and Neighborhood Services have not been corrected within 30 days after written notice, then the Department shall correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the fence, wall, or retaining wall. The entire cost of correcting the deficiency shall be a lien upon each of the properties from the date that the lien is filed in the Register's Office of Williamson County.

CHAPTER 14

LIGHTING

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14.1 General Provisions

14.1.1 Exemptions

Lighting and fixtures shall be exempt from this Chapter when approved as part of a certificate of appropriateness or identified as historic by the Department of Planning and Sustainability.

14.1.2 Photometric Plan

A photometric plan shall be submitted as part of a site plan application and shall include the following information:

- A. Lighting layout and foot-candle measurements across the site;
- B. A description of proposed light fixtures and how they meet the standards in this Chapter.
- C. A revised photometric plan shall be required for any change to an existing or approved light fixture other than routine maintenance. Revised photometric plans shall be subject to review and approval by the Department of Building and Neighborhood Services.

14.2 Illumination

14.2.1 Site Lighting Illumination Values

- A. Site lighting shall be designed and located so that illumination complies with the following table:

Light Level	Foot-Candles
Minimum Light Level in Parking Areas	0.2
Maximum Light Level	10
Maximum Illumination along Property Line	2

- B. Foot-candle measurements shall take into account changes in finished grade, walls, buildings, and other existing or proposed site conditions.
- C. Lighting shall have the intensities and uniformity ratio consistent with the *Lighting Handbook of the Illuminations Engineering Society of North America* (IESNA).
- D. Public buildings or uses, public parks, school sports fields or sports courts, gas stations, automated teller machines/kiosks are exempt from the maximum light level.
- E. Single-family residential is exempt from the minimum light level in parking areas.

14.2.2 Illumination Direction

- A. Exterior lighting shall:
 1. Be arranged to minimize glare and reflection upon adjacent properties;
 2. Be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated;
 3. Not distribute light onto surrounding property beyond an angle of 35 degrees from a vertical plane; and
 4. Use low-wattage architectural lighting

- for upwardly-directed lighting intended to illuminate structures or landscape elements.
- 5. Be positioned, aimed, or configured so the light source is not visible from a residential lot.
 - B. Ornamental style light fixtures that rely on prismatic glass, acrylic, or polycarbonate outer globes as their only lamp shielding method are prohibited.

14.2.3 Consistency and Hue

- A. No exterior lighting shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness, or color.
- B. Light fixtures shall not be permitted to mix different types of light color or hues within a site.

14.3 Specific Lighting Standards

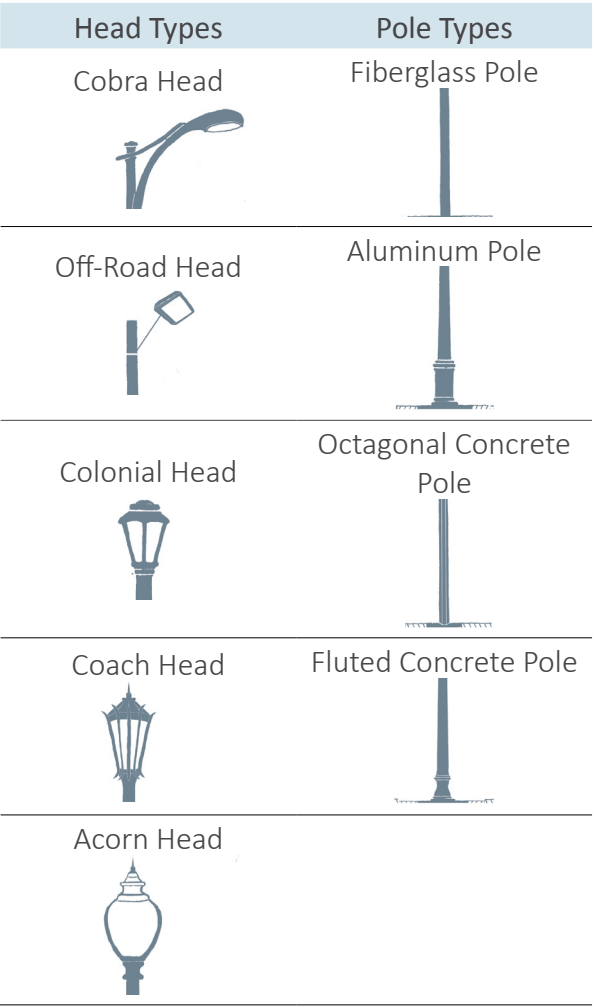
14.3.1 Parking Area Light Fixtures

- A. Light fixtures intended to light parking areas in residential and mixed-use development shall:
 - 1. Not exceed a pedestrian-scale height of 18 feet, measured from finished grade to highest part of fixture or pole assembly;
 - 2. Be ornamental fixtures. Shoe-box, off-road head, and cobra-head style fixtures are prohibited; and
 - 3. Reduce glare and light spillage, including use of internal lamp shielding, such as metal louvers or glass reflectors.
- B. Light fixtures intended to light parking areas in nonresidential development:
 - 1. Shall not exceed 30 feet, measured from finished grade to highest part of fixture or pole assembly. Within 50 feet of a residential lot, light fixtures

shall not exceed a height of 20 feet. If, due to topographical or other issues, the illumination is intrusive within 50 feet of a residential lot, additional shielding of the light fixtures shall be required; and

- 2. May be located within landscaped areas or landscape islands, but in no case shall poles be located in a manner that conflicts with canopy trees or other required landscape.

Figure 14.3.1.A This image demonstrates the different forms of lighting fixtures.



14.3.2 Building-Mounted Lights

Building-mounted lights shall be ornamental sconces, cutoff fixtures, or other fixtures that are screened by the building's architectural features.

14.3.3 Floodlights and Spotlights

- A. Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building facade or other intended site feature.
- B. Pole-mounted floodlights and spotlights are prohibited.

14.3.4 Outdoor Sports Field, Sport Court, and Performance Area Lights

Lighting fixtures for outdoor sports fields, courts, and performance areas shall:

- A. Be equipped with a glare control package, such as louvers, shields, or similar devices;
- B. Be aimed so that their beams are directed and fall within the primary playing or performance area; and
- C. Be limited in hours of operation so that lighting does not continue more than one hour after the end of the game or event.

14.3.5 Canopy and Awning Lights

- A. Internally illuminated awnings and canopies are prohibited.
- B. Backlighting and downlighting for awnings are prohibited.
- C. Backlighting for canopies is prohibited.
- D. Canopies are permitted to have downlights on the ceiling of the canopy when the lenses of the light sources are flush with the canopy ceiling or recessed.

14.3.6 String Lights

- A. String lights in nonresidential, mixed-use, and multifamily development shall be permitted in the following locations:
 - 1. Open space lots;
 - 2. Neighborhood amenities;
 - 3. Private streets, internal drives, and activated private alleys, provided that adequate clearance is maintained for emergency vehicles, subject to approval by the Fire Department;
 - 4. Outdoor dining areas; and
 - 5. Under porch ceilings or canopies attached to a building.
- B. String lights in nonresidential, mixed-use, and multifamily development shall not be permitted to:
 - 1. Outline buildings, except as a part of temporary holiday lighting;
 - 2. Be located in the public right-of-way; and
 - 3. Be part of or attached to a sign.
- C. String lights are not regulated on residential lots.

14.3.7 Street Lights

Street lighting shall be designed in accordance with the Transportation and Street Technical Standards. Street lights and standards shall be of a type approved by MTEM. Street lights in residential and mixed-use development shall:

- A. Not exceed a pedestrian-scale height of 18 feet, measured from finished grade to highest part of fixture or pole assembly;
- B. Be an ornamental fixture. Shoe-box and cobra-head style fixtures are prohibited.

CHAPTER 15

SIGNS

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15.1 General Provisions

15.1.1 Conflicting Provisions

- A. In the HPO, in cases where there is a conflict between the standards in the Historic District Design Guidelines and this Chapter, then the standards in the Historic District Design Guidelines shall take precedence.
- B. In cases where there is a conflict within this Chapter, the standards for the specific sign type shall control.

15.1.2 Placement

- A. Signs shall be placed according to the applicable sign type requirements.
- B. Signs shall not be placed within the public right-of-way, except:
 - 1. Those placed by or on behalf of a governmental entity;
 - 2. Sandwich board signs in the HPO as permitted by the Municipal Code; and
 - 3. Those sign types that project from a building over a sidewalk.
- C. All other signs placed in the right-of-way shall be forfeited to the public and shall be immediately confiscated by the Department of Building and Neighborhood Services.
- D. Signs shall not interfere or block the sight of directional, instructional, or warning signs placed by or on behalf of a governmental entity.
- E. Signs, along with their supports, braces, guys, or anchors shall be placed or constructed so as not to obstruct or interfere with any door, window, fire escape or other means of egress, light, or ventilation. Signs shall be located so that they do not obscure the view of pedestrian or vehicular traffic that would endanger safe movement. Signs shall not be placed to obscure prominent architectural features on a building.

15.1.3 Proportion and Shape

Signs shall not be irregularly shaped.

15.1.4 Materials

- A. Building materials for sign backgrounds, frames, supports, and ornamentation shall:
 - 1. Be durable and low-maintenance;
 - 2. Be of the same or higher quality materials as the principal building; and
 - 3. Have compatible design for all parts of the sign.
- B. The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:
 - 1. Exposed metal poles; and
 - 2. Smooth- or split-faced concrete blocks, whether painted or unpainted.

15.1.5 External Illumination

- A. External illumination of signs shall:
 - 1. Be achieved by a white, steady, stationary light of reasonable intensity;
 - 2. Be aimed and shielded so that direct illumination is focused exclusively on the sign face; and
 - 3. Be shielded from adjacent buildings, streets, and internal drives and shall not be so bright as to cause glare on or other nuisances to adjacent properties.
- B. The sign or device shall not produce glare or illumination that would create a nuisance or a safety hazard to adjacent property owners or to the traveling public.
- C. Any electrical lights or fixtures shall be installed in accordance with Article 600 of the National Electrical Code.

15.1.6 Internal Illumination

- A. Internal illumination of signs shall be limited to the letters, numbers, logos, and accent lines. The main copy area or face of internally illuminated signs shall be opaque

to prohibit light penetration. The lighting source shall not flash, move, change color, be overly bright, or create a nuisance.

- B. In the CAO1, internally illuminated signs attached to buildings shall only be allowed on the facade facing Columbia Avenue.
- C. In the CAO2 and DD districts, internally illuminated signs are prohibited.
- D. The sign or device shall not produce glare or illumination that would create a nuisance or a safety hazard to adjacent property owners or to the traveling public.
- E. Exposed neon and LED that is visible are prohibited and shall not be incorporated into the design of a principal building or accessory structure. Window signs may have neon as per Section 15.16, Window Sign.
- F. Any electrical lights or fixtures shall be installed in accordance with Article 600 of the National Electrical Code.

15.1.7 Maintenance

- A. Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.
- B. Signs, together with their supports, braces, guys, and anchors, shall be maintained in good and safe condition, including the periodic application of paint or other weatherproofing materials to prevent rust or other decay. Signs shall not be allowed to deteriorate to a broken, torn, peeling, flaking, or otherwise decayed condition.
- C. Temporary signs and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition. Any banner shall be hung flat and secured at all corners and sides.

15.1.8 Removal of Landscape Materials

Trees, shrubs, or other vegetation shall not be trimmed, damaged, destroyed, or removed to increase or enhance the visibility of signs in the following circumstances:

- A. Within public right-of-way, unless the work is done pursuant to the express written authorization of the City or State, whichever is appropriate;
- B. On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or
- C. In any area where trees or shrubs are required to remain pursuant to this Ordinance.

15.1.9 Prohibited Signs

The following signs are prohibited:

- A. Bench signs;
- B. Freestanding canopy signs, except as permitted in Paragraph 5.1.4.K, Gas Stations;
- C. Home occupation signs;
- D. Government imitation signs;
- E. Inflatable or similar balloon-type devices larger than 18 inches in diameter that require tethering;
- F. Moving signs;
- G. Noisy mechanical devices;
- H. Signs on parked vehicles;
- I. Roof signs, including signs painted on roofs or that extend above the highest point of a roof;
- J. Searchlights;
- K. Signs on natural features such as trees, other living vegetation, and rocks;
- L. Trailer signs;
- M. Signs projected onto surfaces using light;

- N. LED electronic message center signs;
- O. LED display screens;
- P. Strings lights attached to or part of a sign; and
- Q. Any other sign not expressly permitted by this Ordinance, the Municipal Code, or the Historic District Design Guidelines, as applicable.

15.1.10 Sign Area Computation

- A. The sign area shall be the computed area of the background upon which lettering, insignia, or other devices are placed.
- B. Where the sign area is on the face of a building, the area of the sign shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.
- C. The supporting structures shall not be included in the area computation unless utilized as part of the total display area.

Figure 15.1.10 Sign area is determined by drawing a box (indicated by the dashed line) around all letters, graphics, and markings associated with the sign.



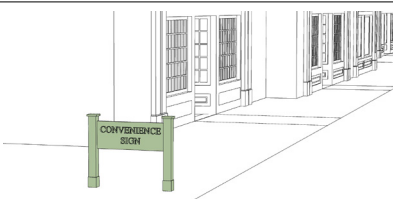
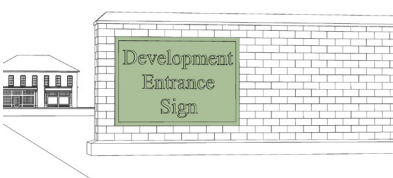
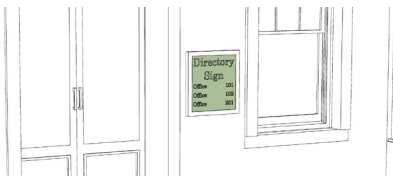
15.1.11 Nonconforming Signs

The following shall apply to legally permitted signs or sign structures that met all applicable regulations in effect at the time of installation, but were made nonconforming prior to or as of the effective date of this Ordinance:

- A. Minor repairs and maintenance may be performed on a nonconforming sign or sign structure, such as printing, painting, re-facing, or refinishing the surface so as to maintain the condition of the sign;
- B. Nonconforming billboards may be continued and permitted to expand in accordance with the provisions of T.C.A. § 13-7-208; and
- C. Signs shall be brought into compliance with this Ordinance when:
 - 1. A sign is structurally altered;
 - 2. A sign is changed so as to increase the extent of the nonconformity, except as permitted in Paragraph 15.1.11.B;
 - 3. The use of a business or property changes;
 - 4. The sign is abandoned for a period of 90 days following the discontinuation of the business; or
 - 5. The sign is destroyed or damaged to the extent that repairing the sign would cost 50 percent or more of the current cost to replace the sign, including labor and materials.

15.2 Overview of Sign Types Permitted by Location

The following sign types are permitted in the following districts. Each sign shall comply with all standards and tables in the corresponding sign type.

Sign Type Description	Illustration	Permitted Zoning Districts
Awning Sign: A sign that is part of or attached to the front face of an awning attached to a building		OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Band Sign: A sign that is flat against the facade and placed directly above a ground floor main entrance of a storefront and runs horizontally		OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Canopy Sign: A sign that is attached to the front face of a canopy attached to a building		PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Convenience Sign: A small, ground-mounted sign for pedestrian and vehicular circulation within a site		PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Development Entrance Sign: A ground-mounted sign located at the entrance to a development, typically associated with subdivisions		All districts, except OR
Directory Sign: A small sign that is flat against the building facade and mounted or applied directly to the building		OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Flag: Bunting or fabric that is hoisted on a permanent flagpole or otherwise displayed from a building		All districts

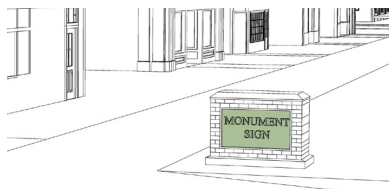
Overview of Sign Types Permitted by Location

Hanging Sign: A sign hanging from beams, brackets, or poles projecting from a building



OR PD CI NC CC
DD 1ST 5TH RC6
RC12 GO LI HI

Monument Sign: A ground-mounted sign that is placed upon or supported by the ground and independent of any other structure



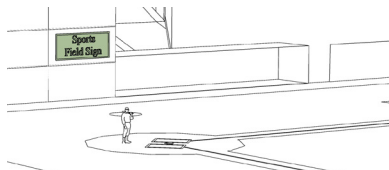
PD CI NC CC 5TH
RC6 RC12 GO LI
HI

Sandwich Board Sign: A pair of advertisement boards connected at the top by straps or hinge designed to be placed on the sidewalk in front of the storefront



PD NC CC DD 1ST
5TH RC6 RC12

Sports Field/Sports Court Sign: A sign that is attached to a sports field or sports court fence



All districts

Vertical Blade Sign: A vertically-oriented sign that projects from a commercial/mixed-use building that is two or more stories and located at a street intersection



PD NC CC DD
1ST 5TH RC6
RC12 GO

Wall Sign: A sign that is flat against the building facade and mounted or applied directly to the building



OR PD CI NC CC
DD 1ST 5TH RC6
RC12 GO LI HI

Window Sign: A sign placed within, affixed to, in contact with, or located within 12 inches of a window and intended to be seen from the exterior



OR PD CI NC CC
DD 1ST 5TH RC6
RC12 GO LI HI

Temporary Construction Site Sign: A sign on an active construction site intended for temporary use during the construction period. Permitted in all districts

Temporary Sign: A sign intended for temporary use other than temporary construction site signs and campaign signs. Permitted in all districts

15.3 Awning Sign



Description

A sign that is part of or attached to the valance or face of an awning attached to a building

Standards

Permitted Districts	OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Quantity	Maximum of one per main entrance per storefront on the ground floor
Sign Area	Either a maximum of 60 percent of the awning valance or 25 percent of the awning face, in addition to the allowable wall signage
Placement	Either on the awning valance or on the awning face
Height	Maximum height of 16 feet

Standards (Continued)

Materials	Opaque canvas, cotton duck, or similar natural materials with lettering painted, screen printed, or applied
Lighting	External illumination only

15.4 Band Sign



Description

A sign that is flat against the facade and placed directly above a ground floor main entrance of a storefront and runs horizontally

Standards

Permitted Districts	OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Quantity	Maximum of one per main entrance per storefront on the ground floor, if no wall sign is present on the building
Sign Area	Maximum of 1.5 square feet per linear foot of storefront facade

Standards (Continued)

Placement	Applied to the ground floor facade and not project above the roof line Vertically aligned with the center of an architectural element such as a storefront window or entrance, or centered over the overall space occupied by the business
Projection	Maximum of one foot from the building facade
Materials	Brick, stone, wood, metal, or a composite material that has the same properties
Lighting	External or internal illumination

15.5 Canopy Sign



Description		Standards (Continued)	
A sign that is attached to the front face of a canopy attached to a building		Placement	Shall not project above or below the canopy or be located above the building roofline
		Projection	Maximum of one foot from the canopy face
		Materials	Metal
		Lighting	External illumination only
Standards			
Permitted Districts	PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI		
Quantity	Maximum of one sign per canopy per building facade and may be used only if no wall, band, or awning sign exists on the building facade		
Sign Area	Maximum of 90 percent of the canopy face or 120 square feet, whichever is smaller		

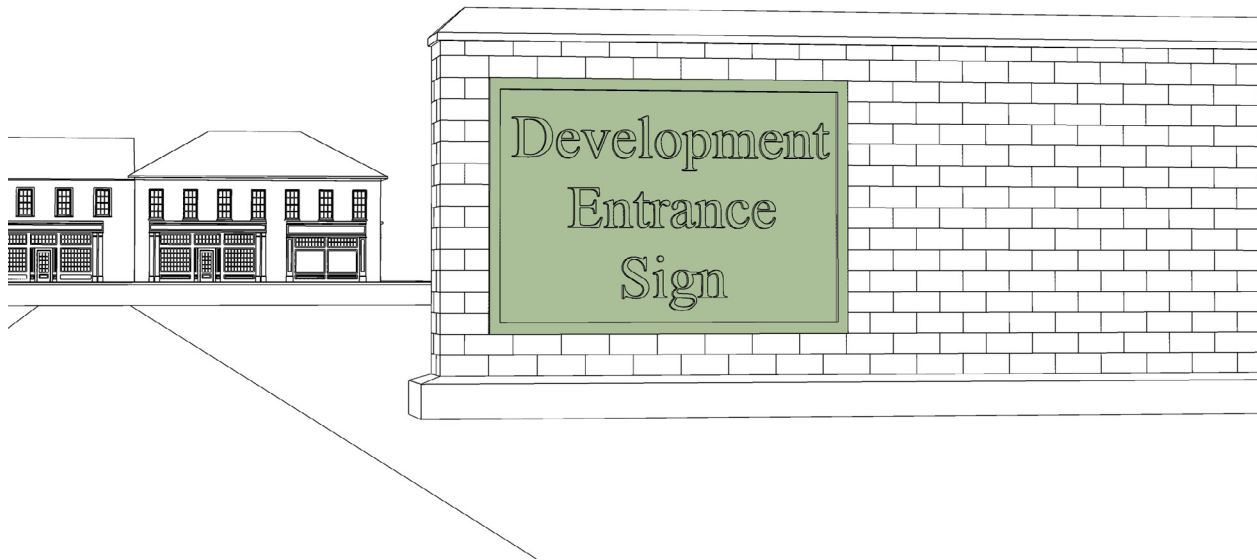
15.6 Convenience Sign



Description	
A small, ground-mounted sign for pedestrian and vehicular circulation within a site	
Standards	
Permitted Districts	PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Quantity	Maximum of one per entrance and one per exit
	Limited additional signs may be approved when they are not visible from the right-of-way for developments with multiple buildings or tenants and at least one internal drive
	Sandwich board signs may also be counted as convenience signs

Standards (Continued)	
Sign Area	May have up to two sides, with a maximum of 4.5 square feet per side
Placement	Minimum setback at the property line
Projection	Maximum mounting height of six feet
Materials	Brick, stone, wood, metal, or a composite material that has the same properties
Lighting	External illumination only

15.7 Development Entrance Sign



Description

A ground-mounted sign located at the entrance to a development, typically associated with subdivisions

Standards

Permitted Districts	All districts, except OR
Quantity	Maximum of two per entrance to the development
Sign Area	May have up to two sides, with a maximum of 32 square feet per side
Placement	Minimum setback at the property line at the entrance to the development May be constructed within entrance walls

Standards (Continued)

Projection	Maximum of six feet at the top of the sign area, measured from the centerline of the adjacent right-of-way
Materials	Brick, stone, wood, and metal and may include signs constructed within entrance walls
Lighting	External illumination only
Additional Standards	The base shall not exceed 25 percent of the sign area, but in no case shall this percentage change the maximum permitted sign area

15.8 Directory Sign



Description

A small sign that is flat against the building facade and mounted or applied directly to the building

Standards

Permitted Districts	OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Sign Area	Maximum of 4.5 square feet per building facade, in addition to the other permitted signage on the building
Projection	Maximum of one foot from the building facade
Height	Maximum of six feet at the top of the sign area

Standards (Continued)

Materials	Brick, stone, wood, metal, or a composite material that has the same properties
Lighting	External illumination only

15.9 Flag



Description		Standards (Continued)	
Bunting or fabric that is hoisted on a permanent flagpole or otherwise displayed from a building		Pole Height	Maximum of 40 feet or 20 feet for rooftop poles
		Materials	Bunting or fabric
		Lighting	External illumination only

Standards	
Permitted Districts	All districts
Quantity	Maximum of three per lot
Sign Area	Maximum width of the flag shall not exceed one-fourth the height of the pole (e.g. 40-foot pole = maximum width of 10 feet)
Placement	Minimum setback at the property line

15.10 Hanging Sign



Description

A sign hanging from beams, brackets, or poles projecting from a building

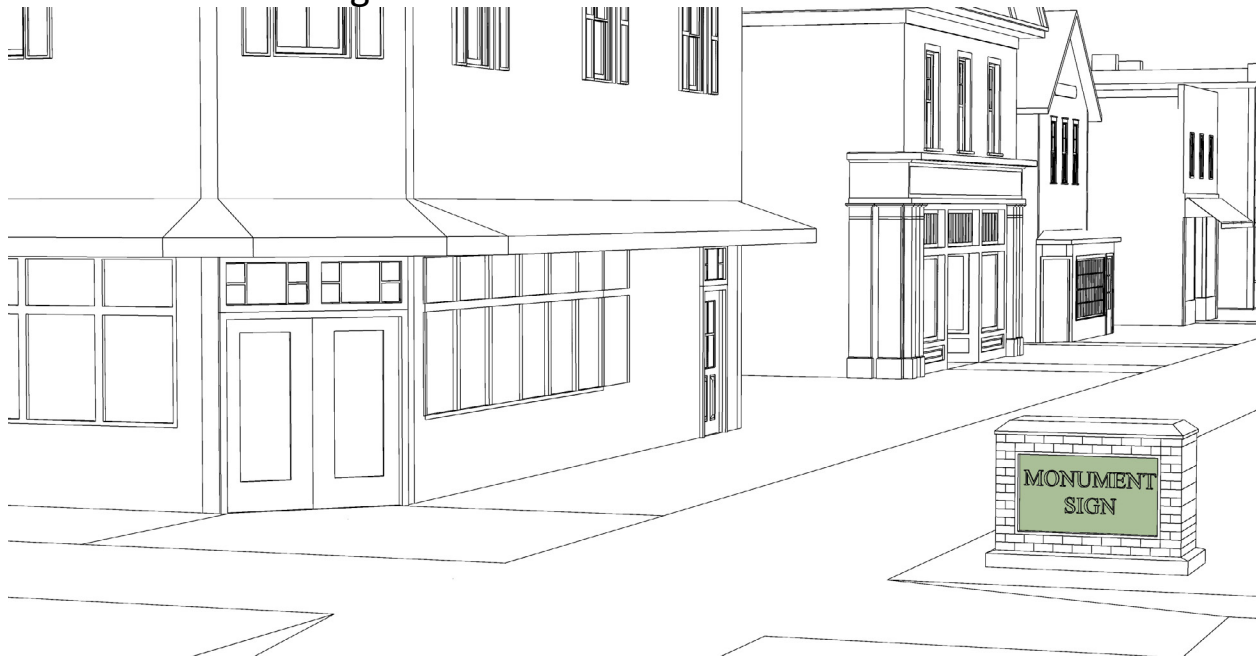
Standards

Permitted Districts	OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI
Quantity	Maximum of one per building main entrance, in addition to other building signage
Sign Area	May have up to two sides, with a maximum of three square feet per side
Projection	Maximum of four feet from the building facade

Standards (Continued)

Height	Maximum height shall be the roofline or window sill of the second story, whichever is less
Materials	Wood, metal, or a composite material that has the same properties
Lighting	External illumination only

15.11 Monument Sign



Description

A ground-mounted sign that is placed upon or supported by the ground and independent of any other structure

Standards

Permitted Districts	PD CI NC CC 5TH RC6 RC12 GO LI HI
Quantity	Maximum of one per lot per street frontage
Sign Area	May have up to two sides, with a maximum of 32 square feet per side
Placement	Minimum setback at the property line
Height	Maximum of six feet at the top of the sign area, measured from the height of the centerline of the adjacent right-of-way

Standards (Continued)

Materials	Brick, stone, stained split-face block, metal, or a composite material that has the same properties The sign area shall be surrounded by a brick, natural stone, cultured stone, or concrete frame
Lighting	External or internal illumination The maximum overall area of the sign structure shall be 100 square feet
Additional Standards	The overall height of the sign structure shall not exceed eight feet, measured from the centerline of the adjacent right-of-way

15.12 Sandwich Board Sign



Description

A pair of advertisement boards connected at the top by straps or hinge designed to be placed on the sidewalk in front of the storefront

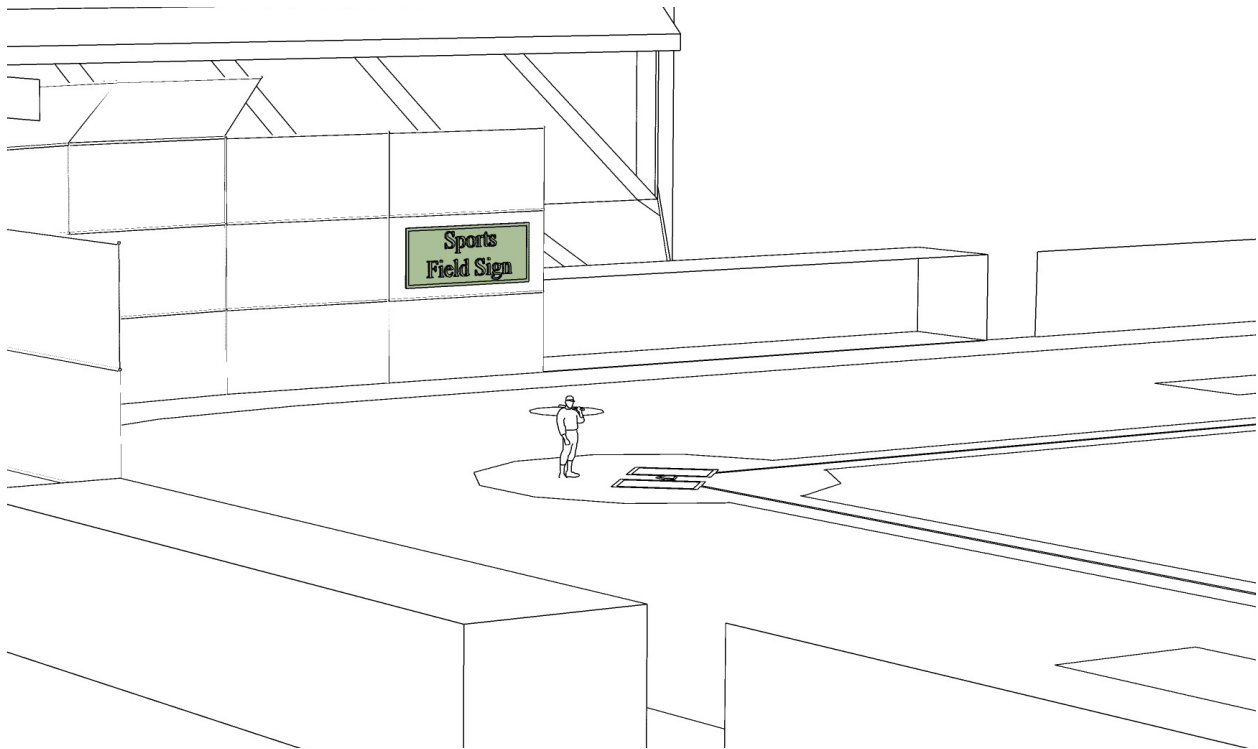
Standards

Permitted Districts	PD 5TH NC RC6 CC RC12 DD 1ST
Quantity	Maximum of one per ground floor storefront
Sign Area	May have up to two sides, with a maximum of 6 square feet per side
Placement	On the sidewalk in front of the storefront and shall maintain 5 feet of sidewalk clearance for pedestrian circulation

Standards (Continued)

Placement (Continued)	Placement in the public right-of-way is permitted only in the HPO, subject to the Municipal Code Sandwich board signs are also permitted in convenience sign locations
Height	Maximum of four feet at the top of the sign area
Materials	Wood, metal, or a composite material that has the same properties. Plastic, plywood, and unfinished wood are prohibited
Lighting	No external or internal illumination

15.13 Sports Field/Sports Court Sign



Description

A sign that is attached to a sports field or sports court fence

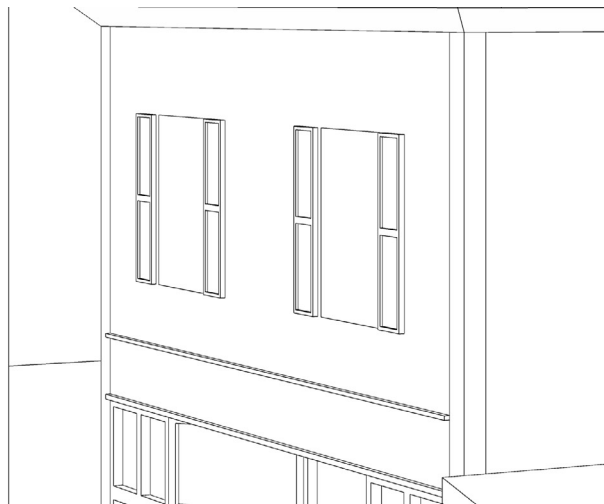
Standards

Permitted Districts	All districts
Quantity	N/A
Placement	Shall face into the sports field or sports court
Height	No higher than the top of the fence to which it is attached
Materials	Wood, metal, or a composite material that has the same properties

Standards (Continued)

Color	The backs of all signs shall be the same color
Lighting	External illumination only
Additional Standards	Scoreboards are exempt from this Chapter, but shall have evergreen screening at the base of the support structure when visible from an arterial or collector street

15.14 Vertical Blade Sign



Description

A vertically-oriented sign that projects from a commercial/mixed-use building that is two or more stories and located at a street intersection

Standards

Permitted Districts	PD NC CC DD 1ST 5TH RC6 RC12 GO
Quantity	Maximum of one per building and may be used only if no other hanging signs exist
Sign Area	Maximum of 30 square feet or one square foot per linear foot of building facade, whichever is less
Placement	Shall not project below the window header of the first floor Shall not project above the cornice of a two-story building or above the window sills of the third story of a building with more than two stories

Standards (Continued)

Projection	Projects from the building facade at a 90-degree angle or at a 45-degree angle when placed at a corner of a building Maximum of 3.5 feet from the building facade, inclusive of bracket depth Brackets connecting the sign to the building facade shall be a minimum depth of one foot and maximum of 1.5 feet
Materials	Metal with a minimum thickness of one-half inch and maximum thickness of one foot
Lighting	External or internal illumination

15.15 Wall Sign



Description		Standards (Continued)	
A sign that is flat against the building facade and mounted or applied directly to the building		Placement	Maximum height shall be the main roofline of the uppermost full story; maximum height of 16 feet when located within 200 feet of a residential lot
Standards		Projection	Maximum of one foot from the building facade
Permitted Districts	OR PD CI NC CC DD 1ST 5TH RC6 RC12 GO LI HI	Materials	Brick, stone, wood, metal, or a composite material that has the same properties
Quantity	Maximum of one per building facade only if no band sign exists on the building	Lighting	External or internal illumination
Sign Area	Maximum of one square foot per linear foot of building facade		

15.16 Window Sign



Description

A sign placed within, affixed to, in contact with, or located within 12 inches of a window and visible from the exterior

Standards

Permitted OR PD CI NC CC DD 1ST
Districts 5TH RC6 RC12 GO LI HI

Maximum of 15 percent of an individual window area, but shall not exceed 5 window signs

Sign Area

In cases where windows are grouped, the sign area shall not exceed 15 percent of the window grouping area

Placement

Fully within the interior of the building and attached directly to or mounted within 12 inches of the inside of the business

Standards (Continued)

Materials

Metal, wood, or easily removable paint, paper, cloth, or other like material, or neon tubing as permitted below

Lighting

Retail businesses may have one interior neon sign, by permit only, and shall comply with all other standards in this Section. The computation for the sign area shall include the outermost limits of any neon tubing

All other illumination is prohibited

15.17 Temporary Construction Site Sign

Description	
A sign on an active construction site intended for temporary use during the construction period	
Standards	
Permitted Districts	All districts
Quantity	Maximum of five signs per construction site. As an alternative, construction fencing with an opaque screening material may have additional signs printed onto the screening material
Sign Area	May have up to two sides, with a maximum of 32 square feet per side
Placement	Minimum setback at the property line
Materials	Fabric, canvas, or other comparable material that has the same properties
Height	Maximum of six feet
Lighting	Illumination is prohibited
Duration	Signs associated with nonresidential and mixed-use development shall be removed upon issuance of a certificate of occupancy Signs associated with residential development shall be removed after 80 percent build-out, or three years, whichever occurs first

15.18 Temporary Sign

Description	
A sign intended for temporary use other than temporary construction site signs and campaign signs. Campaign signs are regulated by T.C.A. § 2-7-143	
Standards	
Permitted Districts	All districts
Quantity	Maximum of two signs per lot
Sign Area	May have up to two sides, with a maximum of 32 square feet per side. On residential lots, the size is further limited to a maximum of six square feet per side
Placement	Minimum setback at the property line
Materials	Fabric, canvas, or a other material that has the same properties
Height	Freestanding temporary signs shall be a maximum of six feet Temporary signs on a building shall not exceed the top of the building
Lighting	Illumination is prohibited
Duration	Not to exceed three months out of every 12-month period

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CHAPTER 16

UTILITIES

16.1 General Provisions

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16.1 General Provisions

16.1.1 Applicability

This Chapter shall apply to the installation of utilities within a development site and off-site construction required as a result of, or to provide service to, a development.

16.1.2 Utility Placement

- A. The placement of utilities shall be determined pursuant to the General Requirements and Technical Specifications Water Management Department.
- B. Utilities shall be placed to allow for future infill of new buildings on development sites that have infill potential, as determined by the DRT.
- C. Water, sewer, and reclaimed water mains shall be extended to property lines designated by the Water Management Department as deemed necessary for future system expansion.

16.1.3 Underground Requirements

To provide safe, reliable delivery of utility services and avoid the visual clutter of overhead utility lines, the following shall apply:

- A. All new telephone, gas, sewer, water, fiber optic, and cable lines shall be placed underground; and
- B. All new electrical distribution lines that serve development shall be placed underground, with the following exceptions:
 - 1. The Department of Building and Neighborhood Services may grant an exception when the replacement, relocation, or upgrade of an existing overhead service with underground service would result in the introduction of additional poles, guywires, and ancillary equipment into an existing built environment; and

- 2. The FMPC may recommend and the BOMA may grant an exception for placing distribution lines underground within an existing public right-of-way when the BOMA determines there are special circumstances that warrant overhead distribution lines. As an alternative, the BOMA may consider the execution of a development agreement that allows for the recapture of up-front costs of placing utilities underground.

- C. TVA transmission lines and MTEMC feeder lines for system needs and not needed for a specific development may be situated on poles aboveground.
- D. Pad-mounted transformers, switch cabinets, sector boxes, communication support boxes, terminal boxes, meter cabinets, and concealed ducts may be situated aboveground if they are used solely to provide service within the development and are used solely with underground distribution lines.

CHAPTER 17

NATURAL RESOURCES

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17.1 Steep Slopes

17.1.1 Applicability

- A. This Section shall apply to development or redevelopment when any portion of a lot contains naturally occurring slopes of 14 percent or greater.
- B. Lots shall not be graded to avoid the applicability or the requirements of this Section.

17.1.2 Prohibited Development

Other than public infrastructure and passive parks, development shall be prohibited on naturally occurring slopes having at least 20 feet of rise over 100 feet of run. Such slopes shall:

- A. Be placed in an open space lot and noted on the final plat as non-buildable; or
- B. Be placed in a conservation easement within a larger buildable lot. Individual single-family residential lots with a conservation easement shall be identified on the site plan as a critical lots, subject to Subsection 20.15.2, Critical Lots.

17.1.3 Grading Standards

- A. The maximum permitted grades for streets, internal drives, and driveway approaches shall comply with the Transportation and Street Technical Standards.
- B. The maximum permitted grades for driveways for single-family residential development shall be 14 percent. Driveways with lengths of longer than 100 feet may require a reduced slope, subject to approval by the Fire Department. The maximum permitted grades for all other development shall be ten percent.
- C. All driveways shall have landings at the top and bottom to prevent vehicles from scraping pavement.

- D. The maximum permitted grade for cut and fill areas shall be three units horizontal to one unit vertical.
- E. Retaining wall height shall comply with Section 13.2, Retaining Walls, and shall not be modified.

17.1.4 Development Standards Within 500 Feet of an HHO Boundary

Within 500 feet of an HHO boundary, the following shall apply:

- A. Lots that contain naturally occurring slopes of 14 percent or greater shall meet the lot standards in the following table rather than the lot standards of the applicable zoning district:

Lot Standards	Minimum
Lot Size	2 acres
Lot Width	150 feet
Lot Frontage	150 feet

- B. Development or redevelopment shall comply with Subsection 17.1.2, Prohibited Development, and 17.1.3, Grading Standards.
- C. Structures shall be sited to minimize grading and tree removal.

17.2 Tree Protection

17.2.1 Exemptions

The following tree removal activities are exempt from this Section:

- A. The tree proposed for removal is located:
 - 1. On a single-family residential lot of one acre or less that is not noted as a critical lot; or
 - 2. On a lot in the DD district;
- B. Removal of trees that are determined to be unhealthy by the Department of Planning and Sustainability or with written verification of the tree's condition as dead, dying, or structurally unsound as prepared by a certified arborist;
- C. Removal of trees that are determined by the Department of Planning and Sustainability to be nuisance trees or a threat to an existing structure, underground utility, or public safety;
- D. The tree encroaches into established utility easements;
- E. Damage will result to utilities or structures from tree roots;
- F. Removal of trees listed in the current edition of Invasive Exotic Pest Plants, published by the Tennessee Exotic Pest Plant Council;
- G. Removal of trees on City-owned land or within public right-of-way by the City or its authorized agent;
- H. Removal of a tree is a necessary to access the site and no alternative exists for relocating such access, as determined by the Department of Building and Neighborhood Services;
- I. The Department of Building and Neighborhood Services makes an exception in extraordinary circumstances, such as weather-related emergencies, natural

disasters, or similar occurrences. The Department of Building and Neighborhood Services may impose conditions as it determines are necessary to ensure compliance with this Section.

17.2.2 Tree Removal

Existing trees on a lot or development site shall not be removed or disturbed unless:

- A. Trees are removed in accordance with an approved development plan, site plan, preliminary plat, building permit, or grading permit that meets Subsections 17.2.4, Protection of Tree Canopy, and 17.2.5, Protection of Specimen Trees; or
- B. Trees are removed in accordance with an approved tree removal permit that meets Subsection 17.2.9, Tree Removal Permits.

17.2.3 Tree Preservation Plan

As part of the application required for a development plan, site plan, or preliminary plat, the applicant shall submit a tree preservation plan with the following information:

- A. The lot lines associated with the proposed development;
- B. A recent aerial photograph with date photograph was taken;
- C. The location and extent of the existing on-site tree canopy, including an estimate of the total percentage of the parcels covered by the existing on-site tree canopy;
- D. The exact location, health, and size of all specimen trees; however, in the instances of large established tree stands, the Department of Planning and Sustainability may accept an approximation of the location, health, and size of specimen trees if the trees are not being counted towards landscape requirements, or if the trees are located within a designated tree save area; and

E. The minimum tree canopy retention requirement.

17.2.4 Protection of Tree Canopy

A. Exemptions

Tree removal activities associated with agricultural uses are exempt from this Subsection.

B. Minimum Tree Canopy Retention

A percentage of the existing tree canopy shall be retained on a development site in accordance with the table below:

Existing Tree Canopy Cover (as a percentage of the total development site size)	Minimum Tree Canopy Retention by Zoning District (as a percentage of the total tree canopy cover) ^{1, 2}			
	AG R2 R6 OR	ER R3 MR 1ST	R1 R4 PD	CI NC CC GO RC6 RC12 LI HI
80%- 100%	30%			15% 10%
60%-79%	36%			18% 11%
40%- 59%	45%			22% 12%
20%- 39%	48%			24% 13%
19% or less	54%			26% 14%

Notes:

1. Additional tree canopy retention may be required by the Stormwater Management Ordinance.
2. The 5TH and DD districts do not have minimum tree canopy retention requirements.

C. Designation of Tree Save Areas

1. The minimum tree canopy to be retained within the development site shall be placed in tree save areas, which shall include the areas occupied by the critical root zones of all healthy trees being retained in accordance with this

Subsection.

2. The location of tree save areas shall be based on the presence of any one or more of the following:
 - a. Woodland forest;
 - b. Established tree stands;
 - c. Tree rows; or
 - d. Specimen trees.
3. Tree save areas shall be depicted as an open space lot or conservation easement on the development plan, site plan, or preliminary plat, and recorded on the final plat.
4. Individual single-family residential lots with tree save areas in conservation easements shall be identified on the site plan as critical lots, pursuant to Subsection 20.15.2, Critical Lots, and shall be platted on the final plat with denotation on an individual lot.

D. Tree Save Area Priorities

Consideration shall be given to the following when determining tree save locations:

1. Woodland forests greater than five acres;
2. Riparian buffers or natural drainage courses;
3. Land within the HHO or naturally occurring slopes of 20 percent or greater;
4. Habitat used by endangered or threatened species;
5. Scenic corridors and viewsheds;
6. Areas that could serve to extend existing greenways, trails, parks, or recreation areas; and
7. Areas needed for buffers or historic resource edge treatments.

E. Removal of Trees in Tree Save Areas

The removal, damage, or destruction of

trees within a tree save area shall be a violation of this Ordinance and require mitigation in accordance with the following standards:

1. Any tree that is damaged or removed from the tree save area shall be replaced at a rate of two caliper inches per one caliper inch removed, with each replacement tree having a minimum diameter of two caliper inches. If the total caliper inches removed cannot be determined, the area subject to tree removal shall be replanted at the rate of 80 trees per acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.
2. Replacement trees for trees removed from the tree save area shall be planted in the tree save area or, in cases where adequate room is not available, planted elsewhere on the lot or development site. In cases when adequate room on the lot or development site is not available as determined by the DRT, mitigation may take the form of payment to the City tree bank, pursuant to Subsection 17.2.8, Tree Bank.
3. Following notice of violation related to this Section by the Department of Building and Neighborhood Services, no review body shall review or approve any applications for the site from the date of the violation until:
 - a. A replacement plan has been approved by the Department of Planning and Sustainability and a guarantee for the associated replacement has been established in accordance with Chapter 21, Performance Agreements; or

- b. Payment has been made to the City's tree bank in-lieu of providing some or all of the required replacement trees.

17.2.5 Protection of Specimen Trees

A. General Protections

1. Specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed, except as exempted by Subsection 17.2.1 and allowed by Paragraph 17.2.5.C, Removal and Replacement of Specimen Trees.
2. The area within the critical root zone, known as the tree protection zone, of any specimen tree shall not be subject to any disturbance unless the disturbance is based on an ISA certified arborist report stating that the proposed construction shall cause no harm to the tree and is approved by the Department of Planning and Sustainability.

B. Designation of Critical Lots

Individual single-family residential lots with specimen trees shall be identified on the site plan as critical lots, pursuant to Subsection 20.15.2, Critical Lots. Critical lots shall be denoted on the final plat on each individual lot with a specimen tree, which shall be preserved and cannot be removed.

C. Removal and Replacement of Specimen Trees

The removal, damage, or destruction of specimen trees shall be a violation of this Ordinance and require mitigation in accordance with the following standards:

1. Two caliper inches of replacement trees shall be provided for each caliper inch of specimen tree removed. Each

replacement tree shall be a minimum of two caliper inches, and shall either be replanted within 12 months of the removal of the specimen tree, or within a timeframe approved by the Department of Planning and Sustainability Department. Performance agreements for the associated replacement, if warranted in the opinion of the Department of Planning and Sustainability, shall be established in accordance with Chapter 21, Performance Agreements. Replacement trees shall not be used to meet any other landscape requirements.

2. Replacement trees shall be either planted on the lot or site where the specimen tree was removed; however, in cases where space on the lot or site is insufficient, DRT may determine if mitigation may take the form of payment to the City's tree bank, pursuant to Section 17.2.8, Tree Bank.

17.2.6 Tree Protection During Construction

A. Tree Protection Fencing

1. All specimen trees in a tree protection zone and the perimeter of tree save areas shall be fenced in accordance with this Subsection before any land-disturbing activity begins. Fencing shall extend at least one foot in distance from the edge of the tree for each inch of diameter at breast height (DBH), so that, at a minimum, each tree's critical root zone is protected, but no case shall the tree fence be less than ten feet from the trunk. The Department of Building and Neighborhood Services shall consider existing site conditions in

determining the exact location of any tree protection fencing.

2. All fencing required by this Subsection shall be chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart. Such chain link fencing is not required to be vinyl coated.
 3. Signs that are visible on all sides of the fenced-in area shall be installed on the tree protection fence at a rate of at least one sign for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: "TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR".
 4. All tree protection measures shall be inspected by and approved by the Department of Building and Neighborhood Services prior to start of any land disturbing activities. Failure to install tree protection measures prior to the commencement of construction is a violation of this Ordinance.
 5. The tree protection fencing shall be clearly shown on the site plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area except in accordance with the standards in Paragraph 17.2.6.B, Encroachments into Root Zones. Fencing shall be maintained until the land disturbance activities are complete.
- #### B. Encroachments into Critical Root Zones
1. Encroachments within the root zones of trees protected in accordance with this Subsection shall occur only in rare instances where no alternatives

exist, such as may be required for the installation of streets, internal drives, sidewalks, or utilities.

2. If unauthorized encroachments occur, leading to trees being damaged during construction activities, the trees shall be replaced at a one caliper inch to one caliper inch ratio.

C. Owner's Responsibility

During development, the owner, or if the owner is different from the developer, the developer, shall be responsible for the erection of all barriers necessary to protect any existing or installed trees from damage both during and after construction in accordance with the standards of this Subsection.

17.2.7 Monitoring and Maintenance of Trees Post-Construction

Owners of land shall be responsible for the preservation and maintenance of all trees required to be saved and protected under this Section.

17.2.8 Tree Bank

A. Purpose

The tree bank shall be a fund to receive:

1. Cash contributions for removal or damage to trees pursuant to Section 17.2, Tree Protection;
2. Charitable contributions given to the City for planting trees; and
3. Civil penalties received for the illegal cutting or damage of trees.

B. Use of Funds

Tree bank funds shall be used solely for purchasing, installing, and replacing trees, or maintenance of trees during their first five years after planting, on public lands such as parks, public open spaces, at

community and civic facilities, and within public right-of-way.

C. Procedure for Tree Bank Requests

1. An applicant shall submit a written request to use the tree bank for removal of trees.
2. The Department of Planning and Sustainability shall determine the eligibility and extent of contributions during the site plan review and shall forward the recommendation to the applicable review body.
3. If, after the site plan is approved, the applicant wishes to reevaluate a decision to contribute to the tree bank, a revised landscape plan and a proposal to change the amount of the cash contribution shall be submitted to the Department of Planning and Sustainability for approval.
4. The applicant shall provide the cash contribution payment in the form of a cashier's check payable to City of Franklin prior to recording of the final plat and/or issuance of a building permit.

17.2.9 Tree Removal Permits

A. Exemptions

A tree removal permit is not required for trees removed in compliance with an approved building permit, grading permit, site plan, preliminary plat, final plat, stormwater management permit, or as otherwise exempted by Section 17.2.1, Exemptions.

B. Tree Removal Permit Application

An application for a tree removal permit shall be made in accordance with application requirements established by the Department of Building and

Neighborhood Services.

C. Staff Review

The Department of Planning and Sustainability and/or City arborist shall review the application for a tree removal permit and make a recommendation to the Department of Building and Neighborhood Services.

D. Department Building & Neighborhood Services Final Action

The Department of Building and Neighborhood Services shall review the application and approve, approve with conditions, or disapprove the tree removal permit.

E. Approval Criteria

The Department of Building and Neighborhood Services may approve a tree removal permit only when the tree proposed for removal is not:

1. Located in an open space lot or conservation easement;
2. Part of required landscape material or contributes to the screening function of a required landscape area;
3. The subject of a condition of approval requiring their retention; and
4. A specimen tree.

F. Issuance of a Building Permit or Grading Permit

No building permit or grading permit shall be issued unless the City department issuing the permit receives a written decision from the Department of Building and Neighborhood Services that the proposed development has received a tree removal permit or is exempt from the requirement to obtain a tree removal permit.

G. Tree Removal Violations

The removal, damage, or destruction of trees without obtaining a tree removal permit, as applicable, is in violation of this Subsection and shall require mitigation in accordance with the following:

1. Specimen trees removed shall be replaced at a two caliper inches for each caliper inch of specimen tree removed;
2. Replacement trees shall be replanted within 12 months of removal;
3. Any tree that is damaged or removed from a tree save area, conservation easement, or open space shall be replaced at a one caliper inch to one caliper inch ratio with replacement trees having a diameter of at least two inches in caliper;
4. Damage or destruction of trees due to excessive pruning or tree topping shall constitute a violation of this Ordinance and result in the prescribed replacement and/or mitigation of the damaged trees; and
5. A surety and maintenance agreement shall be established for replacement trees.

17.3 Riparian Setbacks

Development and land-disturbing activities shall comply with the Stormwater Management Ordinance.

17.4 Erosion and Sedimentation Control

Development and land-disturbing activities shall comply with the Stormwater Management Ordinance.

17.5 Stormwater Management Features

17.5.1 Design

- A. All stormwater management features, such as bioretention, detention ponds, and retention ponds, shall comply with the Stormwater Management Ordinance and Stormwater BMP Manual design specifications.
- B. Stormwater management features shall be designed to be an integral and aesthetic part of the site landscape.
- C. Stormwater management features shall be located and designed to avoid tree removal.
- D. Walls and retaining walls for stormwater management features shall comply with Subsection 13.2.6, Materials.

17.5.2 Retention Ponds

- A. Measures for aeration, such as fountain features, shall be used to reduce stagnation in retention (wet) ponds.
- B. Retention (wet) ponds shall be planted with moisture tolerant plant material, trees, and native grasses to enhance their presence within the built environment.

17.6 Floodplain Protection

17.6.1 Statutory Authorization, Findings of Fact, Purpose, and Objectives

A. Statutory Authorization

The Legislature of the State of Tennessee has in T.C.A. § 13-7-201 through § 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the BOMA ordains as follows:

B. Findings of Fact

1. The City wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Chapter 1, Section 60.3.
2. Areas of the City are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

The purpose of this Section is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Section is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Section are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas

- mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
 7. To ensure that potential homebuyers are notified that property is in a flood prone area; and
 8. To maintain eligibility for participation in the NFIP.

17.6.2 General Provisions

A. Basis for Establishing the Areas of Special Flood Hazard

1. The areas of special flood hazard in the City are identified by FEMA in its Flood Insurance Study (FIS) dated December 22, 2016, and on the Flood Insurance Rate Map (FIRM), Community 470206, as follows:
 - a. Panel Numbers: 47187C0190F, 47187C0195F, 47187C0204F, 47187C0205F, 47187C0208F, 47187C0209F, 47187C0212F, 47187C0220F, 47187C0230F, 47187C0335F, 47187C0355F, 47187C0360F, dated September 29, 2006; and
 - b. Panel Numbers: 47187C0180G, 47187C0182G, 47187C0183G, 47187C0184G, 47187C0192G, 47187C0203G, 47187C0211G, 47187C0213G, 47187C0214G, dated December 22, 2016.
2. The FIS and FIRMs, along with all supporting technical data, are hereby adopted by reference and declared to be a part of this Ordinance.

B. Requirement for Floodplain Development Permit

A floodplain development permit shall be required prior to the commencement of any development or redevelopment activities.

C. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

D. Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of this Section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

F. Warning and Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses

permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

G. Penalties for Violation

Penalties for violation of the provisions of this Section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violated this Section or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful actions to prevent or remedy any violation.

17.6.3 Administration

A. Designation of Floodplain Administrator

A floodplain administrator is hereby appointed to implement the provisions of this Section.

B. Permit Procedures

An application for a floodplain development permit shall be made to the floodplain administrator on forms available on the City website prior to any development activities. The floodplain development permit may include, but is not limited to the following: plans in duplicate drawn to

scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application Stage

- a. An elevation certificate is required at the application stage in accordance with Clause 17.6.3.B.2.a, b, or c, as applicable.
- b. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.
- c. Elevation in relation to mean-sea-level to which any nonresidential structure will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.
- d. An elevation certificate in accordance with Clause 17.6.3.B.2.c, d, or e, as applicable.
- e. A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Subsection 17.6.4, Provisions for Flood Hazard Reduction.
- f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

- a. A second elevation certificate is required with the foundation inspection in accordance with Clause 17.6.3.B.2.c, d, or e, as applicable.
 - b. A third and final elevation certificate is required with the final inspection in accordance with Clause 17.6.3.B.2.c, d, or e, as applicable.
 - c. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of a Tennessee registered, certified floodplain land surveyor and certified by same. The floodplain administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
 - d. Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The floodplain administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
 - e. For all new construction and substantial improvements, the permit holder shall provide to the floodplain administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.
 - f. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
- C. Duties and Responsibilities of the Floodplain Administrator**
- Duties of the floodplain administrator shall include, but not be limited to, the following:
- 1. Review all floodplain development permits to assure that the permit requirements of this Section have been satisfied, and that proposed building sites will be reasonably safe from flooding;
 - 2. Review proposed development or redevelopment to assure that all necessary permits have been received from those governmental agencies from which approval is required by

- Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
 4. For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community FIRMS through the Letter of Map Revision process;
 5. Assure that the flood-carrying capacity within an altered or relocated portion of any watercourse is maintained;
 6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with this Section;
 7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Paragraph 17.6.3.B, Permit Procedures;
 8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Paragraph 17.6.3.B, Permit Procedures;
 9. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance;
 10. When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City FIRM meet the requirements of this Section; and
 11. Maintain all records pertaining to the provisions of this Section in the office of the floodplain administrator, which records shall be open for public inspection. Permits issued under the provisions of this Section shall be maintained in a separate file or marked for expedited retrieval within combined files.

17.6.4 Provisions For Flood Hazard Reduction

A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be

installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this

Section shall meet the requirements of “new construction” as contained in this Section;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions in this Section shall be undertaken only if said non-conformity is not further extended or replaced;
11. Copies of all new construction and substantial improvement proposals shall be provided for all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other new development proposals shall meet the standards of this Subsection;
13. When proposed new construction and substantial improvements are partially located in special flood hazard area, the entire structure shall meet the standards for new construction; and
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall comply with the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

B. Specific Standards

In addition to the standards set forth in Subsection 17.6.4, Provisions for Flood Hazard Reduction, all areas of special flood hazard shall comply with the following:

1. Residential Structures
In AE Zones, where base flood elevation data is available, new

construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Clause 17.6.4.B.3, Enclosures, Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the floodplain administrator shall require the lowest floor of a building to be elevated to a level of at least three feet above the highest adjacent grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Clause 17.6.4.B.3, Enclosures.

2. Nonresidential Structures

a. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any nonresidential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization

of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Clause 17.6.4.B.3, Enclosures.

- b. In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any nonresidential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet above the highest adjacent grade. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Clause 17.6.4.B.3, Enclosures.
- c. Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification

- to the floodplain administrator as set forth in Subsection 17.6.3, Administration.
3. Enclosures
 - a. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - b. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above the finished grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - c. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access; and
 - d. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms
 - in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Subsection 17.6.4, Provisions for Flood Hazard Reduction.
 4. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed or substantially improved must meet all the requirements of new construction when:
 - i. On individual lots or parcels;
 - ii. In expansions to existing manufactured home parks or subdivisions; or
 - iii. In new or substantially improved manufactured home parks or subdivisions.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot above the level of the base flood elevation or
 - ii. In approximate A Zones, where base flood elevations have not been established, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet in height above the highest adjacent grade.
 - c. Any manufactured home, which

has incurred “substantial damage” as the result of a flood, must meet the standards of Subsection 17.6.4, Provisions for Flood Hazard Reduction.

- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - e. All recreational vehicles placed in an identified special flood hazard area must either:
 - i. Be on the site for fewer than 180 consecutive days; and
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - iii. The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other New Development Proposals
- a. Subdivisions and other new development proposals, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
 - b. All subdivision and other new development proposals shall be consistent with the need to minimize flood damage.
 - c. All subdivision and other new development proposals shall have public utilities and facilities such

as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- d. All subdivision and other new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- e. In all approximate A Zones, all new subdivision and other development proposals (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data in accordance with this Section.

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the special flood hazard areas established in Subsection 17.6.2, General Provisions, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted; however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with

standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City and certification, thereof; and

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 17.6.4, Provisions for Flood Hazard Reduction.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the special flood hazard areas established in Subsection 17.6.2, General Provisions, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions shall apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not

increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles; and

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 17.6.4, Provisions for Flood Hazard Reduction.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the special flood hazard areas established in Subsection 17.6.2, General Provisions, where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

1. The floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Subsection 17.6.4, Provisions for Flood Hazard Reduction;
2. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever

- is the lesser, shall include within such proposals base flood elevation data;
3. Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet above the highest adjacent grade. All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Paragraph 17.6.3.B, Permit Procedures. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Subsection 17.6.4, Provisions for Flood Hazard Reduction;
 4. Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles; and
 5. New construction and substantial improvements of buildings, where

permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 17.6.4, Provisions for Flood Hazard Reduction. Within approximate A Zones, those subsections of Subsection 17.6.4, dealing with the alteration or relocation of a watercourse, shall assure watercourse carrying capacities are maintained and manufactured home provisions are complied with as required.

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the special flood hazard areas established in Subsection 17.6.2, General Provisions, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Subsection 17.6.4, shall apply:

1. All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to at least one foot above as many feet as the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards

of Subsection 17.6.4, Provisions for Flood Hazard Reduction;

2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section and shall provide such certification to the floodplain administrator as set forth above and as required in accordance with Paragraph 17.6.3.B, Permit Procedures; and
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Subsection 17.6.2, General Provisions, are areas of the 100-year floodplain protected by a flood

protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of Subsections 17.6.3 and 17.6.4, shall apply.

H. Standards for Unmapped Streams

Located within the City are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
2. When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Subsections 17.6.3, Administration, and 17.6.4, Provisions for Flood Hazard Reduction.

17.6.5 Appeals to the Board of Zoning Appeals

A. Variance Procedures

In the case of a request for a variance to a provision within this Section, the following shall apply:

1. The Board of Zoning Appeals (BZA) shall hear and decide appeals and requests for variances from the requirements of Section 17.6, Floodplain Protection, as specified in this Subsection;
 2. Variances for may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Section to preserve the historic character and design of the structure;
 3. In passing upon variance applications, the BZA shall consider all technical evaluations, all relevant factors, this Section, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
 4. Upon consideration of the factors listed above, and the purposes of this Section, the BZA may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Section.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Conditions for Variances**
1. Variances shall be issued only upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Paragraph 17.6.5.A.
 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; or
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense,

- create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the base flood elevation increases risks to life and property.
 4. The floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

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CHAPTER 18

HISTORIC RESOURCES

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18.1 General Provisions

18.1.1 Applicability

This Chapter shall apply to development or redevelopment on, adjacent to, or across the street from lands or sites:

- A. Listed on the National Register of Historic Places; or
- B. Eligible for designation on the National Register of Historic Places, as determined by the Tennessee Historical Commission.

18.1.2 Review for Compliance

Review of the proposed development or redevelopment to ensure compliance with this Chapter shall occur with the review of development plans, site plans, preliminary plats, final plats that create new lots, or building permits, as applicable.

18.1.3 Determination of Historic Resource Edge Treatment

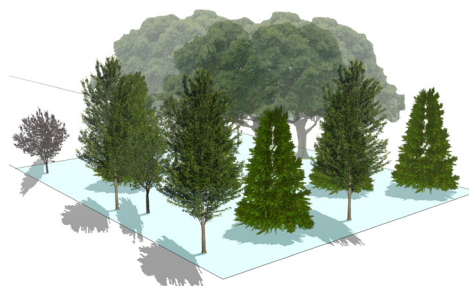
- A. In order to protect freestanding historic lands and structures from negative visual impacts associated with new development occurring in their proximity, new development and redevelopment shall be subject to one of four types of historic resource edge treatments in this Chapter.
- B. The edge treatments provide a context-based treatment to either screen the new development from the historic resource or integrate it into the new development.
- C. The applicable historic resource edge treatment shall be determined by the Department of Planning and Sustainability based on:
 - 1. The context, setting, and location of the historic resource;
 - 2. The descriptions of the edge treatments as described in this Chapter;
 - 3. Which edge treatment will most enhance and protect the prominence of the historic resource; and
 - 4. Envision Franklin.
- D. If the applicant disagrees with the determination, the applicant may appeal the decision to the FMPC following a recommendation by the HZC.

18.2 Overview of Types of Historic Resource Edge Treatments

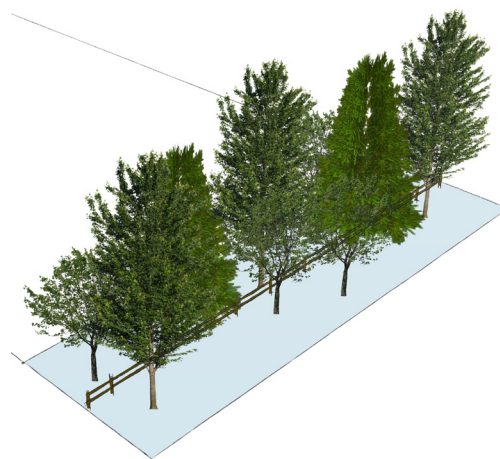
Historic Resource Edge Treatment

Illustration

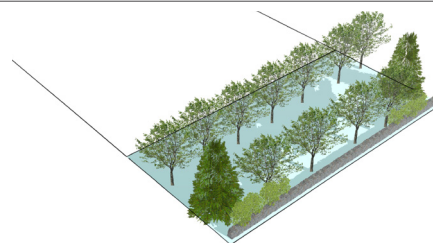
Naturalistic Screening: Naturalistic screening creates a year-round visual obstruction and significant spatial separation between the historic resource setting and the new development or redevelopment. The historic resource, its setting, and surrounding site features are preserved. The naturalistic screening edge treatment provides an opaque screen of evergreen trees mixed with existing vegetation along the common boundaries of the historic resource site and the site of the new development or redevelopment.



Farm-Field Boundary: The farm-field boundary replicates the tree-lined property boundaries historically prevalent throughout the County, which generally evolved as leftover vegetation that grew along the borders of agricultural fields. This is accomplished by providing a historically based fence or wall and deciduous and cedar trees planted linearly along common boundary between the historic resource and the development or redevelopment. The historic resource, its setting, and surrounding site features are preserved. The farm-field boundary provides modest separation between the development or redevelopment and the historic resource. Because buildings within the development or redevelopment remain in view of the historic resource, they are designed to be similar in scale and architectural character with the historic building.



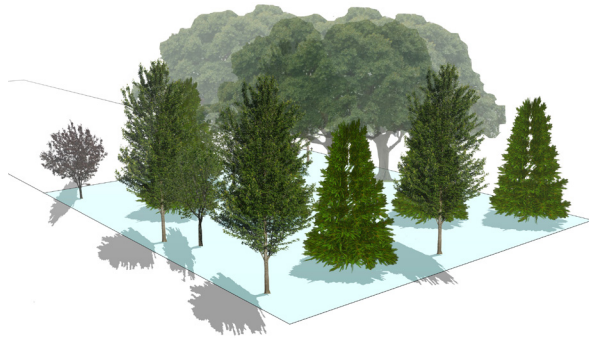
Estate Enclosure: This treatment preserves the historic resource, surrounding site features, and the setting while providing an estate enclosure at the edge. The estate enclosure provides moderate spatial separation between the development or redevelopment and the historic resource, and consists of formal plantings.



Integrated Edge: The integrated edge incorporates the historic resource into the overall design of the development or redevelopment, with the historic building being a prominent focal point, appearing as if the balance of the site evolved around it.



18.3 Naturalistic Screening



18.3.1 Description

- A. Naturalistic screening creates a year-round visual obstruction and significant spatial separation between the historic resource setting and the new development or redevelopment. The historic resource, its setting, and surrounding site features are preserved.
- B. The naturalistic screening edge treatment provides an opaque screen of evergreen trees mixed with existing vegetation along the common boundaries of the historic resource site and the site of the new development or redevelopment.
- C. This approach is typically appropriate for a site that already has an abundance of mature vegetation, as opposed to open farm fields.

18.3.2 Location

- A. In cases where the developing property is adjacent to the property containing the historic resource, the naturalistic screening shall be located along the periphery of the developing property, unless an alternate location provides a superior amount of buffering.
- B. In cases where new development is proposed on the same property as the

historic resource, the naturalistic screening shall be located as far from the historic resource as is practicable given the context of the site and any topographic or environmental considerations.

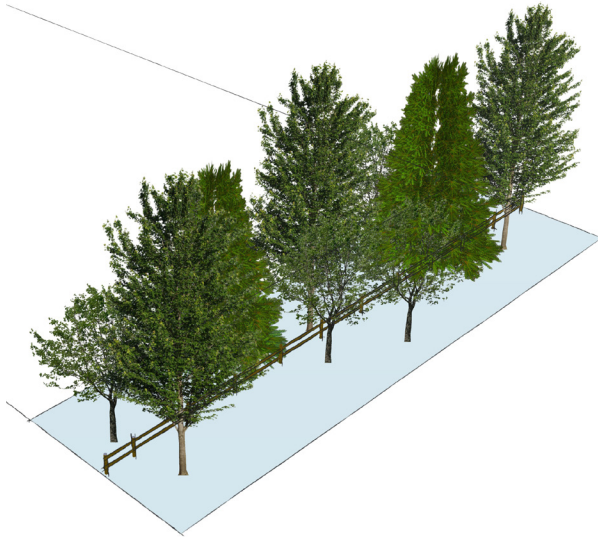
18.3.3 Standards

- A. Site features that emphasize the prominence of a historic resource shall be preserved within the spatial setting of the historic resource. Such features include topography, mature vegetation, streams, and historic walls and fences.
- B. Naturalistic screening shall have a minimum width of 75 feet. Development on lots containing or adjacent to a National Historic Landmark shall have a minimum width of 100 feet. This area shall be placed in a conservation easement.
- C. Planting materials shall:
 - 1. Be predominately evergreen trees;
 - 2. Be staggered in an informal manner, which, upon maturity, creates an opaque screen;
 - 3. Be of a sufficient height upon maturity that new development is visually screened, regardless of building heights or topography; and
 - 4. Include at least two or more different indigenous tree species.
- D. Trees shall be required at a rate of one tree per every 400 square feet. Credit for existing vegetation may reduce the planting requirements, so long as the existing materials and new planting materials achieve an opaque screen.
- E. Pruning of trees or shrubs near ground level shall be prohibited.
- F. Berms, fences, or walls shall not be used.

18.3.4 Grading

The natural, existing topography shall be preserved. Grading is prohibited.

18.4 Farm-Field Boundary



18.4.1 Description

- A. The farm-field boundary replicates the tree-lined property boundaries historically prevalent throughout the County, which generally evolved as leftover vegetation that grew along the borders of agricultural fields. This is accomplished by providing a historically based fence or wall and deciduous and cedar trees planted linearly along common boundary between the historic resource and the development or redevelopment.
- B. The historic resource, its setting, and surrounding site features are preserved. The farm-field boundary provides modest separation between the development or redevelopment and the historic resource.
- C. Because buildings within the development or redevelopment remain in view of the historic resource, they are designed to be similar in scale and architectural character with the historic building.

18.4.2 Location

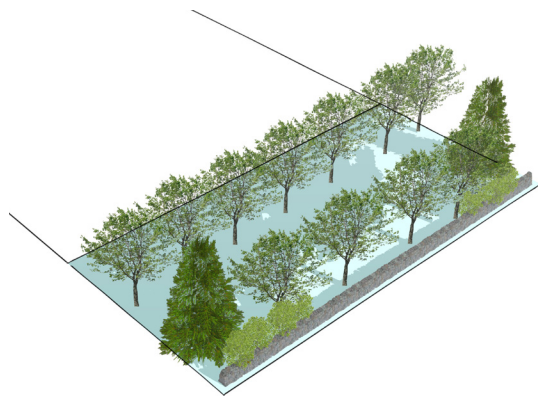
- A. In cases where the developing property is adjacent to the property containing the historic resource, the farm-field boundary shall be located along the periphery of the developing property, unless an alternate location provides a superior amount of buffering.
- B. In cases where new development is proposed on the same property as the historic resource, the farm-field boundary shall be located as far from the historic resource as is practicable given the context of the site and any topographic or environmental considerations.

18.4.3 Standards

- A. Site features that emphasize the prominence of a historic resource shall be preserved within the spatial setting of the historic resource. Such features include topography, mature vegetation, streams, and historic walls and fences.
- B. Farm-field boundaries shall have a minimum width of 30 feet. Development on lots containing or adjacent to a National Historic Landmark shall provide a minimum width of 50 feet.
- C. Farm-field boundaries shall be linear in form and shall include a historically-based fence or wall along the length of the boundary. Acceptable types include rail fences, four-board horse fences, or dry-stacked stone walls consistent in design and stone type with historic antecedents found in the County.
- D. Planting materials shall:
 - 1. Be spaced in an informal, irregular manner along the fence or wall; and
 - 2. Be dominated by deciduous trees, although native evergreens, such as cedars, may be included for diversity

- and visual screening purposes; and
- E. Trees shall be required at a rate of one canopy tree per every 400 square feet. Credit for existing vegetation may reduce the planting requirements when located in a suitable location.
 - F. New buildings within view of the historic resource shall be designed to be similar in scale and architectural character with the historic building.

18.5 Estate Enclosure



18.5.1 Description

- A. The historic resource, surrounding site features, and the setting are preserved while an estate enclosure demarcates the periphery. The estate enclosure consists of formal plantings and is more appropriate for historic buildings having classical architectural styling, such as Federal, Greek Revival, Italianate, Gothic Revival, or Classic Revival, as opposed to less formal vernacular styles, such as simple frame farm houses.
- B. The estate enclosure lends itself to situations in which the historic resource setting, and perhaps the overall development site, is somewhat limited in land area.
- C. The estate enclosure is not intended to be an opaque screen between the new development and the historic resource; therefore, new buildings within view of the historic resource are designed to be similar in scale and architectural character with the historic building.

18.5.2 Location

- A. In cases where the developing property is adjacent to the property containing the historic resource, the estate enclosure shall be located along the periphery of the

developing property, unless an alternate location provides a superior amount of buffering.

- B. In cases where new development is proposed on the same property as the historic resource, the estate enclosure shall be located as far from the historic resource as is practicable given the context of the site and any topographic or environmental considerations.

18.5.3 Standards

- A. Site features that emphasize the prominence of a historic resource shall be preserved within the spatial setting of the historic resource. Such features include topography, mature vegetation, streams, and historic walls and fences.
- B. The estate enclosure shall have a minimum width of 50 feet. Development on lots containing or adjacent to a National Historic Landmark shall provide a minimum width of 75 feet.
- C. Estate enclosures shall:
 - 1. Consist of trees planted formally in rows with regular spacing, such as an orchard;
 - 2. Be dominated by deciduous trees; and
 - 3. Have either:
 - a. A combination of hedgerows and fencing; or
 - b. A brick or stone wall consistent in design and stone type with historic antecedents found in the County.
- D. Trees shall be required at a rate of one tree per every 400 square feet of the estate enclosure area. Credit for existing vegetation may reduce the planting requirements.
- E. New buildings within view of the historic resource shall be designed to be similar in scale and architectural character with the historic building.

18.6 Integrated Edge



18.6.1 Description

- A. The integrated edge incorporates the historic resource into the overall design of the development or redevelopment, with the historic building being a prominent focal point, appearing as if the balance of the site evolved around it.
- B. New buildings within view of the historic resource are designed to be similar in scale and architectural character with the historic building.

18.6.2 Prominence of the Historic Building

A historic building shall be made a visually prominent focal point of the new development through one or more of the following integration techniques:

- A. Create a square or green fronting the historic building that is designed to highlight the historic resource as a focal point;
- B. Design the street network so that the historic building is at an entry or destination location within the new development; or
- C. Create a corner location for the historic building so that it terminates a public vista

as viewed down two or more streets. In such case, adjacent new principal buildings shall be no closer 200 feet from the historic building.

18.6.3 Design of Streets and Driveways

- A. New streets and driveways shall be located and designed to appear as if they were developed over time around the original historic building as part of a natural evolution.
- B. Streets shall reflect the character of the historic building, such as ribbon curb in rural or farm areas.
- C. Streets shall be located and designed so they do not cause the side or rear facade of the historic building to face the new street.

18.6.4 Lot Size Differentiation

- A. The lot that contains the historic building shall be at least 100 percent larger than any adjacent residential lot.
- B. If the historic building is located in an open space lot, the lot size shall be at least 25,000 square feet.

- C. New lots across the street from and within view of a historic building shall comply with Subsection 18.6.6, Development Across the Street From a Historic Building.

18.6.5 Contextual Design of New Buildings

New buildings within view of the historic building shall be similar in scale and architectural character with the historic building; however, the historic building shall not be emulated to such an extent that it loses its prominence. Design elements shall include the following:

- A. Rather than attempting to mirror the scale of the historic building, new buildings shall be subordinate in their perceived scale to the historic building;
- B. The roof pitch of new buildings shall be similar to the historic building;
- C. The roof forms, materials, and colors of new buildings shall be similar to the nearby historic building (for example, an asphalt shingle roof on a new building that emulates slate in color and approximate thickness would be similar with a slate-roofed historic building);
- D. The shape, proportion, rhythm, and spacing of openings of new buildings shall be similar to that of the historic building;
- E. Nearby buildings shall have key architectural components of the historic building, such as porches, dormers, and arches; and
- F. The materials of the historic building shall be respected by their use to some degree on nearby new buildings.

18.6.6 Development Across the Street From a Historic Building

Where development is proposed across a street from and within view of a historic

building, the following shall apply to the proposed development:

- A. Buildings shall be designed to be similar in scale and architectural character with the historic building; and
- B. Where the historic resource property is at least two acres, any new lot fronting an arterial or collector street across from the historic resource property shall be at least two acres, to lessen the potential adverse impact and intensity of the new development.

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CHAPTER 19

REVIEW BODIES

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19.1 General Authority

The following review bodies may exercise any and all powers and duties prescribed by State law, Charter, Municipal Code, and as described in this Ordinance.

19.2 Board of Mayor and Aldermen (BOMA)

19.2.1 Specific Approval Authority

The BOMA is responsible for final approval of:

- A. Text amendments;
- B. Rezoning;
- C. Development plans;
- D. Public improvements; and
- E. Annexations and accompanying plans of services.

19.2.2 Additional Authority

The BOMA may initiate text amendments and rezonings.

19.3 Franklin Municipal Planning Commission (FMPC)

19.3.1 Specific Review Authority

The FMPC is responsible for review and recommendation to the BOMA of:

- A. Text amendments;
- B. Rezoning;
- C. Development plans;
- D. Public improvements; and
- E. Annexations; and
- F. Plans of services.

19.3.2 Specific Approval Authority

The FMPC is responsible for review and final approval of:

- A. Site plans;
- B. Preliminary plats;
- C. Final plats;

- D. General plans and plan amendments; and
- E. Performance agreements.

19.3.3 Additional Authority

The FMPC may initiate text amendments, rezonings, and plan amendments. The FMPC may also review projects of other governmental agencies, pursuant to Subsection 1.1.11, Review of Public Improvements.

19.3.4 Bylaws

The FMPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

19.4 Board of Zoning Appeals (BZA)

19.4.1 Specific Approval Authority

The BZA is responsible for review and final approval of:

- A. Variances; and
- B. Appeals of administrative decisions for:
 - 1. Appeals brought by an applicant, asserting that there is an error in any order, requirement, permit, decision, or denial by an administrative official carrying out or enforcing any provision of this Ordinance; and
 - 2. Interpretations of the zoning map when there are disputed questions of lot lines or district boundary lines as they arise in the administration of the zoning regulations.

19.4.2 Membership

The BZA shall consist of five members and shall be appointed by the Mayor and confirmed by a majority vote of the BOMA. The terms of

membership shall be five years. Terms shall be arranged so that the term of one member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

19.4.3 Bylaws

The BZA may, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

19.5 Historic Zoning Commission (HZA)

19.5.1 Specific Review Authority

Within the HPO, the HZA is responsible for the review and recommendation to the FMPC and the BOMA, as applicable, of:

- A. Development plans;
- B. Preliminary plats; and
- C. Final plats that create new lots, where a preliminary plat is not required.

19.5.2 Specific Approval Authority

The HZA is responsible for review and final approval of certificates of appropriateness within the HPO.

19.5.3 Additional Authority

The following shall also be the duty of the HZA:

- A. To regularly maintain and update the following documents:
 - 1. Historic Preservation Plan;
 - 2. Historic Resources Survey; and
 - 3. Historic District Design Guidelines.
- B. To nominate properties for inclusion in the HPO;
- C. To review nominations for the National Register of Historic Places; and

- D. To comment on projects that may have a potential adverse impact on historic properties as defined by T.C.A. § 13-7-404.

19.5.4 Membership

Membership of the HZA shall be as provided by State law.

19.5.5 Bylaws

The HZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, in accordance with State law.

19.6 Departmental Review Team (DRT)

19.6.1 General Authority

The DRT consists of City department directors, or their designees, and is responsible for certain development review as defined in the Subsections below.

19.6.2 Specific Review Authority

The DRT shall participate in the review of the following applications and provide recommendations to the FMPC or the BOMA, as applicable:

- A. Text amendments;
- B. Rezoning;
- C. Development plans;
- D. Site plans;
- E. Preliminary plats;
- F. Final plats;
- G. Plan amendments;
- H. Annexations; and
- I. Plans of services.

19.6.3 Specific Approval Authority

The DRT is responsible for review and final approval of:

- A. Administrative site plans;
- B. Site plan amendments; and
- C. Minor revisions to final plats.

19.6.4 Additional Authority

Members of the DRT shall perform other duties as set forth by other provisions of this Ordinance.

19.7 Department of Planning and Sustainability

19.7.1 General Authority

The Department of Planning and Sustainability is authorized by the BOMA to administer the provisions of this Ordinance. The Department of Planning and Sustainability shall have the following authority and duties:

A. Coordination of Development Review

- 1. To coordinate the review of development applications; and
- 2. To present recommendations to the BOMA, FMPC, BZA, and HZC on applications for development approval considered by these review bodies.

B. Administration of this Ordinance

- 1. To establish application requirements and schedules for review of development applications;
- 2. To initiate and draft text amendments and rezoning ordinances;
- 3. To administratively update the history table for text amendments adopted by the BOMA;
- 4. To post adopted text amendments on the City website until they are incorporated into the text of this Ordinance; and

- 5. To take any other actions necessary to administer the provisions of this Ordinance.

C. Performance Agreements

To review and make decisions on performance agreements, sureties, and maintenance agreements.

D. Tree Removal Permits

To review, where appropriate, and provide recommendations to the Department of Building and Neighborhood Services on applications for a tree removal permit.

E. Technical Assistance

To provide expertise and technical assistance to the BOMA, FMPC, BZA, HZC, BPC, Sustainability Commission, DRT, Department of Building and Neighborhood Services, and other entities.

F. Long Range Planning

To conduct studies and make recommendations regarding long-range planning policies and the general plan.

G. Historic Preservation

- 1. To administer Chapter 18, Historic Resources, and advise the HZC on matters submitted to the HZC;
- 2. To coordinate the City's historic preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations; and
- 3. To assist the HZC in maintaining and periodically updating the Historic Resources Survey.

19.7.2 Additional Authority

The Department of Planning and Sustainability shall perform other duties as set forth by other provisions of this Ordinance.

19.8 Department of Building and Neighborhood Services

19.8.1 General Authority

The Department of Building and Neighborhood Services is authorized by the BOMA to interpret, enforce, and administer this Ordinance, except for those duties delegated or conferred upon the Department of Planning and Sustainability. The Department of Building and Neighborhood Services shall have the following authority and duties under this Ordinance:

- A. To render interpretations of all provisions of this Ordinance and confer with the Department of Planning and Sustainability and other City departments as needed; and
- B. To enforce the provisions of this Ordinance.

19.8.2 Specific Approval Authority

The Department of Building and Neighborhood Services is responsible for review and final approval of:

- A. Building permits;
- B. Sign permits;
- C. Tree removal permits; and
- D. Other permits as identified in this Ordinance.

19.8.3 Additional Authority

The Department of Building and Neighborhood Services shall perform other duties as set forth by other provisions of this Ordinance.

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CHAPTER 20

PROCEDURES

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20.1 Overview of Applications

The table below outlines the types of applications, their scope, and the review bodies who make recommendations and take final action.

Type of Application	Scope	Recommendation	Approval
Plan Amendment	Amend Envision Franklin	DRT	FMPC
Annexation	Annex property into the City limits	DRT, FMPC	BOMA
Text Amendment	Change the wording or substance of the Zoning Ordinance	Department of Planning and Sustainability, FMPC	BOMA
Preliminary HZC Recommendation	Provide preliminary recommendations for development in the HPO	Department of Planning and Sustainability	HZC
Rezoning (Map Amendment)	Change in the district boundaries or district classifications of the zoning map	DRT, FMPC	BOMA
Development Plan	Entitle development in the PD district	DRT, FMPC, HZC as applicable	BOMA
Preliminary Plat	Propose layout for subdividing land into more than two lots, pursuant to the Subdivision Regulations	DRT, HZC as applicable	FMPC
Variance	Grant relief from certain zoning requirements	Department of Planning and Sustainability	BZA
Certificate of Appropriateness	Propose development or alterations in the HPO	Department of Planning and Sustainability	HZC
Site Plan Subject to FMPC Approval	Finalize site construction drawings	DRT	FMPC
Site Plan Subject to Administrative Approval	Finalize site construction drawings	DRT	DRT
Final Plat	Finalize layout for subdividing land into two or more lots suitable for recording with the Register of Deeds, pursuant to the Subdivision Regulations	DRT, HZC as applicable	FMPC

Type of Application	Scope	Recommendation	Approval
Performance Agreement	Ensure the completion of required improvements as part of site plan or final plat approval	See Chapter 21	See Chapter 21
Sign Permit	Review signs for compliance with this Ordinance	Department of Planning and Sustainability and HZC, as applicable	Department of Building and Neighborhood Services
Tree Removal Permit	Remove a tree not associated with an approved building permit, grading permit, site plan, preliminary plat, final plat, or stormwater management permit	Department of Planning and Sustainability/City Arborist, as applicable	Department of Building and Neighborhood Services
Appeal of Administrative Decision	Appeal a decision by an administrative official		BZA

Additional duties and responsibilities of the review bodies are set forth in subsequent Sections of this Chapter. In addition, the BOMA, FMPC, or Department of Planning and Sustainability may ask other boards, commissions, government agencies, or non-government agencies to review applications.

20.2 Common Review Procedures

20.2.1 Applicability

The following requirements apply to all applications submitted under this Ordinance. Additional requirements may be included for specific applications. If there is a conflict between the common review procedures and the specific review procedures, the specific review procedures shall apply.

20.2.2 Authority to File Applications

- A. Applications shall be initiated by:
 1. The owner of the property that is the subject of the application;
 2. The owner's authorized agent; or
 3. The BOMA, the FMPC, the HZC, or the Department of Planning and Sustainability.
- B. When the owner's authorized agent files an application on behalf of the property owner, the agent shall provide a property owner affidavit, which shall bind the owner with respect to all decisions and conditions of approval related to the property.

20.2.3 Initial Application Submittal

Applications shall be submitted in accordance with the requirements and checklists established by the Department of Planning and Sustainability as posted on the City website.

20.2.4 Fee Schedule

- A. Fees shall be required to help defray the costs of processing applications. The fee schedule shall be posted on the City website and may be adjusted periodically by the BOMA, pursuant to the Municipal Code.
- B. Applicable fees shall be paid in full prior to processing an application for review.
- C. No fee shall be required if the application is made by the City or any agency created or appointed by the BOMA to perform government functions.
- D. No refund of the fee or any part of the fee shall be made, unless the Department of Planning and Sustainability determines that an application was accepted in error or the fee paid exceeds the amount due. In these cases, the amount of the overpayment will be refunded to the applicant.

20.2.5 Submittal Deadline

Applications shall be submitted according to the submittal deadlines for the scheduled meetings of the applicable review bodies as posted on the City website.

20.2.6 Completeness Determination

The Department of Planning and Sustainability or Department of Building and Neighborhood Services shall only initiate the review and processing of an application submitted under this Ordinance if the application is determined to be complete as outlined in the applicable review body bylaws.

20.2.7 Sequence of Applications

A. Where two or more applications are required for development approval, final action by the applicable review body shall occur in the following sequence:

1. Plan amendment;
2. Annexation;
3. Text amendment;
4. Preliminary HZC recommendation;
5. Rezoning;
6. Development Plan
7. Preliminary plat;
8. Variance and/or certificate of appropriateness;
9. Site plan and/or final plat;
10. Grading permit;
11. Performance agreement; then
12. Building permit and/or sign permit.

B. When two or more applications are required for development approval, the applicant may request to expedite the review process by overlapping the processing of sequential applications. The costs for preparing plans shall be incurred at the applicant's risk and does not guarantee entitlements. When such a request is made, final action shall adhere to the order set forth in Paragraph 20.2.7.A above. This request is subject to the approval of the DRT based on the following criteria:

1. The application shall have a low level of complexity;
2. The timing of final action shall adhere to the order set forth in this Chapter;
3. Any off-site improvements or development agreements shall be approved by the BOMA prior to or in conjunction with approval of a development plan;
4. An application for a plan amendment shall not be reviewed simultaneously with a rezoning or development plan

application and shall be reviewed after an initiation of annexation by the BOMA;

5. A development plan, or its subsequent revision, shall be approved prior to acceptance of a site plan for review, unless revisions are considered minor. In these cases, a revised development plan may be submitted simultaneously with a site plan; and
6. For single-family residential site plans, an applicant may request a partial certificate of appropriateness prior to final action on a site plan, and then request the certificate of appropriateness prior to the issuance of a building permit.

20.2.8 Waiver of Required Meetings

Applications have various required meetings described in each type of application. If the Department of Planning and Sustainability finds the application has minimal impacts on the surrounding properties, environment, or infrastructure, then it may waive any or all of the following meetings:

- A. Pre-application meeting;
- B. On-site meeting;
- C. Neighborhood meeting; or
- D. Joint conceptual workshop.

20.2.9 Public Notice Requirements

Applications shall comply with public notice requirements pursuant to the table below, State law, and the applicable review body bylaws. Public notice that exceeds State law requirements is considered a courtesy, and any defect or failure to provide the additional notice is not a basis for declaring any decision invalid.

Application	Published Notice	Mailed Notice	Posted Notice	Timing
● Required Notice ● Additional Notice Recommended ○ Required Notice for Neighborhood Meeting				
Plan Amendment	●	○	● ○	Mailed notice shall be postmarked at least 15 days prior to the neighborhood meeting Published notice of the public hearing shall be published at least 30 days before the FMPC meeting
Annexation	●	●	●	Various published, mailed, and posted notices in accordance with State law
Text Amendment				Published notice shall be included on the published agenda for the applicable review body
Preliminary HZC Recommendation	●		●	Published notice shall be included on the published HZC agenda
Development Plan	●	● ○	● ○	Mailed notice shall be postmarked at least 15 days prior to the neighborhood meeting Published notice shall be included on the published agenda for the applicable review body
Rezoning	●	●	●	Mailed notice shall be postmarked at least 15 days prior to the FMPC meeting Published notice of the public hearing shall be published at least 15 days before the BOMA meeting
Preliminary Plat	●	●		See the Subdivision Regulations

Application	Published Notice	Mailed Notice	Posted Notice	Timing
● Required Notice ● Additional Notice Recommended ○ Required Notice for Neighborhood Meeting				
Variance				Mailed notice to adjoining property owners shall be sent by the applicant according to the scheduled adopted annually by the BZA and posted on the City's website
Certificate of Appropriateness	●		●	Public notice shall be included on the published HZC agenda
Site Plan Subject to FMPC Approval	●			Published notice shall be included on the published FMPC agenda
Site Plan Subject to Administrative Approval	●			The administrative agenda shall be published on the City website
Final Plat	●			See the Subdivision Regulations
Appeal of Administrative Decision	●			Published notice shall be included on the published BZA agenda

A. Published Notice

1. The Department of Planning and Sustainability shall prepare the content and publish the notice in a newspaper of general circulation. The timing of the published notice shall adhere to State law and the adopted bylaws of the applicable review body.
2. Published notice shall include the following content:
 - a. The application type;
 - b. The address and/or general location of the property that is the subject of the application, and may include a location map; and
 - c. A description of the nature, scope, and purpose of the application; and
 - d. The date, time, and place of the

public meeting.

3. Published notice for the BOMA public hearings for annexation, text amendments, rezonings, and development plans shall be published at least 15 days before the BOMA meeting.

B. Mailed Notice

1. The applicant shall be responsible for preparing and mailing the mailed notice.
2. The mailed notice to surrounding property owners shall be required only for:
 - a. The neighborhood meeting, as applicable; and
 - b. The initial presentation of the proposed development to the

- applicable review body.
3. The mailed notice shall be sent to property owners within 500 feet of the subject property and affected property owners within the application boundaries. HPO rezoning mailed notice shall be prepared by the Department of Planning and Sustainability and mailed only to the affected property owners.
 4. The mailed notice shall be postmarked in accordance with Subsection 20.2.9, Public Notice Requirements.
 5. A notarized affidavit from the applicant showing the names and addresses of each adjacent property owner who has been notified shall be submitted to the Department of Planning and Sustainability prior to the meeting at which the item will be presented.
 6. If the application is withdrawn or deferred after the notices have been mailed, then the applicant shall re-notify adjacent property owners of the future meeting at which the application will be considered.
 7. Mailed notice shall include the following content:
 - a. The application type;
 - b. The address and general location of the property that is the subject of the application;
 - c. A description of the nature, scope, and purpose of the application;
 - d. The date, time, and place of the public meeting;
 - e. The location where the public may view the application and related documents; and
 - f. Contact information for the applicant or authorized agent, including name, address, telephone, and e-mail address.
 8. In addition to Clause 20.2.9.B.7 above, mailed notice for HPO rezoning shall include the following content:
 - a. A description of the structure or site proposed for nomination;
 - b. A description of the benefits, restrictions, and other terms of the proposed designation; and
 - c. A statement of the stay of actions after nomination provided for in Subsection 20.7.10, HPO District Rezoning.
- C. Posted Notice**
1. Posted notice for annexation applications shall comply with State law.
 2. All other recommended posted notice should be posted on the property prior to the neighborhood meeting or public meeting by the Department of Planning and Sustainability.

20.2.10 Opportunities for Public Hearings and Public Comment

The table below lists the types of applications that require a public hearing or public comment at a public meeting.

Application	BZA	HZC	JCW	FMPC	BOMA
● = Public Hearing ● = Opportunities for Public Comment					
Plan Amendment				●	
Annexation				●	●
Text Amendment				●	●
Preliminary HZC Recommendation		●			
Development Plan				●	●
Rezoning				●	●
Preliminary Plat				●	
Variance	●				
Certificate of Appropriateness		●			
Site Plan Subject to FMPC Approval				●	
Site Plan Subject to Administrative Approval					
Final Plat				●	
Performance Agreement and Surety				●	
Appeal of Administrative Decision	●				

20.2.11 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the mailed notice requirements, provided that:

- A. The continuance is set for a date within 60 days of the original public hearing date; and
- B. The date and time of the continued hearing are announced at the time of the continuance.

20.2.12 Withdrawal of an Application

A request for withdrawal of an application shall be submitted in writing to the Department of Planning and Sustainability. The request shall be approved only if it has been submitted prior to the published notice of the public meeting, pursuant to the applicable review body bylaws.

20.3 Plan Amendment

20.3.1 Purpose

The purpose of a plan amendment is to amend the adopted general plan, Envision Franklin, due to changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

20.3.2 Applicability

- A. Plan amendments shall comply with the specific review procedures in this Section.
- B. Rezoning and development plans should be consistent with the adopted plan. When these applications are not consistent with the adopted plan, they may be processed without a plan amendment; however, the staff shall recommend disapproval if the application is not in substantial conformity with the adopted plan.

20.3.3 Preliminary Meeting

The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts of the plan amendment, Envision Franklin, and review procedures. The applicant shall supply preliminary information to the Department of Planning and Sustainability at least three business days prior to the meeting.

20.3.4 On-Site Meeting

The applicant shall meet with the Department of Planning and Sustainability and other departments, as applicable, on the property that is the subject of the application.

20.3.5 Neighborhood Meeting

The applicant shall hold at least one formal neighborhood meeting, typically held prior to the plan amendment application submittal. The applicant shall:

- A. Coordinate the neighborhood meeting

date, time, and location with the Department of Planning and Sustainability;

- B. Mail the public notice for the neighborhood meeting in accordance with Subsection 20.2.9, Public Notice; and
- C. Conduct the neighborhood meeting and provide a written summary of the meeting, noting concerns of surrounding property owners, with the application resubmittal. The meeting shall be attended by a City staff member to meet the neighborhood meeting requirement.

20.3.6 Application Submittal

The applicant shall submit a plan amendment application in accordance with Section 20.2, Common Review Procedures.

20.3.7 Staff Review

In accordance with the submittal schedule posted on the City website:

- A. The DRT shall review the application;
- B. The Department of Planning and Sustainability shall send comments from the DRT to the applicant; then
- C. The applicant shall address the comments and submit a revised application.
- D. Upon submittal of a revised application, the Department of Planning and Sustainability shall prepare a final review and make a recommendation to the FMPC.

20.3.8 FMPC Final Action

The FMPC shall review the plan amendment at a public hearing and vote for:

- A. Approval;
- B. Approval with conditions;
- C. Disapproval; or
- D. Deferral for continued review of the application.

20.3.9 Approval Criteria

Recommendations and final action on a plan amendment shall be based on consideration of the following criteria:

- A. Significant changes have occurred since the adoption of the plan that necessitate the proposed amendment;
- B. The proposal is consistent with the overall intent of Envision Franklin;
- C. The proposal is compatible with the design concepts of the surrounding area and does not cause an abrupt change in massing, form, or architecture;
- D. The proposal does not adversely affect the health, safety, and welfare of the public; and
- E. Substantial improvements in the quality of life for Franklin citizens will be achieved.

20.4 Annexation

20.4.1 Purpose

The purpose of an annexation is to expand City boundaries into unincorporated land that allows for orderly growth, efficient delivery of municipal services, and proactive planning for future development.

20.4.2 Applicability

Annexation by resolution shall comply with the specific review procedures in this Section and State law. Annexation by referendum shall comply with State law.

20.4.3 Preliminary Meeting

The applicant shall meet with the Department of Planning and Sustainability and DRT representatives to discuss the request for annexation, Envision Franklin, the plan of services, and review procedures.

20.4.4 Application Submittal

- A. The applicant shall submit an annexation application in accordance with Section 20.2, Common Review Procedures; however, annexation by resolution may only be initiated by the owner of the property or the owner's authorized agent.
- B. The applicant shall submit a rezoning application concurrently with an annexation application pursuant to Subsection 20.7.9, Establishment of a Zoning District.

20.4.5 Staff Review

The Department of Planning and Sustainability shall coordinate a draft plan of services for the annexation application, which outlines how the property would be served by City services upon annexation.

20.4.6 Initiation of Annexation

The BOMA shall review the draft plan of services and may initiate an annexation and direct staff to continue to study the request. This initiation shall not commit or bind the BOMA to any proposal or element thereof.

20.4.7 Staff Review

In accordance with the submittal schedule posted on the City website, the Department of Planning and Sustainability shall coordinate the preparation of the plan of services and annexation resolution and make a recommendation to the FMPC.

20.4.8 FMPC Recommendation

The FMPC shall review the plan of services and annexation resolutions at a public meeting and make a recommendation to the BOMA.

20.4.9 BOMA Final Action

- A. Except for annexations that require a referendum per State law, the BOMA shall hold one reading on the plan of services resolution, with a public hearing and vote on the resolution concurrent with the second reading of the annexation resolution, and vote for:
 1. Approval;
 2. Disapproval; or
 3. Deferral for continued review of the application.
- B. Except for annexations that require a referendum per State law, the BOMA shall hold three readings on the annexation resolution, with a public hearing during the second reading, and vote for:
 1. Approval;
 2. Disapproval; or
 3. Deferral for continued review of the application.

20.4.10 Approval Criteria

Recommendations and final action on an annexation shall be based on consideration of the following criteria:

- A. Whether the proposed annexation can be served in an efficient and cost-effective manner by municipal services, such as fire, police, and public works;
- B. Whether the proposed annexation will result in orderly and efficient growth of the City;
- C. Whether existing or planned infrastructure, including water, sewer, roadways, specific types of open space, sidewalks and trails, and public facilities can adequately serve the property;
- D. Whether the proposed annexation is located in an area where substantial infrastructure investments have already been made;
- E. Whether the proposed annexation is consistent with the guiding principles set forth in Envision Franklin and the purpose of this Ordinance; and
- F. Whether the proposed annexation would benefit the health, safety and welfare of the public.

20.5 Text Amendment

20.5.1 Purpose

The purpose of a text amendment is to modify the provisions of this Ordinance to address changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

20.5.2 Applicability

Text amendments shall comply with the specific review procedures in this Section.

20.5.3 Application Submittal

A text amendment application shall be initiated by the BOMA, FMPC, or Department of Planning and Sustainability.

20.5.4 Joint Conceptual Workshop

The Department of Planning and Sustainability shall draft the text amendment and present it at a joint conceptual workshop.

20.5.5 FMPC Recommendation

The FMPC shall review the text amendment at a public meeting and make a recommendation to the BOMA.

20.5.6 BOMA Final Action

- A. The BOMA shall hold three readings on the text amendment, with a public hearing during the second reading, and vote for:
 1. Approval;
 2. Approval with conditions;
 3. Disapproval; or
 4. Deferral for continued review of the application.
- B. A majority vote of the full membership of the BOMA shall be required for passage of the text amendment ordinance on third and final reading.

20.5.7 Approval Criteria

Recommendations and final action on a text amendment shall be based on consideration of the following criteria:

- A. Whether the proposed text amendment is consistent with Envision Franklin and the purpose of this Ordinance;
- B. Whether the proposed text amendment will protect the health, safety, and welfare of the public; and
- C. Whether the proposed text amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text was established.

20.6 Preliminary HZC Recommendation

20.6.1 Purpose

The purpose of a preliminary HZC recommendation is to provide other review bodies with recommendations related to the Historic District Design Guidelines on development applications in the HPO early in the approval process where certain contextually-sensitive design features become entitled prior to the certificate of appropriateness review.

20.6.2 Applicability

- A. Preliminary HZC recommendations shall comply with the specific review procedures in this Section.
- B. This Section shall apply to development in the HPO that is subject to:
 1. Development plans;
 2. Preliminary plats; and
 3. Final plats that create new lots.
- C. Development plan applications shall be reviewed for consistency with the Historic District Design Guidelines regarding conceptual elevations, height, massing, scale, setbacks, type of historic resource edge treatment, and lot or building site sizes.
- D. Preliminary plat and final plat applications shall be reviewed for consistency with the Historic District Design Guidelines regarding types of edge treatment, setbacks, and lot or building site sizes.

20.6.3 Application Submittal

An application for a preliminary HZC recommendation shall be submitted in accordance with Section 20.2, Common Review Procedures.

20.6.4 Staff Review

The Department of Planning and Sustainability shall review the application and make a recommendation to the HZC.

20.6.5 HZC Recommendation

The HZC shall review the application at a public meeting and provide a recommendation to the FMPC and the BOMA, as applicable, for:

- A. Approval;
- B. Approval with conditions;
- C. Denial; or
- D. Deferral for continued review of the application.

20.6.6 Approval Criteria

Preliminary HZC recommendations shall be based on consideration of the following criteria:

- A. Whether the proposed development is consistent with the intent of the HPO;
- B. Whether the proposed development would complement other structures or exterior arrangements within the HPO; and
- C. Whether the proposed development complies with the Historic District Design Guidelines.

20.7 Rezoning

20.7.1 Purpose

The purpose of a rezoning is to amend the official zoning map to address annexation, changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

20.7.2 Applicability

Rezoning shall comply with the specific review procedures in this Section.

20.7.3 Preliminary Meeting

The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts of the rezoning, its compliance with Envision Franklin, and review procedures. The applicant shall supply preliminary information to the Department of Planning and Sustainability at least three business days prior to the meeting.

20.7.4 Application Submittal

- A. The applicant shall submit a rezoning application pursuant to Section 20.2, Common Review Procedures.
- B. An application for HPO rezoning shall not require a property survey, but instead indicate the map, group, and parcel numbers of the proposed properties. Where applicable, the application shall be signed by owners of the affected properties.

20.7.5 Staff Review

In accordance with the submittal schedule posted on the City website:

- A. The DRT shall review the application;
- B. The Department of Planning and Sustainability shall send comments from the DRT to the applicant;

- C. The applicant shall address the comments and submit a revised application; and
- D. Upon submittal of a revised application, the Department of Planning and Sustainability shall prepare a final review and make a recommendation to the FMPC.

20.7.6 FMPC Recommendation

The FMPC shall review the rezoning at a public meeting and make a recommendation to the BOMA.

20.7.7 BOMA Final Action

- A. The BOMA shall hold three readings on the rezoning ordinance, with a public hearing during the second reading, and vote for:
 1. Approval;
 2. Disapproval; or
 3. Deferral for the continued review of the application.
- B. A majority vote of the full membership of the BOMA shall be required for passage on third and final reading.

20.7.8 Approval Criteria

Recommendations and final action on a rezoning shall be based on consideration of the following criteria:

- A. Whether the proposed text amendment is consistent with Envision Franklin and the purpose of this Ordinance;
- B. Whether the proposed text amendment will protect the health, safety, and welfare of the public; and
- C. Whether the proposed text amendment corrects an error or meets the challenge of changed conditions, changes in public policy, or changes necessary to advance the health, safety, and welfare of the City.

20.7.9 Establishment of a Zoning District

- A. The applicant shall submit a rezoning application concurrently with an annexation application. The zoning district shall comply with one of the following:
1. The property shall be zoned AG or ER, depending on the size.
 2. The property shall be zoned to a specific zoning district that achieves the design concept recommendations in Envision Franklin.
 3. The property shall be zoned PD with an accompanying development plan.
 4. Any property subject to a recorded subdivision shall be zoned to the district that most closely resembles the existing development in terms of uses and lot sizes. If such district is PD, final plats on record in the Williamson County Register's office shall serve as the development plan.
- B. In addition to the zoning district, parcels annexed into the City shall be zoned to the applicable zoning overlay districts in accordance with Envision Franklin.
- C. When a property is zoned or rezoned, the new zoning district lines shall follow parcel lines.

20.7.10 HPO District Rezoning

A rezoning to the HPO shall vary from the process in Section 20.7, Rezoning, to meet the following requirements:

- A. Properties may be nominated for the HPO by any of the following applicants:
1. An individual property owner of a property;
 2. One person, acting as a representative for more than one property owner; or
 3. The BOMA or HZC.
- B. The nomination shall serve as an application to rezone the affected properties into the HPO. The rezoning shall vary from the process in Section 20.7, Rezoning, to meet the following requirements:
1. The application fee shall be waived;
 2. The nomination shall indicate the map, group, and parcel numbers of the properties. A survey of the affected properties shall not be required; and
 3. An owner affidavit shall not be required.
- C. Upon receipt of a nomination, the Department of Planning and Sustainability shall place the item for consideration on an upcoming HZC meeting agenda to evaluate the affected properties in light of the HPO designation criteria. The HZC shall make a recommendation to the FMPC.
- D. The Department of Planning and Sustainability shall prepare a notice of nomination and mail it to the owners of the affected properties at least 15 days prior to the FMPC meeting. The notice of nomination shall include the following information:
1. A description of the structure or site proposed for nomination;
 2. A description of the benefits, restrictions, and other terms of the proposed designation;
 3. Notice of the FMPC meeting;
 4. A statement of the stay of actions after nomination provided for in Clause 20.7.10.F below; and
 5. A form on which the owner may explain the reasons why the nomination should be approved or denied.
- E. The FMPC shall make a recommendation to the BOMA.
- F. After a first reading vote by the BOMA on the HPO rezoning, all permits for construction, major repairs, alterations, additions, restoration, rehabilitation,

demolition or relocation of any building, object or structure on the property shall be subject to the certificate of appropriateness procedures, unless the rezoning is denied by the BOMA.

20.7.11 NCO District Rezoning

A rezoning to the NCO shall vary from the process in Section 20.7, Rezoning, to meet the following requirements:

- A. Properties may be nominated for the NCO by a representative of the property owners;
- B. The nomination shall serve as an application to rezone the affected properties into the NCO. The rezoning shall vary from the process in Section 20.7, Rezoning, to meet the following requirements:
 1. The application fee shall be waived;
 2. The nomination shall indicate the map, group, and parcel numbers of the properties proposed for rezoning. A survey of the affected properties shall not be required; and
 3. A petition shall be submitted, signed by at least 51 percent of the total number of property owners of the total number of parcels or lots within the proposed district. An owner affidavit shall not be required.
 4. Following the nomination of the NCO, the Department of Planning and Sustainability shall hold a neighborhood meeting with the affected property owners.
 5. Following the neighborhood meeting, the Department of Planning and Sustainability shall develop maps, descriptive materials, and development standards for the proposed district that include:
 - a. Maps indicating the boundaries, age of structures, and existing land use;
 - b. Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district; and
 - c. Development standards for new construction, additions, or alterations to the street facades of existing buildings or structures within the proposed district.
 6. The development standards shall be established by a text amendment and rezoning creating the NCO.
- C. Separate ordinances are required to designate each district. Ordinances designating each NCO shall identify the designated district boundaries and specify the individual purposes and development standards for that individual district.
- D. Each NCO shall have the overlay district symbol (NCO) as a suffix and be numbered sequentially to distinguish among different districts e.g. (NCO1, NCO2, etc.).

20.8 Development Plan

20.8.1 Purpose

The purpose of a development plan is to:

- A. Allow for the review and approval of entitlements for development in the PD district and any associated modification of standards (MOS) requests;
- B. Implement Envision Franklin guiding principles and design concepts; and
- C. Utilize the planned unit development process in accordance with State law.

20.8.2 Applicability

- A. Development plans are specific to the PD district. Development plans shall comply with the specific review procedures in this Section.
- B. Rezoning of property to a PD district and the subsequent development plan shall not be proposed or used to avoid, or have the effect of avoiding compliance with the standards and requirements of this Ordinance or for the other zoning districts, and instead, shall be used sparingly in the following situations:
 - 1. Rezoning of property to a PD district shall be limited to situations where this district is needed in order to implement Envision Franklin guiding principles and design concepts; or
 - 2. Rezoning of property to a PD district shall be limited to situations where a property, due to unique site conditions or the necessary intrinsic size, use, building placement, building elements, building configuration, building type, or other building and development characteristics, cannot under any other circumstances conform to one or more of the other zoning districts or standards specified in this Ordinance.

- C. Development plans shall provide for innovative planning and design that respects the surrounding established land use, character, and natural or man-made features of the property, such as trees, historic features, streams, hillsides, and floodplains, and promotes quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, which could not be achieved in accordance with the standards for any other zoning district.

20.8.3 Establishment of Standards

Development plans establish entitlements for a property in the PD district, including a customized combination of permitted uses, building types, frontage types, setbacks, and any modifications of standards in accordance with Subsection 20.8.4, Modifications of Standards.

20.8.4 Modifications of Standards

- A. The purpose of a modification of standards is to allow the consideration of a request to modify a development standard of this Ordinance where:
 - 1. The modification will enhance the design of the development more than if the standards were strictly adhered to;
 - 2. The conditions upon which the request is based are unique to the design intent for the development and are not applicable generally to other property; and
 - 3. The modification is consistent with the intent of Envision Franklin.
- B. The applicant shall provide the standard requested for modification, an alternate

standard to be considered, and written documentation and justification for the request.

- C. A modification shall not be used to achieve the effect of changing one type of building, open space, sign, or historic resource edge treatment to another type.
- D. The following standards are not available for modification:
 1. Section 3.10, Planned District;
 2. Chapter 4, Overlay Districts;
 3. Chapter 5, Use Regulations;
 4. Chapter 7, Frontage Types;
 5. Section 12.2, Landscape Surface Area;
 6. Section 17.1, Steep Slopes; and
 7. Section 17.6, Floodplain Protection.

20.8.5 Preliminary Meeting

The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts for the development plan, Envision Franklin, and procedures.

20.8.6 Pre-Application Requirements

The applicant shall hold a pre-application meeting with the DRT to review the draft development plan and discuss Ordinance requirements. The applicant shall submit pre-application documents to the Department of Planning and Sustainability as defined by the calendar published on the City website.

20.8.7 Neighborhood Meeting

The applicant shall hold at least one formal neighborhood meeting, typically held prior to the development plan application submittal. The applicant shall:

- A. Coordinate the neighborhood meeting date, time, and location with the Department of Planning and Sustainability;
- B. Mail the public notice for the neighborhood meeting in accordance with Subsection

20.2.9, Public Notice; and

- C. Conduct the neighborhood meeting and provide a written summary of the meeting, noting concerns of surrounding property owners, with the application resubmittal. The meeting shall be attended by a City staff member to meet the neighborhood meeting requirement.

20.8.8 Application Submittal

- A. The applicant shall submit a development plan application in accordance with Section 20.2, Common Review Procedures.
- B. If an applicant wishes to request a modification of standards, the request shall be made as part of the initial application submittal. A modification of standards is not needed for a standard that allows the DRT to approve an alternative.
- C. Applications for buildings over six stories or 75 feet shall include a viewshed analysis that includes three-dimensional imagery of the proposal and the surrounding buildings and properties to better understand how the proposed building will impact the nearby built and natural environment.

20.8.9 Joint Conceptual Workshop

- A. Prior to the joint conceptual workshop, the applicant shall submit the following to the Department of Planning and Sustainability:
 1. A brief overview of the project size and scope;
 2. A summary of the existing site conditions;
 3. A summary of any modification of standards requests; and
 4. A summary of the pre-application meeting in a format suitable for display during the workshop and posting on the City website.
- B. The applicant shall present the project at a joint conceptual workshop.

- C. The BOMA and FMPC may offer the applicant an initial informal reaction to the project plans, but comments are advisory only and shall in no manner commit or bind the BOMA or FMPC to any proposal or element thereof.

20.8.10 Staff Review

In accordance with the submittal schedule posted on the City website:

- A. The DRT shall review the application;
- B. The Department of Planning and Sustainability shall send comments from the DRT to the applicant;
- C. The applicant shall address the comments and submit a revised application; and
- D. The Department of Planning and Sustainability shall prepare the final review and make a recommendation to the FMPC.

20.8.11 FMPC Recommendation

The FMPC shall review the development plan and any associated MOS at a public meeting and make a recommendation to the BOMA.

20.8.12 BOMA Final Action

- A. The BOMA shall hold one reading on the development plan by resolution with a public hearing and vote on the development plan and any associated modifications of standards for:
 - 1. Approval;
 - 2. Approval with conditions;
 - 3. Disapproval; or
 - 4. Deferral for the continued review of the application.
- B. If the development plan is associated with a rezoning ordinance, then the one reading of the development plan shall coincide with the second reading and public hearing of the rezoning ordinance.
- C. If the BOMA approves the development

plan (with or without conditions), then the development plan shall be considered approved on the effective date of the associated rezoning ordinance. If there is not an associated rezoning, the development plan shall be considered approved on the effective date of the resolution.

20.8.13 Approval Criteria

- A. Recommendations and final action for a development plan shall be based on consideration of the following criteria:
 - 1. Whether the proposed development plan is consistent with Envision Franklin, the purpose of this Ordinance, and other applicable City plans;
 - 2. Whether the proposed development plan is being used to avoid compliance with the standards and requirements of this Ordinance or for the other zoning districts that implement Envision Franklin;
 - 3. Whether the proposed development will be adequately served by existing or planned public facilities and infrastructure and that proposed improvements needed to serve the site comply with relevant City requirements;
 - 4. Whether the proposed development plan will provide community amenities to support the public health, safety, and welfare of the public; and
 - 5. If development is proposed to occur in phases, whether legal assurance are provided, in a format suitable to the City attorney, that project improvements, such as parking structures, multi-use paths, street connections, and neighborhood amenities that are

necessary and desirable for residents of the project or that are of benefit to the City are constructed as early in the project phasing as is technically feasible.

- B. Recommendations and final action for a modification of standards shall be based on consideration of the following criteria:
 - 1. The modification will enhance the design of the development more than if the standards were strictly adhered to;
 - 2. The conditions upon which the request is based are unique to the design intent for the development and are not applicable generally to other property; and
 - 3. The modification is consistent with the intent of Envision Franklin.
- C. Conditions of approval may be imposed to:
 - 1. Secure the purposes of this Ordinance and protect the public health, safety, and general welfare; and
 - 2. Ensure compatibility of development with surrounding land uses and buildings.

20.8.14 Effect of Approval on Project Entitlements and Design

The project entitlements approved in the development plan shall be subject to the application of the development standards of this Ordinance, as may be modified by any MOS, and any conditions of approval. If, upon the application of the development standards, as may be modified by any MOS, and the conditions of approval, the applicant cannot achieve the maximum approved entitlements, the applicant shall be confined to the entitlements achieved from the application of the standards in this Ordinance, as may be modified by any MOS, and any

conditions of approval. The applicant may not apply for a variance to achieve the maximum allowable entitlements after approval of the development plan.

20.8.15 Expiration of a Development Plan

- A. In accordance with T.C.A. § 13-4-310, development plans will expire three years after their approval date, corresponding to the expiration of their vesting. The approval date is the effective date of the resolution as voted on by the BOMA.
- B. To keep a development plan valid, an applicant must:
 - 1. Secure the approval of a site plan (for purposes of T.C.A. in this instance is considered the final development plan);
 - 2. Obtain necessary permits to start site preparation; and
 - 3. Begin site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements, such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
- C. If all three requirements are met, a development plan will be valid for an additional two years.
- D. A development plan will then expire within five years (three years plus the additional two years granted) of the original approval date, unless the applicant commences construction. Construction, for purposes of this Subsection, means that any foundation

of a building are installed and the building has begun to be erected vertically.

- E. If construction commences within five years of the original approval date, the development plan will remain valid for:
 - 1. Ten years from the original approval date for single-phase development plan; or
 - 2. 15 years from the original approval date for a multi-phase development plan.
- F. If a project is not complete by the end of this time period, the applicant/developer may request an extension of the vesting period and extension of the development plan expiration date, pursuant to Section 20.19, Vesting.

20.8.16 Revisions to an Approved Development Plan

Revisions to an approved development plan are still subject to the expiration date of the original approval of the development plan in Subsection 20.8.15, Expiration of a Development Plan. As such, revisions to development plans approved after a project has commenced construction will also not “restart” the clock on expiration timelines.

Revisions to an approved development plan that are denied by the applicable review body may affect the vesting property rights, per Section 20.19, Vesting.

Review of requests for revisions to an approved development plan are subject to one of the three processes described in Paragraphs 20.8.16.A through C below:

A. Revision by BOMA Resolution

The following revisions trigger the entire review procedures and public notification, including neighborhood meeting, as required for the original development plan approval, with final action by BOMA

resolution:

- 1. Any increase in entitlements, including the number of dwelling units or nonresidential square footage;
- 2. Changes or increase from single family residential to any other residential use;
- 3. Changes in nonresidential square footage related to institutional or industrial use;
- 4. Adding a use that is not otherwise identified on the approved development plan;
- 5. A change in the number or location of external access points or streets classified as collector or arterial street;
- 6. Revisions to the widths or lengths of provided buffers, historic resource edge treatments, stormwater, etc.;
- 7. Any revision to a condition of approval required by the BOMA; or
- 8. Any revision that requires a MOS or that requires a change to a previously-approved MOS.

B. Revision by FMPC Approval

The following revisions trigger the entire review procedures and public notification, including neighborhood meeting, as required for the original development plan approval, with final action by the FMPC:

- 1. Changes to setbacks or frontage types approved as part of the development plan that change the character of the project;
- 2. Major changes to typical lots or building sites in either dimension or number of lots or building sites in a section or throughout the development;
- 3. Reduction in approved open space within any section of the development plan, which impacts the plan;
- 4. Changes in building types, building

heights, or number of stories, which impact the visual character or transitional features of the section or plan;

5. Significant changes to the internal street network, block layout, or intersection configuration, such as the elimination of streets or connection points;
6. Any impact to existing historic sites or structures, other than impacts previously approved;
7. Major changes to parking layout, which adversely alter parking convenience or changes the character of the plan; or
8. Substantial revision to drainage, streets, stormwater quality or quantity, or other engineering design changes that alter those items as approved in the development plan, including significant changes in traffic circulation.

C. Minor Revisions

1. Revisions not meeting the criteria of either Paragraphs 20.8.16.A or B are considered minor revisions that have minimal impact upon the project. Minor revisions may be approved by the Department of Planning and Sustainability.
2. The Department of Planning and Sustainability may choose to forward any revised development plan to the BOMA or FMPC for review, pursuant to the applicable application requirements.

20.9 Preliminary Plat

See the Subdivision Regulations.

20.10 Variance

20.10.1 Purpose

- A. The purpose of a variance is to:
 - 1. Provide limited relief from the requirements of this Ordinance in cases where strict application of a particular requirement would create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance; and
 - 2. Address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.
- B. Variances are not intended merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose of property owners in general.

20.10.2 Applicability

Variances shall comply with the specific review procedures in this Section.

20.10.3 Application Submittal

A variance application shall be submitted in accordance with Section 20.2, Common Review Procedures.

20.10.4 Staff Review

In accordance with the submittal schedule posted on the City website, the Department of Planning and Sustainability shall:

- A. Review the application and coordinate with any other affected departments; and
- B. Prepare the final review and make a recommendation to the BZA.

20.10.5 BZA Final Action

The BZA shall review the variance application at a public meeting, hold a public hearing, and vote for:

- A. Approval;
- B. Approval with conditions;
- C. Disapproval; or
- D. Deferral for continued review of the application.

20.10.6 Approval Criteria

- A. The BZA may authorize a variance only in accordance with the following criteria:
 - 1. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition, such piece of property is not able to accommodate development as required under this Ordinance;
 - 2. The strict application of any provision enacted under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property; and
 - 3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose and intent of the zoning map and this Ordinance.
- B. Variance requests for property subject to Section 17.6, Floodplain Protection, shall comply with Subsection 17.6.5, Appeals to the Board of Zoning Appeals.
- C. Conditions of approval may be imposed on the proposed use and the property to be developed or used pursuant to such approval as the BZA determines are required to ensure compliance with this Section.
- D. The fact that a site or development does not conform to this Ordinance prior to the

consideration of a variance application may not be used as a basis for the granting of a variance.

20.10.7 Effect of a Variance

- A. The issuance of a variance shall authorize only the particular variation that is approved in the variance.
- B. A variance, including any conditions of approval, shall run with the land and shall not be affected by a change in ownership.
- C. The issuance of a variance shall not result in an action that has the effect of allowing a use or the use regulations not otherwise permitted in the applicable zoning district or overlay district. Any action that has in effect changed the district shall be deemed to be a violation of this Section and shall be of no force and effect.

20.10.8 Subsequent Development

Development authorized by the variance shall only be carried out when the applicant has secured all other approvals required by this Ordinance or any other applicable ordinances or regulations.

20.10.9 Time Limit

- A. Unless otherwise specified in the variance, an application for a building permit shall be applied for and issued within one year of the date of variance approval; otherwise, the variance shall become invalid.
- B. Upon written request, one extension of six months may be granted by the Department of Building and Neighborhood Services if the applicant can show good cause.
- C. The decision of the Department of Building and Neighborhood Services as to what constitutes substantial compliance with the time limit or applicable conditions for a variance shall be final.

20.10.10 Amendment to an Approved Variance

A variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a variance shall be considered an amendment and subject to the full review procedure set forth in this Section.

20.11 Certificate of Appropriateness

20.11.1 Purpose

The purpose of a certificate of appropriateness is to ensure that development, construction, alteration, or demolition of structures in the HPO district meets the intent of the Historic Design Guidelines regarding the appropriateness of the:

- A. Exterior architectural features of new structures to be constructed;
- B. Exterior design, modification, alteration, or extension of existing structures;
- C. Setbacks, parking, sidewalks, driveways, fencing, signage, or other features that might affect the character of a historic resource; and
- D. General compatibility of design, arrangement, texture, and materials of the exterior of the structures in relation to similar features of structures in the immediate surroundings.

20.11.2 Applicability

- A. Certificates of appropriateness shall comply with the specific review procedures in this Section.
- B. Within the HPO district, the issuance of a certificate of appropriateness shall be required prior to:
 - 1. The issuance of a building permit or demolition permit;
 - 2. The installation, construction, alteration, relocation, or demolition of a sign, fence, or wall;
 - 3. Exterior work in accordance with the Historic District Design Guidelines; and
 - 4. Approval of a site plan.
- C. For single-family residential site plans, an applicant may request a partial certificate of appropriateness prior to final action on

a site plan. In these cases, a certificate of appropriateness shall be issued prior to issuance of a building permit.

20.11.3 Exemptions

Building permits for work on the interior of a structure, such as electrical, interior structural, etc., shall be exempt from this Section, provided that the work will not alter the external appearance or the gross floor area of the structure.

20.11.4 Application Submittal

- A. A certificate of appropriateness application shall be submitted in accordance with Section 20.2, Common Review Procedures.
- B. Applications within the HPO shall provide a three-dimensional model of the proposed development and all buildings on any adjacent lots or building sites when development consists of the following:
 - 1. A building with a height of three stories or more; or
 - 2. A building with a facade width of 100 feet or more.

20.11.5 Administrative Final Action

- A. The Department of Planning and Sustainability may review and approve minor alterations and installations not substantially affecting the exterior appearance of the property in accordance with the Historic District Design Guidelines.
- B. The Department of Planning and Sustainability may approve such installations administratively or refer the proposed project to the HZC for final action.

20.11.6 HZC Final Action

- A. The Department of Planning and Sustainability shall review the application and make a recommendation to the HZC.
- B. The HZC shall review the application within 30 days following the availability of sufficient information; however, the timeframe may be extended by mutual agreement.
- C. The HZC shall review the certificate of appropriateness application at a public meeting and vote for:
 - 1. Approval;
 - 2. Approval with conditions;
 - 3. Denial with grounds stated in writing; or
 - 4. Deferral for continued review of the application.
- D. Following the HZC approval of a certificate of appropriateness, the Department of Planning and Sustainability shall issue a written certificate of appropriateness. A building permit or other required application then may be processed in accordance with this Ordinance and Title 12 of the Municipal Code.
- E. Following the HZC disapproval of a certificate of appropriateness, the applicant shall be notified in writing by the Department of Planning and Sustainability.

20.11.7 Approval Criteria

- A. For new construction or alterations to an existing structure, recommendations and final action on a certificate of appropriateness shall be based on consideration of the following criteria:
 - 1. Whether the proposed action is consistent with the intent of the HPO district;
 - 2. Whether the proposed action would complement other structures or

exterior arrangements within the HPO district; and

- 3. Whether the proposed action complies with the Franklin Historic District Design Guidelines.
- B. For removal, relocation, or demolition, final action on a certificate of appropriateness shall be based on consideration of the following criteria:
 - 1. Whether the proposed action is consistent with the intent of the HPO district; and
 - 2. Whether the proposed action complies with the Historic District Design Guidelines.

20.11.8 Appeals

The HZC shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the HZC may have the order or judgment reviewed by the courts by the procedures set forth in T.C.A. § 27-9-101 et seq.

20.12 Site Plan

20.12.1 Purpose

The purpose of a site plan is to ensure site development compliance with all applicable standards in this Ordinance and to develop a site construction plan set.

20.12.2 Applicability

- A. Site plans shall comply with the specific review procedures in this Section.
- B. Site plan approval shall be required for development prior to the issuance of a grading permit or building permit, unless exempted by Subsection 20.12.4, Exemptions.
- C. Site plans shall be submitted for approval by the FMPC if the application includes:
 - 1. A buffer per Section 12.7, Buffers;
 - 2. A new structure exceeding six stories or 75 feet;
 - 3. Property within the HPO;
 - 4. Property in the OR district related to a nonresidential use;
 - 5. Property within the 1ST or 5TH districts and within the FWO or FFO;
 - 6. A telecommunication tower not administratively approvable pursuant to Paragraph 5.1.4.T, Telecommunication Towers and Antennas;
 - 7. A unified site plan;
 - 8. An event venue;
 - 9. A gas station;
 - 10. A bed and breakfast; or
 - 11. A civic building.
- D. All other site plans shall be subject to administrative review and approval by the DRT.

20.12.3 Unified Site Plan

- A. Nonresidential uses with two or more lots may be submitted as a unified site plan.

- B. Multifamily residential in the RC6 and RC12 districts, where permitted as part of the overall building square footage of a development, shall be submitted as a unified site plan that includes the entire development site.
- C. Requirements for unified site plans shall be determined based on the perimeter lot lines of the overall site, regardless of the location, ownership, size, or quantity of the interior lots.
- D. Unified site plans shall comply with the following:
 - 1. Bulk requirements to be considered in aggregate shall include buffers, building setbacks, open space, landscape surface area, tree protection, parking, and stormwater requirements;
 - 2. Site development for all lots shall be depicted on the unified site plan;
 - 3. The unified site plan shall serve as the preliminary plat in the platting process; and
 - 4. The final plat shall be required to contain perpetual maintenance agreements for shared responsibility of site improvements.

20.12.4 Exemptions

The following development shall be exempt from site plan review, but shall comply with all standards of this Ordinance and any other City requirements prior to issuance of a building permit:

- A. Plans for a house or duplex;
- B. Plans for nonresidential additions that do not exceed ten percent of the square footage of the building and do not require a stormwater permit or grading permit, pursuant to Section 23-102 of the Municipal Code;
- C. Additions to parking areas, open spaces,

or accessory structures that do not require a stormwater permit or grading permit, pursuant to Section 23-102 of the Municipal Code;

- D. The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this Ordinance; and
- E. Temporary uses, pursuant to Section 5.3, Temporary Uses and Structures, that do not require a stormwater permit or grading permit, pursuant to Section 23-102 of the Municipal Code.

20.12.5 Pre-Application Requirements

- A. The DRT may require a pre-application meeting with the applicant to review the draft site plan and identify any initial conflicts with this Ordinance.
- B. The applicant shall submit pre-application documents to the Department of Planning and Sustainability at least 14 days prior to the initial submittal.

20.12.6 Application Submittal

- A. The applicant shall submit a site plan application in accordance with Section 20.2, Common Review Procedures. The submittal shall be within 120 days of the pre-application meeting, if applicable.
- B. Applications for buildings that exceed six stories or 75 feet shall include a viewshed analysis that includes three-dimensional imagery of the proposal and the surrounding buildings and properties to better understand how the proposed building will impact the nearby built and natural environment.

20.12.7 Staff Review

In accordance with the submittal schedule posted on the City website:

- A. The DRT shall review the application;
- B. The Department of Planning and Sustainability shall send comments from the DRT to the applicant; and
- C. The applicant shall address the comments and submit a revised application within three resubmittal dates in accordance with the FMPC bylaws.

20.12.8 Final Action

A. Administrative Final Action

- 1. Upon submittal of a revised application, the DRT shall make a decision to:
 - a. Approve;
 - b. Approve with conditions; or
 - c. Disapprove with the option for the applicant to re-submit.
- 2. The DRT decision shall be placed on an administrative agenda.
- 3. The applicant may appeal any DRT decision or conditions of approval to the FMPC. This appeal shall be filed with the Department of Planning and Sustainability within 14 days of the administrative agenda and shall be placed on the next available the FMPC agenda.

B. FMPC Final Action

- 1. Upon submittal of a revised application, the Department of Planning and Sustainability shall prepare a final review and make a recommendation to the FMPC.
- 2. The FMPC shall review the site plan at a public meeting and vote for:
 - a. Approval;
 - b. Approval with conditions;
 - c. Disapproval; or

- d. Deferral for continued review of the application.

20.12.9 Approval Criteria

Recommendations and final action on a site plan shall be based on consideration of the following criteria:

- A. Whether the proposed development complies with the applicable zoning district and overlay districts;
- B. Whether the proposed development is consistent with all standards of this Ordinance and other related codes and ordinances enforced by the City; and
- C. Whether the proposed development meets all the requirements or conditions of any other applicable development approvals, such as a development plan or associated modification of standards.

20.12.10 Non-Vested Site Plans and Time Limits

The following time limits shall apply to site plans that were approved on or before December 31, 2014, or approved on or after January 1, 2015, that are associated with a development plan, concept plan, or preliminary plat originally approved on or before December 31, 2014:

- A. Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for and the permit issued within one year of the date of the site plan approval, otherwise the site plan shall become invalid. Permitted timeframes do not change with successive owners.
- B. Site plans for residential development that do not have an approved building permit within one year of the date of the site plan approval, a grading and stormwater permit shall be approved and construction of streets, water, sewer, sidewalk, utilities, and any other infrastructure shall have

commenced within one year of the date of the residential site plan approval.

- C. Upon written request, the applicant may request a one-year extension of the site plan approval from the review body responsible for the original approval. The extension shall be requested prior to the expiration date. All dates are calculated from the date of site plan approval by the applicable review body, not the date that plans are stamped for permitting.

20.12.11 Expiration of a Site Plan

- A. In accordance with T.C.A. § 13-4-310, site plans will expire after three years of their approval date or upon the expiration of its vesting, whichever occurs first. The approval date of a site plan is the date upon which the item is approved, or approved with conditions, on an administrative or FMPC agenda.
- B. A site plan expiration date may be extended if the applicant:
 - 1. Obtains necessary permits to start site preparation; and
 - 2. Begins site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements, such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
- C. If both requirements in Paragraph 20.12.11.A above are met, a site plan will then expire five years after the original approval date (without a request for an extension), or upon the expiration of its

vesting, whichever comes first.

- D. If construction commences within five years of the original approval date, the site plan will remain valid for:
 - 1. Ten years for a single-phase development plan; or
 - 2. 15 years for a multi-phase development plan or until the vesting of any associated development plan or preliminary plat expires.
- E. Construction, for purposes of this Subsection, means that any foundations for a building are installed and the building has begun to be erected vertically.
- F. If a site plan is not associated with a development plan or preliminary plat and is not complete by the end of this time period, the applicant/developer can request an extension of the vesting period and extension of the site plan expiration date, see Section 20.19, Vesting.

20.12.12 Changes to an Approved Site Plan

Changes to a site plan are still subject to the expiration date of the original approval of a site plan, pursuant to Subsection 20.12.11, Expiration of a Site Plan. As such, changes to site plans approved after a project has commenced construction will also not “restart” the clock on expiration timelines.

Revisions to an approved site plan that are denied by the applicable review body may affect the vesting property rights, per Section 20.19, Vesting.

When an applicant requests changes to an approved site plan, the applicable review body may need to reapprove the change depending on the significance of the changes requested and whether the site plan is considered a vested plan in accordance with Section 20.19, Vesting. The DRT shall make these determinations

based on the following criteria:

A. Site Plan Revision

Significant changes that would substantially affect the terms of the original approval or result in significant adverse impacts on the surrounding properties or the City at-large shall be considered a site plan revision and require a new site plan application. Such site plan revisions shall be subject to review and approval by the original review body. The criteria for site plan revisions include the following:

- 1. The density of the development is to be increased;
- 2. The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;
- 3. Required landscaping materials are to be deleted;
- 4. Required open space is to be deleted;
- 5. There is any change in plans for historic structures or sites;
- 6. Drainage, streets, or other engineering design changes will materially alter items approved in the site plan; or
- 7. There are any major changes that could potentially create an adverse impact on stormwater quality, stormwater quantity, or other Stormwater Management Ordinance requirements.

B. Site Plan Amendment

Minor changes that do not meet the criteria in Paragraph 20.12.12.A above may be requested through a site plan amendment. Site plan amendments do not require a new application and shall be subject to review and approval by the DRT.

- C. Changes to vested site plans may result in the review body denying their vesting, as outlined in Section 20.19, Vesting.

20.13 Final Plat

See the Subdivision Regulations.

20.14 Grading Permit

See the Stormwater Management Ordinance. All proposed development shall be shown on an approved development plan or site plan prior to grading.

20.15 Building Permit

In addition to this Chapter, see the Subdivision Regulations and all applicable building codes.

20.15.1 Application Submittal

In applying to the Department of Building and Neighborhood Services for a building permit, the applicant shall:

- A. Submit a dimensioned sketch or scale plan indicating the shape, size, and location of the lot to be built upon, and the shape, size, height, and location of existing buildings and buildings proposed to be constructed or altered;
- B. State the existing and proposed uses of buildings or structures on the permit application;
- C. Submit a geotechnical report where grading is proposed on a lot containing naturally occurring slopes of 20 percent or greater to ensure proper slope stability; and
- D. Supply any other information required by the Department of Building and Neighborhood Services for determining compliance with this Ordinance.

20.15.2 Critical Lots

- A. A critical lot plan must be submitted prior to issuance of a building permit for single family residential lots deemed to be critical lots. Critical lots are:
 1. Lots that are difficult to stabilize due to exposed subsoil, steep slopes, extent of exposure, and are subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil;
 2. Lots with areas prone to flooding due to aging or undersized stormwater infrastructure;
 3. Lots where the build-out has the potential to impact or disrupt public utilities crossing the lot;
 4. Lots with other site conditions that warrant additional administrative review; or
 5. Lots with tree save areas or specimen trees to be preserved as part of a site plan approval.
- B. Critical lots shall be reviewed by the Planning and Sustainability Department or Engineering Department, as applicable, prior to issuance of a building permit.

20.15.3 Administrative Final Action

If the proposed construction is in conformity with this Ordinance and other applicable ordinances, then the Department of Building and Neighborhood Services shall issue a building permit. If the building permit is denied, then the Department of Building and Neighborhood Services shall state the cause of denial in writing.

20.16 Performance Agreement

See Chapter 21, Performance Agreements.

20.17 Sign Permit

20.17.1 Purpose

The purpose of a sign permit is to ensure that the design, type, installation, construction, alteration, or relocation of a sign complies with this Ordinance.

20.17.2 Applicability

- A. Sign permits shall comply with the specific review procedures of this Section.
- B. Installation, construction, alteration, or relocation of a sign shall be subject to issuance of a sign permit by the Department of Building and Neighborhood Services, unless exempted in Subsection 20.17.3, Exemptions.
- C. Within the HPO, a certificate of appropriateness shall be obtained prior to issuance of a sign permit. If a sign permit is not required, a certificate of appropriateness shall be required prior to installation, construction, alteration, relocation, or demolition of a sign.
- D. In cases where an electrical permit is required, it shall be obtained at the same time as the sign permit.

20.17.3 Exemptions

- A. The following signs may be installed, constructed, altered, relocated, or demolished without a sign permit, but shall be subject to all applicable standards in Chapter 15, Signs:
 1. Ballfield fence signs;
 2. Convenience signs;
 3. Flags;
 4. Public signs;
 5. Signs required for Americans with Disabilities Act compliance;
 6. Integral signs;
 7. Sandwich board signs (which require

a permit in the HPO pursuant to the Municipal Code);

8. Temporary construction site signs; and
9. Temporary signs.
- B. The following activities may be conducted without obtaining a sign permit:
 1. Cleaning and other normal maintenance and repair of a sign, unless a structural or design change is made.
 2. Painting or repainting of a sign; however, alterations in the paint color of a sign within the HPO shall require a certificate of appropriateness.
 3. Changing the contents of sign area, provided the size, shape, and location remains unchanged, pursuant to Chapter 15, Signs, unless in the HPO.

20.17.4 Application Submittal

A sign permit application shall be submitted in accordance with the requirements established by the Department of Building and Neighborhood Services.

20.17.5 Administrative Final Action

The Department of Building and Neighborhood Services shall review the sign permit application and take final action to approve or disapprove the application.

20.17.6 Approval Criteria

Final action shall be based on whether the application meets Chapter 15, Signs, any other applicable provision of this Ordinance, and all applicable building codes.

20.17.7 Time Limit

- A. Installation, construction, alteration, relocation, or demolition of a sign authorized by a sign permit shall be completed within 180 days of the date of the sign permit approval.
- B. Upon written request, one six-month

extension may be granted by the Department of Building and Neighborhood Services if the applicant can show good cause.

20.18 Appeal of Administrative Decision

20.18.1 Purpose

The purpose of an appeal of administrative decision is to provide a process:

- A. Where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or refusal made by any administrative official in carrying out or enforcing any provision of this Ordinance; and
- B. For interpretation of the official zoning map.

This Section establishes the specific review procedures for appeals of administrative decision.

20.18.2 Applicability

- A. For certain standards in this Ordinance, the DRT has the expressed authority to make a determination of whether and to what extent to apply a standard. If an applicant disagrees with a DRT decision, the applicant may appeal the decision to the FMPC.
- B. All other appeals of administrative decisions shall comply with the specific procedures in this Section.

20.18.3 Application Submittal

An appeal shall be made in accordance with Section 20.2, Common Review Requirements, except as varied below:

- A. Appeals shall be initiated by the person aggrieved or affected by the order, decision, determination, or interpretation made by the administrative official.

- B. A written appeal shall be filed with the Department of Planning and Sustainability within 30 days of the date of the order, decision, determination, or interpretation.

20.18.4 Forwarding of the Record to the BZA

Upon receiving the written appeal, the Department of Planning and Sustainability shall gather and transmit to the BZA the record of the appeal, which includes the written appeal and all papers, documents, and other materials relating to the order, decision, determination, or interpretation.

20.18.5 BZA Final Action

The BZA shall review and make a decision on the appeal in accordance with this Ordinance, State law, and the BZA bylaws.

20.18.6 Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified, unless there is competent, material, and substantial evidence in the record that it fails to comply with either the procedural or substantive requirements of this Ordinance and State law.

20.18.7 Conditions

The BZA may impose conditions upon an affirmative decision to ensure that the requirements and purpose of this Ordinance are followed in the order, decision, determination, or interpretation.

20.19 Vesting

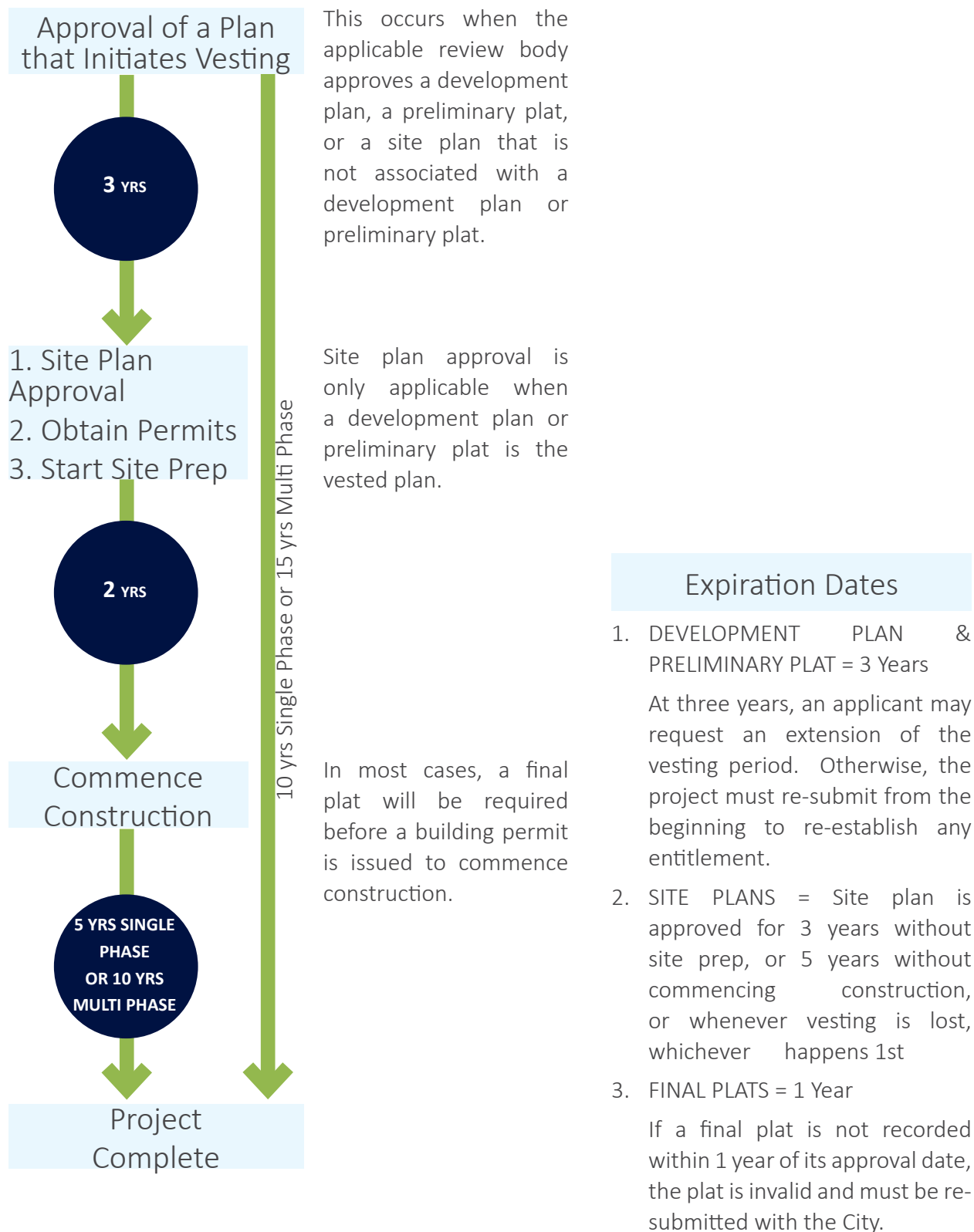
20.19.1 Initiation of Vesting

- A. In accordance with T.C.A. § 13-4-310, and subject to the exceptions set forth in said statute, vesting shall be initiated by the approval of a plan listed below on or after January 1, 2015, by the applicable review body:
 - 1. Development plan;
 - 2. Preliminary plat; or
 - 3. Site plan that is not associated with an approved development plan or preliminary plat.
- B. For the remainder of this Section, these approved applications shall be referred to as “vested plans”.

20.19.2 Vesting Periods

- A. The approval of a plan in accordance with Subsection 20.19.1, Initiation of Vesting, will initiate a vesting period, during which the development standards adopted by the City and in effect on the date of approval shall remain the applicable standards to the vested plan during its vesting period.
- B. The vesting period applicable to a vested plan shall be a period of three years and begins on the date of approval by the applicable review body, which is either:
 - 1. The effective date of the BOMA resolution approving the development plan;
 - 2. The meeting date of the FMPC meeting approving the preliminary plat or site plan (not associated with an approved development plan or preliminary plat); or
 - 3. The date of the administrative agenda approving the preliminary plat or site plan (not associated with an approved development plan or preliminary plat.
- C. To keep a vested plan vested, an applicant must:
 - 1. Secure the approval of a site plan (only applicable when a development plan or preliminary plat is the vested plan);
 - 2. Obtain necessary permits to start site preparation; and
 - 3. Begin site preparation work, which includes any of the following activities: excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements such as water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.
- D. Should the applicant meet the three requirements of Paragraph 20.19.2.C, the vesting period shall be extended an additional two years from the date of the expiration of the three-year period. During this additional time granted, the applicant shall commence construction and maintain any necessary permits in order to remain vested. Construction, for purposes of this Section, means that any foundations for a building are installed and the building has begun to be erected vertically.
- E. If construction commences, the vesting period shall be extended for a total of ten years from the date of approval of the vested plan, provided that the applicant maintains any necessary permits during the ten-year period.
- F. If the vested plan is identified with two or more sections/phases, then the vesting period shall be extended for total of 15 years from the date of approval of the vested plan, provided that the applicant

Figure 20.19.2.A Vesting Flowchart



maintains any necessary permits during the fifteen-year period.

- G. In the case of developments which proceed in two or more sections or phases as described on the vested plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the vested plan for the first section or phase shall remain the development standards applicable to all subsequent sections or phases of the development; provided, that the total vesting period for all phases shall not exceed 15 years from the date of approval of the vested plan for the first section or phase, provided that the applicant maintains any necessary permits during the 15-year period.

20.19.3 Extension of Vested Rights

- A. An applicant may request an extension of their vesting period, which is subject to review and approval by the original review body; however, if the DRT was the original review body, the FMPC shall serve as the review body for the requested extension.
- B. The extension request shall be made prior to end of the vesting period.
- C. The extension request shall be provided in writing to the Department of Planning and Sustainability. The request shall provide rationale as to why the extension shall be granted, and how the extension of the vesting period is in the best interest of the community to allow the development to proceed under the existing plan while extending the vested property right.
- D. The extension request shall specify a new expiration of the vesting period.
- E. If the extension is not granted, the vested rights will terminate at the end of the

original vesting period.

20.19.4 Revision of Vested Plans and Retention of Vested Rights

- A. Recommendations and final action on a revision to a vested plan shall be based on consideration of the following criteria:
 1. Whether the proposed revision is consistent with all standards of the Ordinance and other applicable development standards in effect on the original approval date of the vested plan; and
 2. Whether the proposed development meets all the requirements or conditions of any other applicable development approvals, such as a development plan or associated modification of standards.
- B. If a governing review body approves a revision to a vested plan, the vesting right is retained.
- C. A revision to a vested plan may be denied based on the following as it is deemed to affect vesting:
 1. Alters the proposed use;
 2. Increases the overall area of development;
 3. Alters the size of any nonresidential structures included in the development plan;
 4. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
 5. Increases any local government expenditure necessary to implement or sustain the proposed use.
- D. If a revision to a vested plan is denied based on written finding of any of the items listed in Clause 20.19.4.C.1 through 5 above, the applicant has the following two options:

1. Proceed under the prior approved plan with the associated vested rights; or
 2. Allow the vested property rights to terminate and submit a new application under this Chapter.
- E. Notwithstanding this Subsection, a vested property right shall not terminate if the BOMA determines, in writing, that it is in the best interest of the community to allow the development to proceed under the plan without terminating the vested property right.

20.19.5 Violation of Conditions of Approval

The approval of a vested plan shall be subject to any conditions established at the time of approval. Pursuant to T.C.A. § 13-4-310, if the established conditions of approval for a vested plan are not met, the applicant shall be allowed 90 days to cure the violation of any condition of approval; provided further, that the governing review body responsible for the vested plan approval may grant additional time to cure the violation, upon a written determination that it is in the best interest of the community. Thereafter, the violation of any such conditions shall cause the vested rights applicable to the vested plan to terminate. However, the governing review body may allow a property right to remain vested despite the occurrence of the violation when a written determination is made that such continuation is in the best interest of the community.

20.19.6 When Vesting Does Not Apply

- A. A vested development standard shall not preclude local government enforcement of any development standard when:
1. The City obtains written consent by the owner/applicant;
 2. The City determines in writing that compelling evidence exists that the development plan seriously threatens the public health, safety, or welfare of the community and the threat cannot be mitigated within a reasonable period of time by the applicant using the vested property rights;
 3. The City determines in writing the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified on the development plan, and which if uncorrected would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable time period by the applicant using the vested rights; or
 4. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by local governments, such as stormwater or FEMA requirements; or
 5. A local government is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, order or other type of governance.
- B. A vested property right does not preclude, alter, or impair the authority of a local government to exercise its eminent domain powers provided by law.

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CHAPTER 21

PERFORMANCE AGREEMENTS

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21.1 General Provisions

21.1.1 Applicability

- A. Following approval of a site plan or final plat, the applicant shall either:
 - 1. Complete and dedicate all public improvements, complete all private improvements, install all landscape improvements, and complete all off-site improvements, as applicable, prior to receiving a building permit; or
 - 2. Enter into a performance agreement with the City and provide sufficient surety to ensure the completion, construction, installation, and dedication of all required improvements.
- B. All applicants of site plans or final plats shall be required to enter into a maintenance agreement following the release of the performance agreement, as applicable. See Section 21.6, Maintenance Agreements.

21.2 Establishment of a Performance Agreement

When a performance agreement is required pursuant to Clause 21.1.1.A.2, the Department of Planning and Sustainability shall prepare a performance agreement that individually lists each required improvement. The applicant shall fully execute the performance agreement with the City and provide sufficient surety in accordance with this Chapter.

21.2.1 Calculation of Performance Agreement Amounts

- A. The performance agreement shall be in the amount of 110 percent of the actual estimated cost of the listed improvements. The performance agreement shall secure satisfactory completion of each required improvement per Subsection 21.2.2, Surety

Requirements.

- B. Infrastructure improvement unit prices are established by the BOMA and the FMPC and are posted on the City website.
- C. The infrastructure improvements surety amounts shall be calculated by the applicant's project engineer or design professional, subject to approval by the DRT. As an alternative, the DRT may establish performance agreements for infrastructure.
- D. Notwithstanding Paragraph 21.2.1.C above, performance agreements for infrastructure shall be subject to approval by the FMPC when an agreement amount deviates from the posted calculations or when an applicant wishes to appeal the amount.
- E. Landscape improvement amounts shall be calculated by the Department of Planning and Sustainability and approved pursuant to the site plan review and approval process.

21.2.2 Surety Requirements

- A. A performance agreement shall be secured by one of the following:
 - 1. An irrevocable standby letter of credit with an automatically renewable feature, often called an "evergreen" letter of credit;
 - 2. A cashier's check, payable to City of Franklin; or
 - 3. Other method of surety deemed adequate by the Department of Planning and Sustainability.
- B. The beneficiary of the surety shall be the City of Franklin.
- C. Letters of credit shall be issued by a financial institution located within the United States of America, organized and operating under the laws of the State of Tennessee or the United States of America,

and whose deposits are insured by either the Federal Deposit Insurance Corporation or National Credit Union Administration.

D. The financial institution shall permit the letter of credit to be presented for collection at a place physically located within Williamson or Davidson County, Tennessee. Alternatively, the financial institution may choose to provide a means for facsimile presentation, under the following conditions:

1. The financial institution must operate a minimum of one branch or office open to the public, located in Williamson or Davidson County, Tennessee;
2. Presentation of draw documents by the beneficiary shall also be permitted via overnight courier service to the financial institution's department where issuance of letters of credit transpires;
3. Facsimile numbers for presentation shall be printed in the letter of credit, with a statement that modifications to, or discontinuation of, facsimile numbers shall be provided the beneficiary via amendment; and
4. A means of backup shall be provided in the letter of credit, for an occasion when the facsimile number is inoperable for any reason. Backup information in the letter of credit shall include either:
 - a. A physical location address in Williamson or Davidson County, Tennessee, to be accessed only if the facsimile number is inoperable for any reason; or
 - b. The financial institution shall print in the letter of credit that if for any reason the facsimile number noted in the letter of credit is inoperable at a time when the beneficiary

is attempting to present draw documents, then draw documents shall be considered timely when the financial institution is presented with a facsimile machine transmittal showing an attempted presentation by the beneficiary, along with satisfactory draw documents.

21.2.3 Monitoring Improvements

The applicant shall have a registered professional engineer or landscape architect, depending on the type of improvements, involved in the installation or construction phase of the project, to monitor construction and determine conformity with approved plans and specifications.

21.3 Performance Agreement Period

- A. The performance agreement shall remain in force in its original amount until improvements are completed and accepted by the Department of Planning and Sustainability or appropriate City departments, whichever is applicable.
- B. The period within which each required improvement shall be completed shall not exceed one year from the date of the fully executed performance agreement; however, extensions and reductions may be approved by the Department of Planning and Sustainability or the FMPC, as applicable.

21.4 Extension, Reduction, or Release of Improvements

21.4.1 Extension Period

The timeframe for the completion of each improvement within the performance agreement may be extended for a minimum of six months and a maximum of one year at a time.

21.4.2 One Time Performance Reduction

The amount of each improvement may be reduced:

- A. Only one time when at least 50 percent of the public improvements, private improvements, landscape improvements, or off-site improvements (as applicable), have been completed; and
- B. When the applicant has submitted all information necessary to adequately review the request.

21.4.3 Maximum Reductions for Public Improvements or Applicable Private Infrastructure

- A. A reduction of the amount for public improvements, private improvements, or off-site improvements (excluding landscape improvements as per Subsection 21.4.4, Maximum Reductions for Landscape Improvements):
 - 1. Shall not be reduced to an amount less than the required maintenance agreement;
 - 2. Shall not be reduced to less than 25 percent of the original amount of the improvements, irrespective of the estimated cost of completing the improvements; and
 - 3. Shall range from 50 to 75 percent of the original amount of the improvements,

contingent upon the actual amount of completion of the improvements.

- B. The request for a reduction for each improvement allowed in Paragraph 21.4.3.A above may be reduced by the applicable City department by up to ten percent to account for possible future inflation costs and/or repairs.
- C. Costs incurred by the applicant associated with a request for the extension, reduction of the surety, or release of the performance agreement and surety (inclusive of landscape architect or engineering inspections fees, legal fees, and so forth) shall be borne by the applicant, regardless of whether the request is ultimately granted.

21.4.4 Maximum Reductions for Landscape Improvements

- A. The reduction of the amount for landscape improvements shall not be reduced to less than 75 percent of its original amount, rounded up to the nearest thousand, irrespective of the estimated cost of completing the improvements.
- B. Costs incurred by the applicant associated with a request for the extension, reduction of the surety, or release of the performance agreement and surety (inclusive of landscape architect or engineering inspections fees, legal fees, and so forth) shall be borne by the applicant, regardless of whether the request is ultimately granted.

21.4.5 Release of Performance

Each improvement may be released from performance:

- A. When a one-year maintenance agreement is established and surety is reduced accordingly;

- B. When each public improvement, private improvement, landscape improvement, or off-site improvement (as applicable) have been completed; and
- C. When the applicant has submitted all information necessary to adequately review the request.

21.4.6 Acceptance

- A. The release of performance shall constitute the acceptance of the improvements by the City, pursuant to Subsection 21.4.5, Release of Performance.
- B. Approval of a site plan or final plat shall not constitute acceptance. The Department of Planning and Sustainability may require the site plan or final plat to be endorsed with appropriate notes to this effect.

21.5 Procedure for Reduction or Release of Improvements

21.5.1 Submittal Requirements

Any request for reduction or release of an improvement in performance shall be submitted in writing to the Department of Planning and Sustainability. The request shall include:

- A. A completed action request form, found on the City website;
- B. The percentage amount of completion of each required improvement; and
- C. A written statement from the engineer or landscape architect employed by the applicant, stating that the improvements have been installed in accordance with the approved plans and specifications.
- D. All stormwater infrastructure with a storm sewer size of 12 inches and larger shall be video-inspected to verify proper installation with the video recording and any associated inspection report submitted as part of a

drainage as-built record. The professional preparing the video shall be certified by the Pipeline Assessment and Certification Program (PACP®). Video documentation shall be prepared in conjunction with preparation of drainage as-builts, shall be no more than 90 calendar days prior to a performance release request submittal and shall be submitted with the drainage as-builts. Additional testing may be required if warranted by video inspection.

21.5.2 Staff Review

- A. Following a complete submittal, the Department of Planning and Sustainability shall request the appropriate City departments to inspect the public improvements, private improvements, landscape improvements, and off-site improvements (as applicable) to determine compliance with approved plans. Inspections shall be performed at no cost to the applicant. Inspection periods shall be posted on the City website.
- B. Each appropriate City department shall submit a statement to the Department of Planning and Sustainability indicating whether the required improvements have been inspected and satisfactorily completed in accordance with approved plans.

21.5.3 Final Action

- A. If the applicant's request is within seven years from the date of receipt of a fully executed performance agreement, the Department of Planning and Sustainability shall be the administrative review body and:
 - 1. Review the request based on the recommendation from the inspecting department;
 - 2. Make a decision within 60 days whether

- to approve or disapprove the request, or forward the request to the FMPC for review with a recommendation; and
- 3. Provide public notification of the decision on the City website at least seven days prior to taking action on the request.
- B. If the request is after seven years from the date of receipt of a fully executed performance agreement, the FMPC shall be the review body.
- C. When the FMPC or the Department of Planning and Sustainability reviews the request for a release, reduction, or extension of the performance agreement, the applicable review body shall decide to:
 - 1. Release the performance agreement and establish a maintenance agreement;
 - 2. Reduce the performance agreement and extend the improvements for a minimum of six months and a maximum of one year to the next agenda date that occurs in the same month of the following year; or
 - 3. Extend the improvements for a minimum of six months and a maximum of one year to the next agenda date that occurs in the same month of the following year.

21.5.4 Specific Procedures for Final Topping of a Street

- A. Final topping (lift) of a street may be permitted when at least 90 percent of the lots in the subdivision, or the section or sections thereof for which the performance agreement was established, have received certificates of occupancy for buildings located on the lots in question. The performance agreement for street improvements may be released when final topping is completed and accepted, provided that a maintenance agreement is established. Final topping of a street surface may be installed prior to issuance of 90 percent of certificates of occupancy under the following conditions:
 - 1. The segment or sections of street have been in place for a period of not less than four years, unless otherwise determined by the Streets Department that installation of the final topping will preserve the structural integrity of the binder and base;
 - 2. The base, binder, curb, gutter, and structures within the segment or sections of the street to be topped have been inspected and approved by the Streets Department;
 - 3. Upon satisfactory installation and acceptance by the Streets Department of the final topping, the performance agreements for said street improvements may be released provided a maintenance agreement is established for a period that extends one year beyond the point in time 90 percent of the lots in the subdivision or the segment or sections thereof for which the performance agreement was established, have received certificates of occupancy for buildings located on the lots in question; and
 - 4. Except as provided, the lots adjacent to the segment or sections of street accepted shall be subject to contractor's security deposits pursuant to Title 12 of the Municipal Code.
- B. In developer/builder-controlled subdivisions, where the developer and builder are the same legal entity, contractors' security deposits shall not be required until the maintenance agreement

is no longer in effect as described above.

- C. Once such a written statement from the engineer or landscape architect has been received stating that the public improvements, applicable private infrastructure, or landscape have been installed in accordance with the plans and specifications approved by the appropriate City departments, an inspection by the relevant department shall be performed at no cost to the applicant.

21.5.5 Appeals Regarding Performance Agreements

The applicant may, upon administrative disapproval of a request for extension, reduction, or release of a performance agreement, appeal the administrative decision to the FMPC. Appeals shall be filed within ten days of the adverse decision and shall be set for hearing on the next available FMPC agenda.

21.6 Maintenance Agreement

21.6.1 Establishment of a Maintenance Agreement

- A. Upon release of the performance agreement, the applicant shall be required to enter into a maintenance agreement for the completed improvements and required landscape covered by the performance agreement to ensure against defects in workmanship and materials.
- B. The Department of Planning and Sustainability shall prepare a maintenance agreement and the applicant shall fully execute the maintenance agreement with the City. The maintenance agreement shall comply with the following:
1. The maintenance agreement shall remain in effect for a period of one year or until final release of the maintenance agreement by the Department of Planning and Sustainability or other appropriate City departments, whichever period is longer; and
 2. Street maintenance agreements shall meet Subsection 21.5.4, Specific Procedures for Final Topping of a Street.

21.6.2 Calculation of Maintenance Agreement Amounts

The maintenance agreement shall be in an amount satisfactory to the appropriate City departments; however:

- A. Landscape improvements shall be no less than 25 percent of the original amount, rounded up to the nearest thousand, or \$3,000.00, whichever is greater;
- B. All other improvements shall be no less than ten percent of the original amount or \$2,500.00, whichever is greater.

21.6.3 Procedures

- A. Upon the request of the applicant, or automatically after a period of one year from the release of performance, whichever is greater, the Department of Planning and Sustainability shall consider the release of the maintenance agreement.
- B. The Department of Planning and Sustainability, upon the recommendation of the appropriate City department, may release or extend a maintenance agreement.
- C. Extensions of maintenance agreements shall be as determined by the appropriate City departments, but shall be for no less than six months or greater than one year.
- D. Prior to taking action on a request to release a maintenance agreement, the Department of Planning and Sustainability shall provide public notification of the decision on the City's website at least seven days prior to taking action on the request.

21.7 Failure to Complete Improvements

Where a performance agreement and/or maintenance agreement have been entered into and required improvements have not been installed and/or maintained within the terms of the agreement and the timeframe pursuant to Section 21.3, Performance Agreement Period, then:

- A. The Department of Planning and Sustainability may recommend to the FMPC of the need to call the agreement and surety.
- B. Following a recommendation, the FMPC may declare the agreement to be in default and authorize the calling of the agreement and surety and the completion of the improvements under the supervision of City departments.

CHAPTER 22

ENFORCEMENT

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22.1 Enforcement Authority

For the purposes of administering and enforcing the provisions of this Ordinance, the Department of Building and Neighborhood Services shall be authorized to:

- A. Make inspections of structures or premises necessary to carry out its enforcement duties; and
- B. Designate State inspection officials as authorized representatives to provide review services for institutional and educational occupancies, pursuant to Title 12 of the Municipal Code.

22.2 Building Permits

It shall be unlawful to commence the construction or alteration of a principal building, an accessory building, or other structure that requires a building permit pursuant to Title 12 of the Municipal Code, until the Department of Building and Neighborhood Services has issued a building permit.

22.3 Sign Permits

It shall be unlawful to commence the construction or alteration of a sign that requires a sign permit, until the Department of Building and Neighborhood Services has issued a sign permit.

22.4 Certificates of Occupancy

No lot, building, or structure hereafter erected or altered in its use or otherwise shall be used until a certificate of occupancy has been granted pursuant to Title 12 of the Municipal Code.

22.5 Penalties

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined under the general penalty clauses of Title 12 of the Municipal Code. Each day each violation continues shall constitute a separate offense. Penalties shall be pursuant to State law.

22.6 Remedies

In case a building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, then the City attorney, or other appropriate authority, or adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to effectuate the requirements of this Ordinance.

Where it appears that the owner or person in charge of an improvement on a property containing a historic resource threatens to start, or has started, work in violation of this Ordinance, then the City attorney shall apply to an appropriate court for an injunction against a violation of this Ordinance. If an order of the court enjoining or restraining the violation does not receive immediate compliance, then the City attorney shall apply to an appropriate court to punish the violation pursuant to law.

CHAPTER 23

DEFINITIONS AND INTERPRETATIONS

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23.1 Rules of Interpretation

23.1.1 General Meaning of Words and Terms

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Ordinance or the context in which they are used clearly indicates otherwise. Technical words and phrases that may have acquired a specialized and appropriate meaning in law shall be construed and understood according to such meaning.
- B. When a specific Section of this Ordinance gives a different meaning than the general definition provided in this Chapter, the meaning and application of the term in the specific Section shall control.

23.1.2 Graphics, Illustrations, Photographs, and Flowcharts

The graphics, illustrations, photographs, and flowcharts used to visually explain certain provisions of this Ordinance are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph, or flowchart and the text of this Ordinance, the text of this Ordinance controls.

23.1.3 List and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

23.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next

business day observed by the City. References to days are calendar days unless otherwise stated.

23.1.5 References to Other Regulations and Publications

Whenever a reference is made to a State or Federal statute, it shall be construed as a reference to its most recently amended version, unless otherwise specifically stated.

Whenever a reference is made to another ordinance, code, regulation, plan, or document, it shall be construed as a reference to the latest adopted version; however, where the City has adopted a specific version, the specific version shall be applicable.

23.1.6 Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the City may be carried out by a professional-level designee of such official.

23.1.7 Public Officials, Departments, Review Bodies, and Agencies

All public officials, departments, review bodies, and agencies to which references are made are those of the City of Franklin, unless otherwise indicated.

23.1.8 Mandatory and Discretionary Terms

The words “shall,” “must,” “comply,” and “will” are mandatory in nature, establishing an obligation or duty to comply with a particular requirement or provision. The words “may” and “should” are permissive in nature.

23.1.9 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. “And” indicates that all connected items, conditions, provisions or events apply; and
- B. “Or” indicates that one or more of the connected items, conditions, provisions or events apply.

23.1.10 Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and vice versa, unless the context of the particular usage clearly indicates otherwise.

23.1.11 Hierarchical Outline

This Ordinance is organized into the hierarchical levels as shown below. All references within this Ordinance that reference a different part of this Ordinance shall apply as follows:

Chapter 1

Section 1.1

Subsection 1.1.1

Paragraph 1.1.1.A

Clause 1.1.1.A.1

Clause 1.1.1.A.1.a

Clause 1.1.1.A.1.a.i

Clause 1.1.1.A.1.a.i.(1)

23.2 Measurements, Calculations, and Interpretation of Dimensional Standards

23.2.1 Calculations

When the calculation of a required standard results in a fractional number, it shall be rounded up to the nearest whole number, unless otherwise expressly stated.

23.2.2 Distance Measurements

Distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining those points, unless otherwise expressly stated.

23.2.3 Lot Standards

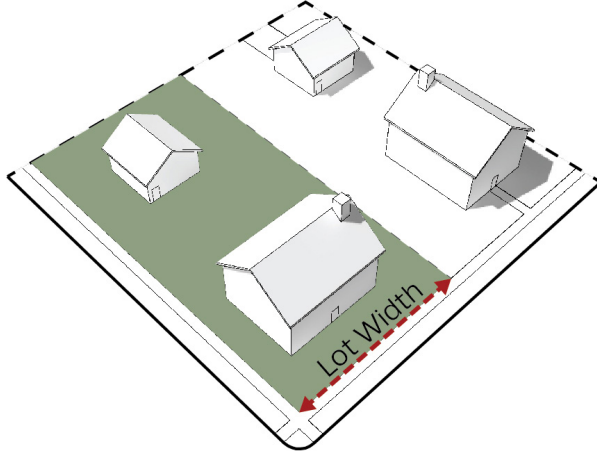
A. Lot Size

1. The lot size shall be that area, measured in gross square feet or acres, contained within a lot.
2. The minimum lot size is the smallest size of a lot established by this Ordinance on which a use or structure may be located in a particular district.

B. Lot Width

1. Lot width is the distance between the side lot lines measured at the point of the front yard setback line.
2. For corner lots, the lot width is the distance between the side lot line and the side street-facing lot line, measured at the point of the front yard setback line.

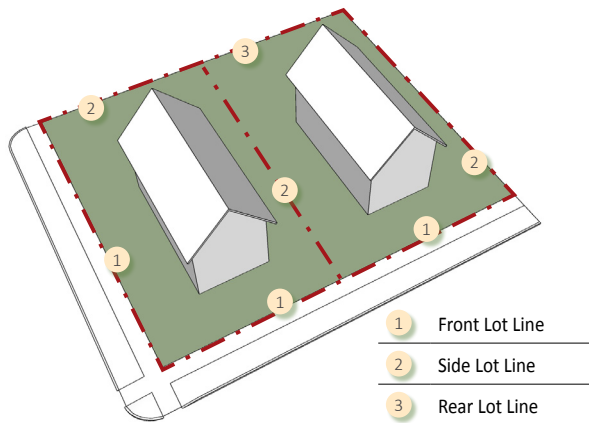
Figure 23.2.3.B Lot Width



C. Front Lot Line

The front lot line is the length of the front lot line and is maintained to the front yard setback line, at which point the lot width applies.

Figure 23.2.3.C Lot Lines



existing or proposed right-of-way, whichever is greater.

2. For corner lots, front yard setbacks are measured along all lot lines facing streets or internal drives, not including alleys. The remaining yards are measured as side yards.
3. Front yard setback measurements for lots on a cul-de-sac or curved street or internal drive follow the curve of the front property line.

B. Side Yard

The side yard setback extends from the required front yard setback line to the required rear yard setback line. If no front or rear yard setback is required, the setback extends the full depth of the lot. Side setbacks are measured perpendicular from the side lot line.

C. Rear Yard

The rear yard setback extends the full width of the lot. Rear setbacks are measured perpendicular from the rear property line or the edge of the existing or proposed alley, whichever is greater, as applicable.

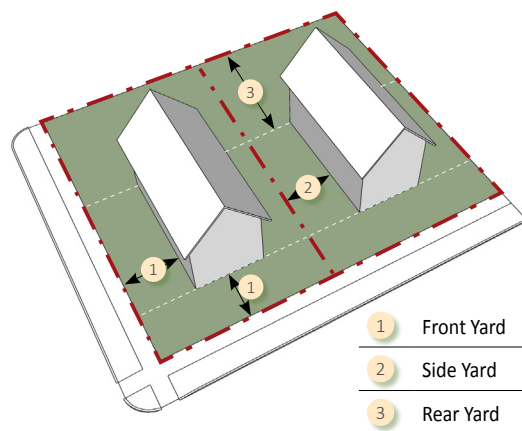
D. Yards Required for Buildings

A yard or other open area required about a building may not be included in the measurement of a required yard or other open space for another building.

23.2.4 Setbacks and Yards

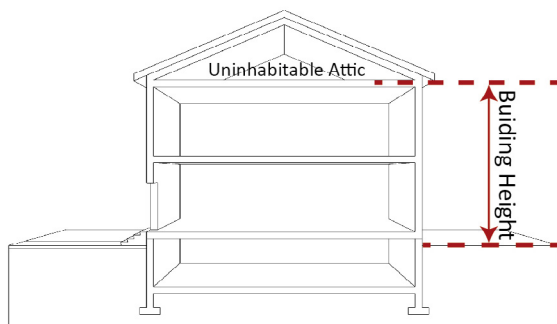
A. Front Yard

1. Front yard setbacks are measured perpendicular from the edge of the

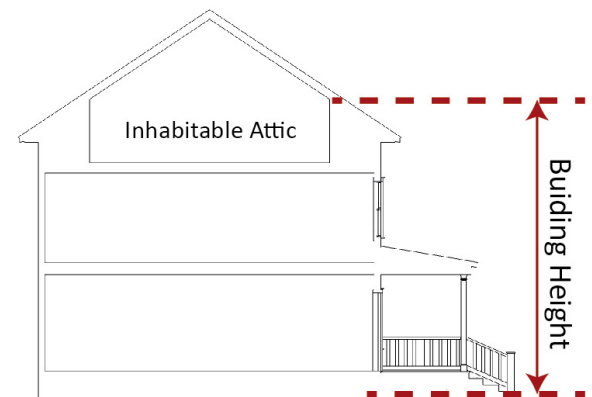
Figure 23.2.4 Lot Setbacks and Yards**23.2.5 Building Height**

A. Building height shall be measured in the number of complete stories above the finished grade for any building or at-grade or above-grade parking structure, but excludes:

1. Habitable attics, half-stories, and mezzanines; and
2. Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and below-grade parking structures.

Figure 23.2.5.A Building height with uninhabitable attic

B. Half-story height shall be measured for habitable attics, half-stories, and mezzanines.

Figure 23.2.5.B Building height with inhabitable attic

C. For the purposes of measuring height in the R4, R6, and OR districts and for transitional features:

1. To calculate the average height, building heights for principal buildings along the same block face shall be added, then divided by the total number of principal buildings on the block face; and
2. To calculate a half-story above the average height, 0.5 shall be added to the average height (calculated above), then rounded to the nearest half or whole story.

D. Building height maximums do not apply to belfries, chimneys, roof structures not intended for human occupancy, spires, cupolas, domes, monuments, water towers, or similar structures, provided:

- a. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- b. The appurtenance does not extend more than 25 feet above

- the maximum permitted building height, except as allowed herein;
- c. The appurtenance does not exceed a maximum height of 200 feet above grade; and
 - d. The appurtenance is not constructed for the purpose of providing additional floor area in the building.

23.3 Abbreviations

ACI	Aggregate Caliper Inch	HZC	Historic Zoning Commission
AG	Agriculture District	IESNA	Illuminations Engineering Society of America
ANSI	American National Standards Institute	ISA	International Society of Arboriculture
BFE	Base Flood Elevation	ITE	Institute of Traffic Engineers
BOMA	Board of Mayor and Aldermen	LI	Light Industrial District
BPC	Battlefield Preservation Commission	LSA	Landscape Surface Area
BZA	Board of Zoning Appeals	MOS	Modification of Standards
CAO	Columbia Avenue Overlay District	MR	Mixed Residential District
CC	Central Commercial District	MTEMC	Middle Tennessee Electric Membership Corporation
CFO	Central Franklin Overlay District	NC	Neighborhood Commercial District
CI	Civic and Institutional District	NCO	Neighborhood Conservation Overlay District
COA	Certificate of Appropriateness	OR	Office Residential District
DBH	Diameter at Breast Height	PD	Planned District
DD	Downtown District	PUD	Planned Unit Development
DRT	Departmental Review Team	RC6	Regional Commerce 6 District
EIFS	Exterior Insulation Finish Systems	RC12	Regional Commerce 12 District
ER	Estate Residential District	R1	Residential 1 District
FAA	Federal Aviation Administration	R2	Residential 2 District
FC	Foot-candle	R3	Residential 3 District
FCC	Federal Communications Commission	R4	Residential 4 District
FEMA	Federal Emergency Management Agency	R6	Residential 6 District
1ST	1st Avenue District	ROW	Right-of-Way
5TH	5th Avenue North District	SCO	Scenic Corridor Overlay District
FFO	Floodway Fringe Overlay District	STVR	Short Term Vacation Rental
FIRM	Flood Insurance Rate Map	T.C.A.	Tennessee Code Annotated
FWO	Floodway Overlay		
GO	General Office District		
HHO	Hillside Hillcrest Overlay District		
HI	Heavy Industrial District		
HPO	Historic Preservation Overlay District		
HVAC	Heating Ventilation Air Conditioning		

23.4 Defined Terms

a

Abut

The condition of two adjoining parcels having a common property line or boundary, including cases where two or more parcels adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

Accent Materials

The exterior building materials used as an accent to the primary materials on a building facade, including trim around doors and windows. Accent materials do not exceed 25 percent of the building facade.

Access

A private driveway or other point of vehicle access, such as a street, that intersects or connects to the general street system.

Accessible Parking Space

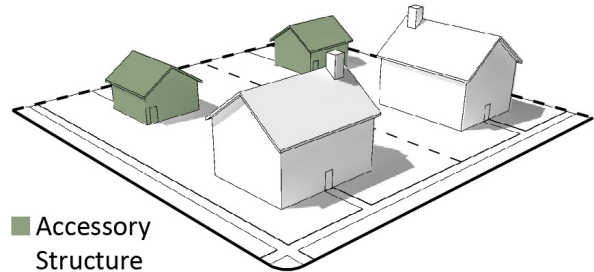
A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

Accessory Dwelling

A detached, self-contained, small dwelling that may be a stand-alone structure or part of a detached garage and located on the same lot as a larger, principal dwelling. An accessory dwelling is incidental to the principal dwelling and is considered to be an accessory building.

Accessory Structure

A structure that is on the same lot as a principal building and is incidental to the principal building or permitted use. The accessory structure is less significant than the principal building in square footage, building height, and economic importance.



For the purposes of Section 17.6, Floodplain Regulations, accessory structures in the floodplain must be permitted only for the purposes of storage and vehicle parking; be designed to have low flood damage potential; be constructed and placed on the site to achieve the minimum resistance to the flow of floodwaters; be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures; and have utilities and service facilities, such as electrical and heating equipment, elevated or otherwise protected from intrusion of flood waters.

Accessory Use

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Active Recreation

Land used for specific recreational activities that are generally facility oriented, such as swimming pools, sports courts, sports arenas, sports fields, skate parks, playgrounds, and

other facilities that address sports or physical activity.

Adjacent

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, street, or internal drive.

Adult-Oriented Establishments

A use type with the same meaning as the term “adult-oriented establishment,” as used in T.C.A. § 7-51-1102, and in construing this term, the definitions contained in T.C.A. § 7-51-1102 (1) – (6) and (9) – (31), are likewise incorporated by reference into and made a part of this Ordinance.

Age-Restricted Multifamily

A type of multifamily residential that limits the residency to individuals who are at least 55 years of age or older.

Aggregate Caliper Inch (ACI)

The combined total number of inches of existing and proposed trees used to meet a landscape requirement within a required landscape area. Caliper inch sizes for individual proposed trees are measured as indicated in the American Standard for Nursery Stock (ANSI 260.1-2004). Caliper inch sizes for existing trees shall be measured in Diameter at Breast Height (DBH).

Agricultural Uses

Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products grown on the premises.

Aisle (of a Parking Area)

A vehicular accessway located within a parking

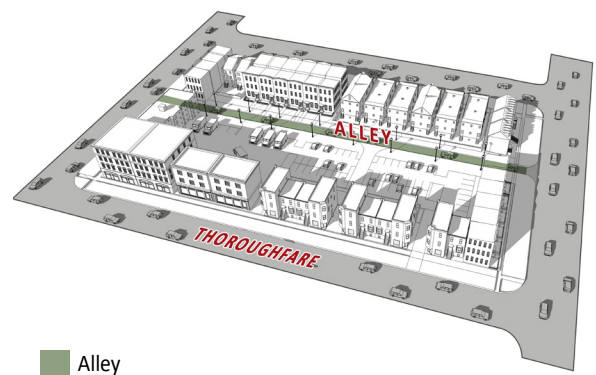
area that serves individual parking spaces and driveways.

Alcove

A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

Alley

A minor public or private way intended to be used primarily for vehicular service access to the rear or side of properties.

**Alteration**

A change, addition, or modification in construction, structure, or occupancy of a structure.

American Standard for Nursery Stock

A publication prepared by the American Nursery and Landscape Association that provides standards related to size and planting for newly planted landscaping material.

Antenna

An exterior transmitting or receiving device mounted on a building, structure, or tower that radiates or captures analog or digital signals, electromagnetic waves,

radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

Appeal

For the purposes of Section 17.6, Floodplain Protection, a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

Appeal of Administrative Decision

A type of process to appeal a decision by an administrative official.

Applicant

The owner of property or the authorized representative of the owner who is applying for development approval.

Appurtenance

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, porches, decks, stoops, bay windows, roof overhangs, awnings, steps, and similar features.

Arcade

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

Architectural Lighting

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

Area of Shallow Flooding

An area designated as a AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one

percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-Related Erosion Hazard

The land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the Flood Insurance Rate Map, Zone E may be further refined.

Arterial Street

A type of street defined by Connect Franklin that is designed and intended for use by large volumes of through traffic, receives traffic flow from collector and local streets, allows for major movement between areas of the City, and usually has heavy traffic moving at relatively high speeds. This includes both major and minor arterial streets.

Assessed Value

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Williamson County Property Appraiser's office for the purposes of taxation.

Attendant

A person employed to park vehicles.

Automated Teller Machine (ATM)

An automated mechanized consumer banking device.

Awning

A sheet of canvas or other material stretched on a frame and affixed to a building directly above a doorway or windows. Awnings are used for protection from the elements.

Awning Sign

A type of sign described as such in Section 15.3, Awning Sign

b**Balcony**

A porch or other enclosed outdoor use area associated with the upper floors of a building.

Balloon

A stationary or mobile inflated device used to attract attention.

Band Sign

A type of sign described as such in Section 15.4, Band Sign.

Bank

A type of use classified as an office.

Banner

A temporary sign made of flexible material.

Barber Shops and Salons

A type of use classified as personal services.

Base

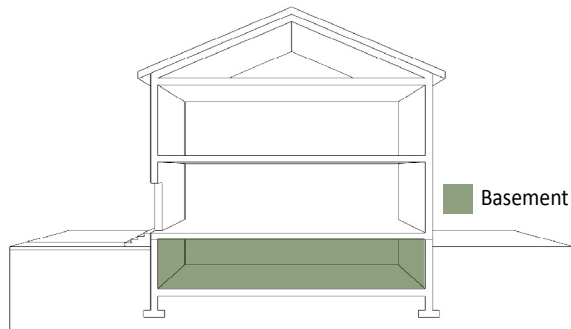
The structural elements, design features, and materials associated with a part of the building that meets the ground to differentiate it from the middle and anchors the building to the ground.

**Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent annual chance flood.

Basement

Any portion of a building located below ground level on all sides.



Bay Window

A large window or series of windows projecting from the outer wall of a building and forming a recess within.

Bed and Breakfast Establishment

An owner-occupied single-family dwelling in which the owner rents rooms to overnight guests and may offer meals only to those guests.

Bench Sign

A sign affixed to or painted on a bench.

Berm

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Bicycle Locker

A fully enclosed space for one bicycle, accessible only to the owner or operator of the bicycle. It protects the entire bicycle, its components and accessories from theft and inclement weather. Bicycle lockers may be pre-manufactured or may be designed for individual sites.

Bicycle Rack

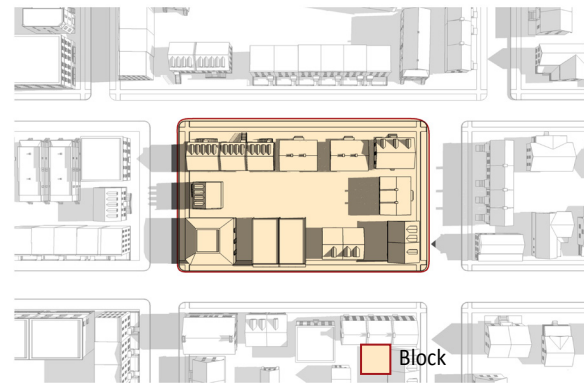
A stationary object to which the bicycle user can lock the frame and one or both wheels of a bicycle with a user-provided U-shaped lock or cable, and which is either anchored to an immovable surface or is heavy enough that it cannot be easily moved.

Bioretention

A stormwater management feature that uses soil and plants to remove pollutants from stormwater runoff.

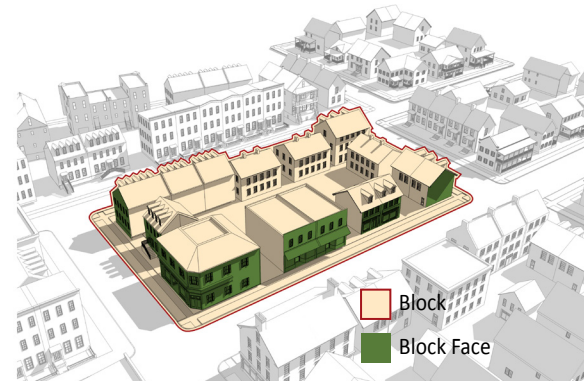
Block

A parcel of land composed of one or more individual lots or building sites entirely surrounded by streets or by any combination of streets, internal drives, open space, watercourses, or railroad right-of-way.



Block Face

The lots or building sites along one side of a block.



Block Length Perimeter

For the purposes of vehicular connectivity, the distance around outer edges of a block enclosed by streets.

Box Window

A window or windows located within a wall projection.

Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces typically associated with flooding, without causing damage to the elevated portion of the building or supporting foundation system.

Buffer

Vegetative material, walls, fences, berms, or any combination of these elements located on land that is used for screening.

Building

A fully-enclosed structure with a roof and walls.

Building Addition

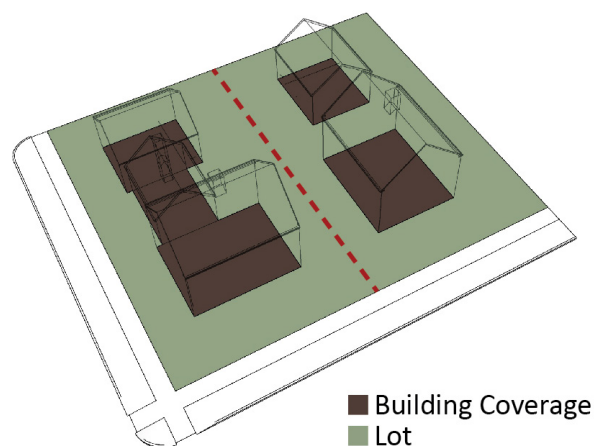
Any walled and roofed expansion to or extension of the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

Building Codes

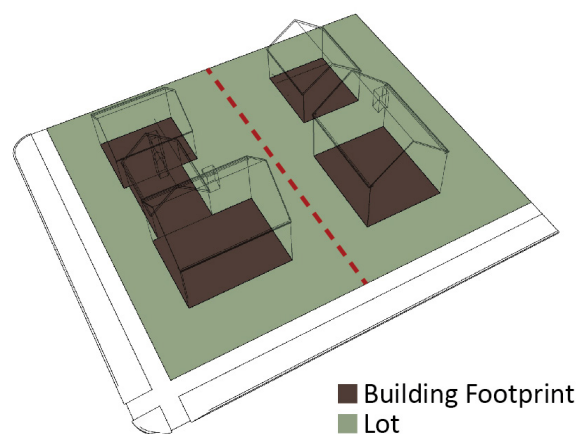
A collection of regulations adopted by the City of Franklin to govern the design, construction, and modification of buildings and other structures.

Building Coverage

The gross area of a lot, parcel of land, or building site occupied by all of the ground floor of a building or structure that is under roof. As a percentage, it is the relationship between the ground floor area of a building or structure under roof and the net area of the site.

**Building Footprint**

The area of a lot, parcel of land, or building site included within the exterior walls or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.



Building Permit

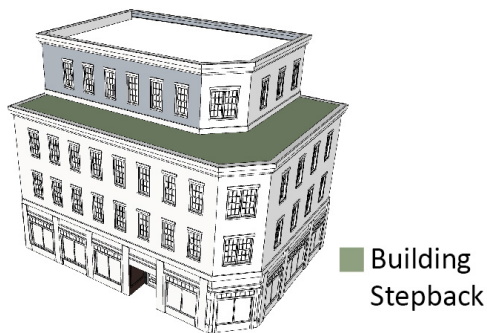
A permit required by this Ordinance prior to commencement of certain types of construction or development activities.

Building Site

Either: (a) a parcel of land that has not been subdivided as a separate lot, which is designated by an applicant as a building site in a development plan, site plan, or permit application, and which accommodates, or is available to accommodate, a principal building or (b) a lot.

Building Stepback

The linear organization of building form within a single building that establishes portions of a building with a higher or lower height in a deliberate progression. Buildings may be “stepped-back” from the street edge, from a lot line, or from adjacent buildings.

**Building Wall**

The entire surface area, including windows and doors, of an exterior wall of a building.

C**Caliper**

A method of measuring the diameter of the trunk of a tree for the purpose of determining size. The caliper of a mature, established tree is measured at diameter at breast height (DBH). The caliper of an young, nursery-grown tree is taken at six inches above the soil. If the caliper of the nursery-grown tree exceeds four inches, then the tree is measured at 12 inches above the soil.

Campaign Sign

A type of temporary sign as regulated by Tennessee Code Annotated § 2-7-143.

Canopy

A permanent, but not completely enclosed structure, which may be attached to or near a building for the purpose of providing shelter. For the purposes of this Ordinance, carports and awnings are defined separately and not regulated as canopies.

Canopy Sign

A type of sign described as such in Section 15.5, Canopy Sign.

Canopy Tree

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Cap

The structural elements, design features, and materials associated with the top floor or top edge of the building to differentiate it from the middle and create a visual end to the building.

**Carport**

A roofed structure not more than 75 percent enclosed by walls and attached to or near the principal building that is provided for the purpose of sheltering one or more vehicles.

Cemeteries

Land used or intended to be used for burying the remains of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

Certificate of Appropriateness (COA)

A document approving work on local landmarks or properties in Franklin's Historic Preservation Overlay District based on the Franklin Historic District Design Guidelines.

Certificate of Occupancy

The final permit or authorization issued by the City allowing occupancy or use of a building, certifying that the building has been constructed in accordance with all applicable requirements.

Certified Arborist

A certified arborist shall mean any International Society of Arboriculture (ISA) Certified Arborist, ISA Board Certified Master Arborist, or current member of the American Society of Consulting Arborists.

Change of Use

The act of replacing a use in favor of another use.

Charitable, Fraternal, or Social Organizations

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

City Website

The City of Franklin official website, www.franklintn.gov.

Civic and Institutional Uses

The classification of those principal uses as listed under that heading in Subsection 5.1.3, Permitted Principal Uses by Zoning District.

Civic Building

The principal building type described as such in Section 6.10, Civic Building.

Clinic

An establishment providing therapeutic, preventative, or corrective medical treatment or health care services. Activities include health care appointments, medical procedures, surgical procedures, emergency treatment, diagnostic services, walk-in medical services, and other health-related care. Services are provided on an outpatient basis, generally requiring a stay of less than 24 hours.

Close

A square or rectangular open space with a street or internal drive surrounding it that provides access to lots or other building sites, which performs the same function as a cul-de-sac.

Collector Street

A type of street defined by Connect Franklin that carries traffic from local streets to the arterial system, consists of principal entrance streets for residential, nonresidential and mixed-use developments, and provides for major circulation within the developments. This includes both major and minor collector streets.

Commercial/Mixed-Use Building Type

The principal building type described as such in Section 6.8, Commercial/Mixed-Use Building.

Commercial Recreation

An establishment primarily engaged in providing participatory athletic, recreational, or physical fitness services to the public for a fee, such as fitness and recreational sports centers, health and fitness studios, bowling centers, miniature golf courses, paintball or lasertag arenas, recreational day camps, and other recreational activities.

Commercial Uses

The classification of those principal uses as listed under that heading in Subsection 5.1.3, Permitted Principal Uses by Zoning District.

Commercial Vehicles and Trailers

An accessory use as defined by the Municipal Code.

Community Gardens

Land gardened by a group of people for the purposes of growing and harvesting food crops or ornamental crops. Community gardens may be divided into separate plots or may be farmed collectively by the group, and may include common areas maintained and used by group members.

Compact Spaces

Parking spaces with a minimum square footage of approximately 128 square feet intended for small or compact cars.

Companion Animal

Any dog, cat, or other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

Connect Franklin

The comprehensive transportation network plan maintained by the City of Franklin that defines functional street classifications as local, collector, arterial, etc. It is also called the Comprehensive Transportation Network Plan, Major Thoroughfare Plan, Multimodal Major Thoroughfare Plan.

Conservation Easement

The grant of a property right to create an environment where the land and the landscape will remain in its natural state, but does allow for supplementation of additional landscape plantings and removal of dead, dying, or invasive plant material.

Construction

For purposes of the State Vested Property Rights Act of 2014, means the erection

of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements.

Continuum of Care Facilities

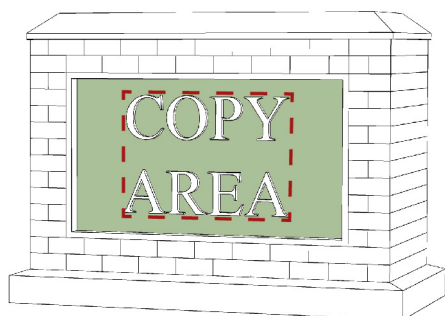
A facility providing one or any combination of assisted living, nursing home, or skilled nursing for the elderly or for other individuals incapacitated in some manner for medical reasons, as determined and licensed and/or certified by the Tennessee Department of Health, Board of Licensing Health Care Facilities. Included in this definition are homes for the aged, as defined by T.C.A. § 68-11-201. Continuum of care facilities may include a small amount of age-restricted independent living as part of the overall continuum of care.

Convenience Sign

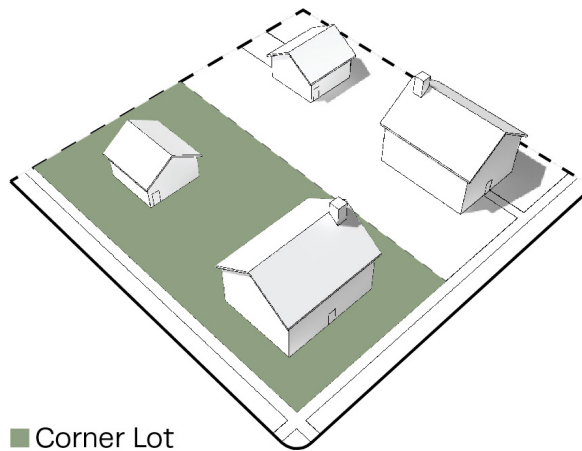
A type of sign described as such in Section 15.6, Convenience Sign.

Copy Area

The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

**Corner Lot**

A lot located at the intersection of two streets that has frontage on each street. Each street frontage is considered a front lot line.



■ Corner Lot

Cornice

A horizontal member, structural or nonstructural, of any building, projecting outward from the top of exterior walls, including eaves and other roof overhang.

Correctional Facilities

A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of City or county law enforcement and are typically government-owned.

Courtyard

The type of open space described as such in Section 11.7, Courtyard.

Critical Lot

An individual lot in a recorded subdivision that requires a more detailed review prior to the issuance of a building permit due to topography,

steep slopes, soils, potential land disturbance, stormwater, floodplain, public infrastructure, specimen trees, or other site conditions that warrant additional administrative review.

Critical Lot Plan

An administratively reviewed plan submitted prior to issuance of a building permit for a critical lot.

Critical Root Zone (CRZ)

A circular area measured outward from a tree trunk, representing the essential area of the roots that must be maintained for the tree's survival. The CRZ is measured one foot of radial distance for every inch of tree at diameter at breast height, with a minimum of ten feet.

Cross Access

Vehicular and pedestrian access provided between parking areas of two or more development sites or parcels of land intended to allow movement between the sites without the use of a public street.

Cross Access Easement

An easement or other development right offered to one party by another party that allows ingress and egress across private lands. Cross access easements are typically granted over or across surface parking areas.

Cross Section

A conceptual vertical plane cut through a space or building illustrating widths and heights of the diagrammed elements.

Cul-de-Sac

A street having one end open to traffic and the other terminated by circular vehicular turn around.

Cultured Stone

A refined architectural concrete building unit manufactured to simulate natural cut stone.

Cupola

A structure on top of a roof or dome, often used as a lookout or to admit light and air.

Cut

A portion of land surface or area from which earth has been removed or will be removed by excavation; or, the depth below original ground surface to the excavated surface.

d**Data Centers**

An establishment primarily engaged in providing infrastructure for hosting and data processing services that businesses and other organizations use to organize, process, store, and disseminate large amounts of data.

Day Care Centers

An establishment designed to provide day-time care and instruction for children or adults.

Deciduous Tree

A tree that drops its foliage annually before becoming dormant.

Deferred Parking

A portion of the required parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to

determine if the additional required parking is needed.

Departmental Review Team (DRT)

Team made up of representatives from the Department of Planning and Sustainability, the Engineering Department, the Department of Building and Neighborhood Services, and other departments or agencies of the City.

Detention (Dry) Pond

A stormwater management feature using a dry basin to temporarily detain stormwater runoff then gradually release it into a watercourse or other storm water feature. A detention pond is designed to be dry except after storm events.

Developable

The portion of a lot or development site that is available for development that is not within a resource and open space area (e.g., tree save areas, riparian buffers, Hillside/Hillcrest Overlay District, floodplain, and open space set-aside).

Developer

Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land.

Development

The construction, reconstruction, infill development, redevelopment, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, portion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading,

paving, or land disturbance; and any act of subdivision of land.

Development

For the purposes of Section 17.6, Floodplain Protection, any human-made change to improved or unimproved real estate, such as buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Development Entrance Sign

A type of sign described as such in Section 15.7, Development Entrance Sign.

Development Plan

A type of application to entitle development in the Planned District.

Development Site

The total area of land contained within a development project.

Development Standards

For purposes of the State Vested Property Rights Act of 2014, all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, such as the following: planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning; lot size; lot configuration; yard dimensions; and all other development standards under this Ordinance, and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to the Act. Development standards do not include standards required by Federal or State law; or building construction

safety standards which are adopted pursuant to authority granted under T.C.A. § 68-120-101.

Diameter at Breast Height (DBH)

The measurement of the diameter of a tree trunk taken at a height of 4.5 feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

Directory Sign

A type of sign described as such in Section 15.8, Directory Sign.

Dormer Window

A gabled extension built out from a sloping roof to accommodate a vertical window.

Drive-In/Drive-Through Facilities

A facility where a type of service is provided by a business that allows customers to purchase products without leaving their vehicles.

Drive-In/Drive-Through Restaurants

An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, which has drive-in or drive-through facilities so that patrons may be served while remaining in their vehicles.

Driveway

A vehicular access-way within a lot, building site, or development site from a street or internal drive to provide access only to a parking area, garage, parking structure, or building entrance.

Dry-Stack

A building method by which structures are constructed from stones without any mortar to bind them together.

Duplex (Building Type)

The principal building type described as such in Section 6.4, Duplex.

Duplex (Use Type)

A type of residential use in a building containing two dwelling units, each of which has direct access to the outside or a common hallway leading outside.

Dwelling

See Dwelling Unit.

Dwelling Unit

An area within a structure designed and constructed to be occupied for human habitation by a one family, as defined in this Chapter. A structure may consist of one detached dwelling unit (house); or more than one attached dwelling unit in the case of duplexes, townhouses, multiplexes, and multifamily. Dwelling units do not include hotels, motels, boarding houses, group homes, correctional facilities, continuum of care facilities, rehabilitation centers, or other structures designed for transient occupation.

e

Easement

A grant by a landowner to another person, entity, or to the public for the right to occupy or use designated land for specific purposes

such as access, drainage, utilities, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

Eave

The projecting lower edges of a roof that overhang the wall of a building.

Educational Facilities

A public, parochial, private, charitable, or nonprofit school, college, or university, including related instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Effluent

A discharge of liquid waste.

Elevated Building

A building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation Certificate

For the purposes of Section 17.6, Floodplain Regulations, a certificate as defined and regulated by the Federal Emergency Management Agency.

Emergency Flood Insurance Program

The program as implemented on an emergency basis in accordance with Section 1336 of the

Emergency Flood Insurance Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial Floodplain Insurance Rate Map.

Encroachment

The portion of a structure or improvement that intrudes into a required setback, right-of-way, or easement; the placement of vehicles or equipment into a tree protection zone; or the access location.

Entitlement

Legal rights granted by approvals from the City to develop and use property.

Environmentally Sensitive Areas

Lands containing specimen trees, steep slopes, wetlands, watercourses, floodplains, habitat of endangered or threatened species, hillcrests, and similar features.

Envision Franklin

The general plan for physical development in the City of Franklin. Also called a long range plan or land use plan.

Erosion

The process of the gradual wearing away of land.

Essential Services

Government facilities, public utilities, and private utilities necessary for the exercise of a principal use or service of a principal building.

Establishment

A place of business with its furnishings and staff.

Estate Enclosure

A technique for screening historically significant lands and structures from adjacent development as described in Section 18.5, Estate Enclosure.

Event Venue

An establishment that hosts special events, such as weddings, wedding receptions, bridal receptions, rehearsal luncheons and dinners, anniversary celebrations, galas, birthday parties, family reunions, retirement parties, corporate meetings, conferences, trade shows, speaker luncheon series, auctions, museum exhibits, and similar events.

Evergreen Tree

A tree with foliage that is not dropped annually or that remains green throughout the year.

Exception

For the purposes of Section 17.6, Floodplain Regulations, a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to Section 17.6, Floodplain Regulations.

Existing Construction within the FWO or FFO Overlay Districts

Any structure for which the “start of construction” commenced before the effective date of the initial floodplain management ordinance, dated 9/14/76, adopted by the City of Franklin as a basis for participation in the National Floodplain Insurance Program.

Existing Grade

The slope or elevation of existing ground surface prior to cutting, grading, or filling.

Existing Manufactured Home Park or Subdivision

For the purposes of Section 17.6, Floodplain Regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community’s participation in the National Floodplain Insurance Program.

Existing Structure

Any structure for which the “start of construction” commenced before the effective date of this Ordinance.

Existing Tree Canopy

The existing vegetative canopy or tree cover composed of crowns of healthy, self-supporting, woody vegetation.

Expansion to an Existing Manufactured Home Park or Subdivision

For the purposes of Section 17.6, Floodplain Regulations, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Exterior Insulated Finish System (EIFS)

Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a facade material.

f**Facade**

An exterior side of a building.

Face Brick

Nonstructural brick or similar masonry material that is applied as a veneer to a wall or foundation as a decorative element.

Fair Market Value

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

Family

One or more persons occupying a premises and living as a single housekeeping unit. A dwelling unit will be considered a single-family residence only if its permanent occupants are limited to one of the following categories:

- A. One or more persons related by blood, marriage, civil union, or adoption, guardianship, or other custodial relationship;
- B. The description in A above, plus no more than one person who is not related to the occupant(s) in A above; all of whom occupy the dwelling unit and function as a single housekeeping unit with common kitchen facilities; providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities;
- C. Not more than four persons not so related,

living together in a dwelling unit as a single housekeeping unit with common kitchen facilities;

- D. Not more than five adult persons who are elderly or have a disability who reside in an adult care home as defined by T.C.A. § 68-11-201; or
- E. Eight or fewer unrelated persons with disabilities and up to three persons acting as support staff or guardians, who need not to be related to each other or to any of the other persons residing in the dwelling unit, pursuant to T.C.A. § 13-24-102. The single-family dwelling definition does not include residences where persons with disabilities reside that are operated on a commercial basis. As used in this definition, “disabilities” does not include persons who are mentally ill and, because of such mental illness, pose a substantial likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.

A person is considered to be a permanent occupant if such person:

- A. Occupies a dwelling for more than 21 days a month on average within any 12-month period;
- B. Registers to vote using the address of a dwelling;
- C. Receives mail at a dwelling;
- D. Registers a vehicle or applies for a driver’s license using the address of the dwelling; and
- E. Is registered to attend school, if applicable, using the address of the dwelling.

A single-family dwelling unit may include a separate quarters for persons who are related by blood, marriage, civil union, or adoption, guardianship, or other custodial relationship,

provided such quarters are connected by interior passageways to the other portions of the dwelling unit and are not rented to any unrelated tenants or otherwise used in violation of this Ordinance. If more than one meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family dwelling.

Farm Animal

An animal kept for agricultural purposes. This use includes animals raised for home use or for profit, such as cattle or horses.

Farm-Field Boundary

A technique of screening historically significant lands or structures from adjacent development as described in Section 18.4, Farm-Field Boundary.

Fence

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Fill

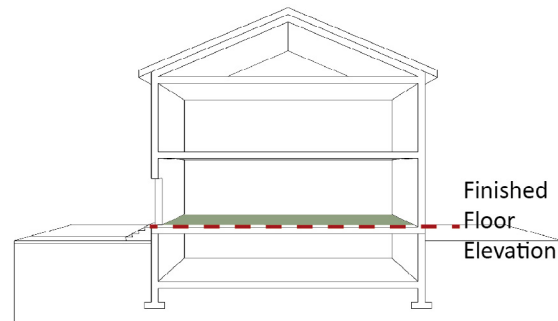
A portion of land surface or area to which soil, rock, or other materials have been or will be added; the height above original ground surface after the material has been or will be added; or the material used for the purposes of filling.

Final Plat

A type of application to finalize a layout for subdividing land into two or more lots suitable for recording at the Register of Deeds.

Finished Floor Elevation

The height of the finished flooring of the lowest floor serving habitable space within a structure or building.



Flag

A type of sign described as such in Section 15.9, Flag.

Flex Building Type

The principal building type described as such in Section 6.11, Flex Building.

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination

A determination by the floodplain administrator of the water surface elevations of the base flood; that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an

examination, evaluation, and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Studies (FIS)

The official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood-Related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result

of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-Related Erosion Area or Flood-Related Erosion Prone Area

A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-Related Erosion Area Management

The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and flood plain management regulations.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodproofing

Any combination of structural and nonstructural additions, changes, or

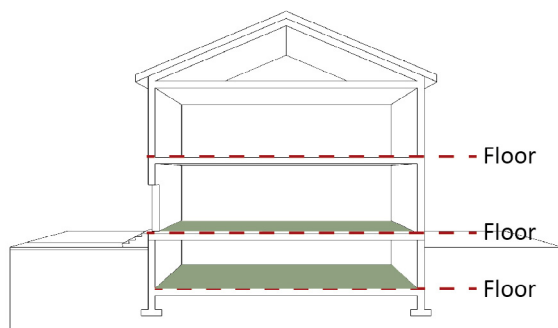
adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor

For the purposes of Section 17.6, Floodplain Protection, the top surface of an enclosed area in a building, including the basement (i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction). The term does not include the floor of a garage used solely for parking vehicles.



Floor Area

The area located within the inside perimeter of the exterior walls of a structure and including the area occupied by closets, corridors, stairs and other features protected by enclosed surfaces. The floor area is considered to be exclusive of those areas that are open and unobstructed to the sky. The floor area includes the area of all floors, including the attic and the basement.

Food Sales (as an Accessory use)

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption either for or not for profit, whether prepared on or off site as an accessory or subordinate activity to the principal use.

Foot-Candle

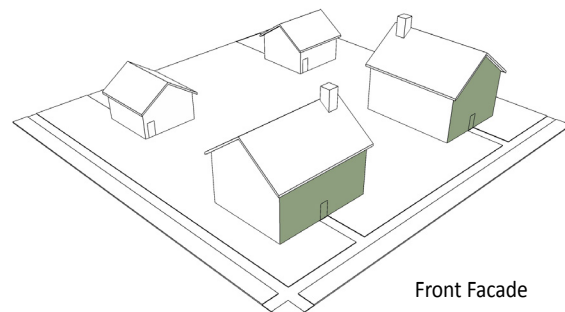
A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

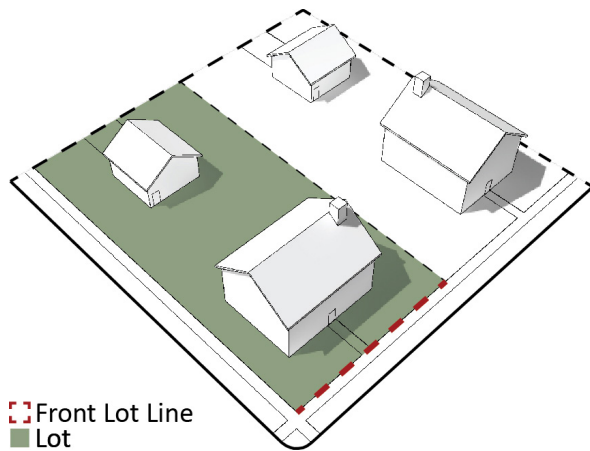
Front Facade

The side of the building that faces the street or internal drive and has a main entrance.

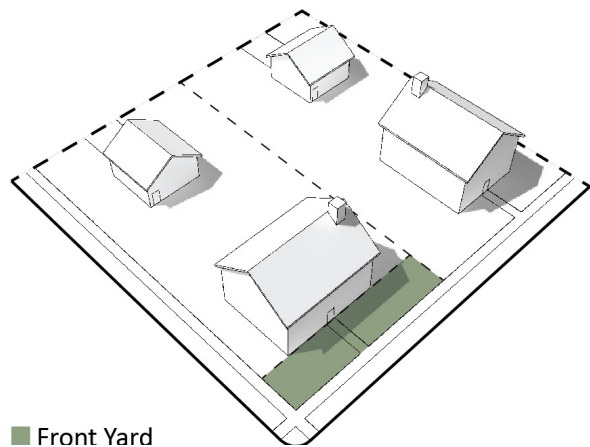


Front Lot Line

The boundary line of a lot, which abuts a street.

**Front Yard**

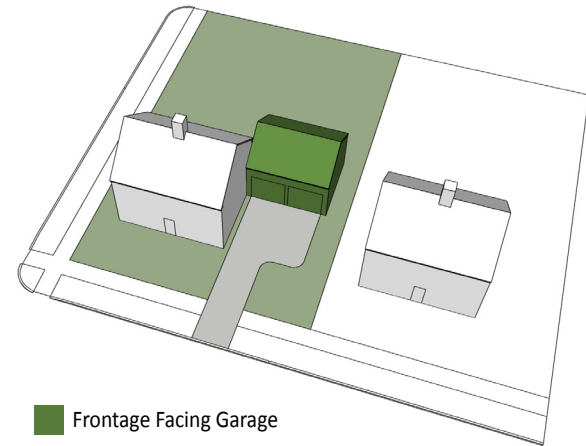
The open area located between the front facade of a building or structure and the front boundary of a lot that typically is the edge of an existing or proposed street right-of-way. The front yard extends the entire width of the lot.

**Frontage**

As defined in Subsection 7.1.1, Frontage Description.

Frontage-Facing Garage

A garage whose vehicular entrance faces a frontage.

**Functionally Dependent Use**

A use the intended purpose of which cannot be utilized unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral Homes

An establishment engaged in undertaking services, such as preparing the human dead for burial or cremation, and arranging and managing funeral services.

g**Garage**

A detached accessory structure or part of a dwelling unit used for the parking or storage of vehicles as an accessory use.

Garden Center

A retail operation that sells plants and related products for the domestic garden as its primary business. Their plant stock is typically propagated elsewhere, such as by specialist nurseries or wholesalers.

Gas Station

An establishment where fuel is sold for automotive vehicles, often with a small convenience store carrying a limited selection of groceries and household items.

Gazebo

A freestanding, roofed, usually open-sided structure providing seating or an area for gathering.

General Requirements and Technical Specifications Water Management Department City of Franklin, Tennessee

Guidelines for Engineers, Contractors, and Developers for the planning, design, and construction of water distribution systems, wastewater collection systems, reclaimed water systems, and associated appurtenances within the City of Franklin, Tennessee Water Management Department service area. The specifications identify standards, criteria, submittal requirements, and approval procedures to be used for projects within the City of Franklin.

General Warehousing

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

Genus

A taxonomic category ranking of types of organisms below a family and above a species and generally consisting of a group of species exhibiting similar characteristics.

Geotechnical Report

A comprehensive assessment of geological conditions of a particular area where construction is proposed.

Glare

The reflection or harsh, bright light and the physical effect resulting from high luminance or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

Glazing

The portion of an exterior building surface occupied by glass.

Golf Course

Land laid out for golf with a series of nine or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. Golf courses typically include a clubhouse with ancillary restaurant and driving range.

Grading

An operation or occurrence by which existing site elevations are changed, or where ground cover, natural or man-made is removed, or a watercourse or body of water, either natural or man-made, is relocated on a site. This includes stripping, cutting, filling, stockpiling, or any combination thereof and shall apply to the land in its cut or filled condition.

Green

The type of open space described as such in Section 11.8, Square or Green.

Greenway

The type of open space described as such in Section 11.4, Greenway.

Grid Street Network

A system of higher and lower order streets that are generally arranged in a pattern where most streets and internal drives are connected and dead end streets are minimized.

Gross Floor Area

The sum of the gross area of every story of a building measured from the exterior limits of the faces of the structure. Gross floor area does not include basements, garages, or parking structures, or parking areas.

Ground Cover

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Group Home

A facility that provides for the care and supervision, on a temporary or permanent basis, of groups of more than eight, but not more than 20, persons not defined as a family, who are handicapped, aged, disabled, or need foster care (includes home health hospice.)

Guyed Tower

A structure composed of three or four support legs, that is “guyed” by wires to anchors in the ground placed at distances radially from the tower and is used to support telecommunications equipment and antennas.

h**Half Story**

The uppermost habitable building level in which a sloping roof replaces the upper part of one or more of the facade walls, and which level contains less finished area than the first level of the building.

Hanging Sign

A type of sign described as such in Section 15.10, Hanging Sign.

Heavy Industrial Uses

A use characterized by manufacturing, mining, or compounding processes of raw materials that often involves outdoor operations as part of the process.

Hedge

A group of shrubs planted in a continuous line or in groups that forms a continuous compact, living wall.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Hillcrest

The summit line of a hill or mountain.

Hillside Plan

Separate sheets of a submittal for a development application that show how the development is designed with the natural topography, steep slopes, viewshed, and treed areas. It can be part of a development plan, site plan, or preliminary plat.

Historic Resource Edge Treatment

A context-based treatment along the edge of a historic resource to screen a new development from the historic resource or integrate it into a new development.

Historic Structure or Resource

Any building, structure, site, district, area, or land of architectural, historical, archaeological, or cultural importance or value, which the City protects, enhances, and preserves in the interest of the culture, prosperity, education, and general welfare of the citizens. It may be inclusive of, but not limited to, any of the following:

- A. Any that are listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Any that are certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Any that are individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Any that are individually listed on the City of Franklin, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By the approved Tennessee program as determined by the Secretary of the

Interior; or

2. Directly by the Secretary of the Interior.

Home Occupation

A business requiring a business license that is conducted as an accessory use within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use and that does not adversely or perceptively affect the character of the property or surrounding area.

Homeowner Association

An incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.

Hospital

A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

Hotel

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or rooming houses. Hotels include a high level of guest services and on-site amenities such as pools, restaurants, fitness centers, and similar features. Guest rooms are only accessible from an indoor corridor.

House (Building Type)

The principal building type described as such in Section 6.3, House.

Hue

The visible color emitted from an artificial source of exterior lighting.

i**Illumination**

Brightening or shining with light or a luminous substance.

Impervious Surface

Buildings, parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel, or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

Improvement

Any human-made alteration of land, a lot, a building, or structure.

Indoor Animal Services

A facility that regularly offers to the public indoor pet care services for companion animals, such as veterinary services, day care, overnight boarding, grooming, or training for a fee. There are no dedicated outdoor facilities.

Indoor/Outdoor Animal Services

A facility that regularly offers to the public pet care services which include both indoor and outdoor facilities. Services include veterinary

services for companion animals or farm animals, overnight animal boarding, day care, grooming, or training for a fee.

Industrial Sales

Retail or wholesale sales of bulk materials used for manufacturing, construction, machinery and equipment, or landscape materials, such as mulch or stone.

Industrial Services

An establishment engaged in the repair, servicing, or contracting of industrial, business, or consumer machinery, equipment, products, or by-products. These establishments may service consumer goods by providing centralized services for other businesses. Examples include building maintenance services, construction contractors, landscape services, and similar establishments engaged in performance of services off-site.

Industrial Uses

The classification of those principal uses as listed under that heading in Subsection 5.1.3, Permitted Principal Uses by Zoning District.

Infill development

Development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

Integral Sign

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

Intensity

The amount of nonresidential square feet of gross floor area.

Internal Drive

A curbed pedestrian and vehicular access way and parallel parking accommodation within a lot or development site that connects to a street or another internal drive, and provides access and circulation to or through such lot or development site and the building(s) and parking accommodations thereon.

Invasive Exotic Pest Plants of Tennessee

A document published by the Tennessee Exotic Pest Plant Council that specifies nuisance plants that shall not be used toward meeting the landscaping requirements in this Ordinance.

I-65

Interstate-65 (I-65) is a controlled access highway that is part of the federal interstate highway system.

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Kiosk

A small structure in a public area used for providing information, displaying advertisements, or selling goods.

Knee Wall

A low-wall that is often part of or within a building.

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Land

The earth, water, and air, above, below, or on the surface, including any improvements or structures customarily regarded as land.

Land-Disturbing Activity

Any human-made change of the land surface including removing vegetative cover, demolition, excavating, filling, or grading, but not including agricultural uses.

Landscape

Vegetation, whether existing or planted that is located on a lot or site. Landscape includes areas used by such vegetation that are occupied by a ground cover such as mulch, pine straw, or living ground cover.

Landscape Island

A planting area within a surface parking area that is designated for trees, shrubs, and groundcover for the purposes of providing visual relief and heat abatement.

Landscape Plan

Separate sheets of a submittal for a site plan application that show how the development is designed to meet tree protection, landscape, buffers, and screening requirements.

Landscape Surface Area

The portion of a lot or development site not covered by impervious surface and is available for accommodating landscape material.

Large Scale Retail Building Type

A principal building type described in Section 6.9, Large Scale Retail Building.

Lattice Tower

A structure composed of three or four support legs with crossed frame design.

LED Display Screen

A flat display panel that uses an array of light-emitting diodes as pixels for a display of an image or video. This definition includes plasma or similar screens.

Levee

For the purposes of Section 17.6, Floodplain Regulations, a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System

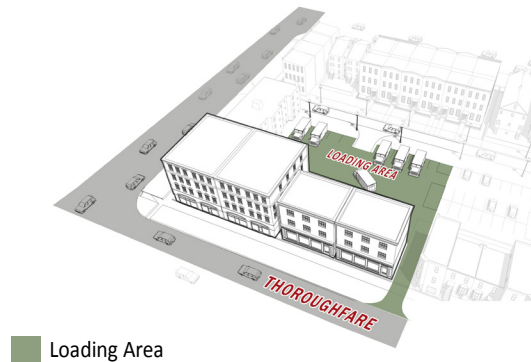
For the purposes of Section 17.6, Floodplain Regulations, a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Light Industrial Uses

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Loading Area

Area conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required parking spaces.



■ Loading Area

Local Street

A type of street defined by Connect Franklin designed primarily for access directly to individual lots or developments.

Lot

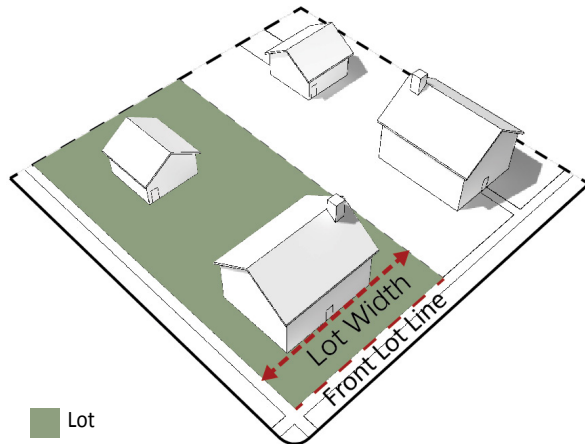
A parcel of land occupied, or intended to be occupied, by one main building, or a group of main buildings, including open spaces as required by this Ordinance and other regulations and ordinances.

Lot of Record

A lot or tract of land, described by deed and/or subdivision plat, filed in the Register's Office, Williamson County, Tennessee.

Lot Size

The area, measured in gross square feet or acres, contained within a lot.

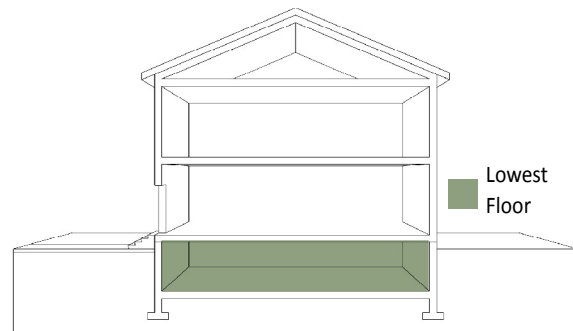


Lot Width

The distance between the side lot lines measured at the point of the front yard setback line. For corner lots, the lot width is the distance between the side lot line and the side street-facing lot line, measured at the point of the front yard setback line.

Lowest Floor

The floor surface of the lowest enclosed area of a structure, including a basement. An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access, or storage, in an area other than a basement area, is not considered to be the lowest floor of a building, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.



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Machinery Assembly and Repair Facility

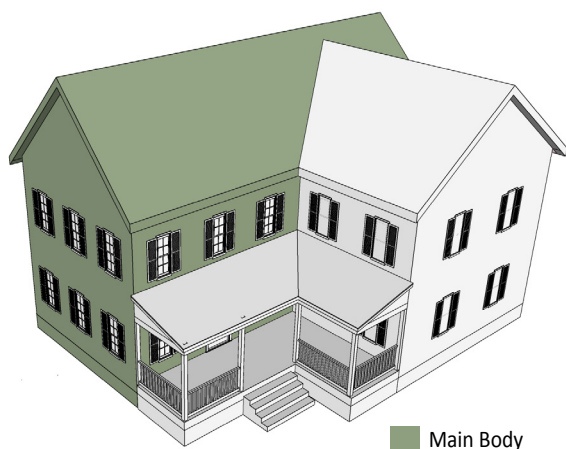
An establishment engaged in the assembly, maintenance, or repair of commercial and industrial machinery and equipment.

Mailbox Delivery Facilities

Two or more mailboxes located within a common supporting structure.

Main Body

The primary mass of a building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

**Main Color**

A color used on the facade of a building that constitutes the majority of the color on such facade.

Main Entrance

A place of ingress and egress to a building that faces the frontage.

Major Intersection

An intersection of one arterial street with another arterial, collector, or Interstate highway.

Major Recreational Equipment

A vehicular or portable structure transportable on a mobile chassis, designed to be used for recreational and vacation uses, including travel trailers, pickup campers, coaches, motorized dwellings, tent trailers, boats, boat trailers, other motorized watercraft, and other similar recreational equipment.

Manufactured Home Park or Subdivision

For the purposes of Section 17.6, Floodplain Regulations, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map

For the purposes of Section 17.6, Floodplain Protection, the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

Masonry

Brick, stone, or concrete. Fiber cement siding, stucco, and exterior insulation and finish systems (EIFS) are not considered masonry.

Mass Grading

Any stripping, cutting, filling, or stockpiling of earth or stone as a means of establishing new grades over a significant portion of a lot or site prior to new construction.

Mean Sea Level

For the purposes of Section 17.6, Floodplain Regulations, the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Measurement

A straight line from one lot line to another, from a building or structure to a lot line, or from a building or structure to another building or structure unless otherwise stated.

Median

A portion of a street or internal drive separating the opposing traffic flow and designed to prevent crossover movements by vehicles.

Mew

A type of alley as described in the Transportation and Street Technical Standards.

Minor Accessory Structure

A type of accessory structure that has a footprint of 200 square feet or less. Examples include storage or potting sheds, workshops, and greenhouses.

Mixed-Use Development

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within one or more buildings on a lot or development site.

Mobile Home

A structure, transportable in one or more sections, which is built on a permanent single chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include “major recreational equipment”. For the purposes of this definition, “manufactured home” and “mobile home” shall be considered interchangeable.

Mobile Service Provider Office

A home occupation use that is limited to the office accommodations for a professional service that is carried out in transitory locations. Examples include, but are not limited to mobile automotive detailing services and mobile pet grooming services.

Modification of Standards (MOS)

A modification of the standards of this Ordinance as described in Section 20.8, Development Plan.

Monopole

A structure composed of a single pole used to support telecommunications equipment and antennas.

Monument Sign

A type of sign described as such in Section 15.11, Monument Sign.

Moving Sign

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices, not including a hanging sign.

Multi-Phase Development

A development consisting of two or more distinct phases intended to occur in a sequential order.

Multi-Stemmed Tree

A canopy or understory tree having two or more primary stems or trunks, each of which is included within the determination of caliper or DBH.

Multifamily (Building Type)

The principal building type described as such in Section 6.7, Multifamily.

Multifamily (Use Type)

A type of residential use with a building containing five or more individual dwelling units, with the units often stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, often called apartments, lofts, condominiums, stacked flats, or age-restricted independent living, and may include units for sale or rent.

Multiplex (Building Type)

The principal building type described as such in Section 6.5, Multiplex.

Multiplex (Use Type)

A type of residential use with a building containing three to four dwelling units that has the appearance of one house from the street. They often share a common entrance.

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National Geodetic Vertical Datum (NGVD)

For the purposes of Section 17.6, Floodplain Regulations, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

National Historic Landmarks

Nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

National Register of Historic Places

The Secretary of the Interior's official list of the nation's historic places worthy of preservation; lands and structures on the list possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

Native Vegetation

Any indigenous tree, shrub, ground cover, or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

Natural Areas

The type of open space described as such in Section 11.3, Natural Area.

Naturally Occurring Slope

The changes in grade or elevation on a lot or site that result from natural processes, not land-disturbing activities.

Nature Trail

A type of pedestrian path through natural areas, including hiking, walking/jogging, and mountain bike trails.

Neighborhood Amenities

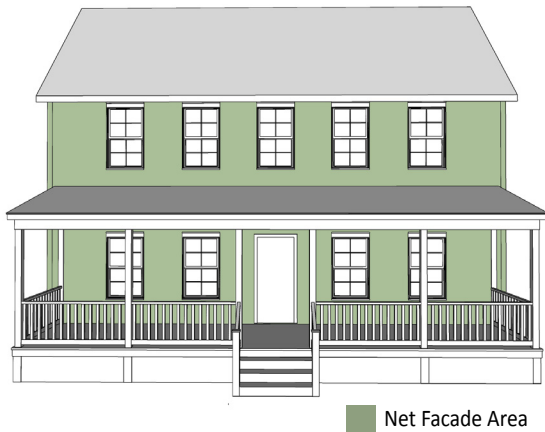
Outdoor recreation areas, such as pools, sports fields, sports courts, playgrounds, and dog parks typically for use by residents of the development.

Neon

Lights, tubes, or other devices used to emit neon light.

Net Facade

The area on a facade, excluding door and window openings.

**New Construction within the FFO District**

Any structure for which the “start of construction” commenced on or after the effective date of the initial floodplain management ordinance, dated 9/14/76, including any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision

For the purposes of Section 17.6, Floodplain Regulations, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of

the initial floodplain management ordinance and includes any subsequent improvements to such structure.

Non-Buildable

Land not suitable or permitted to be built upon.

Nonconforming Lot of Record

A lot that was legally-created by deed or other legal mechanism before it was in the City or prior to the City and County initial adoption of Subdivision Regulations that does not meet the dimensional standards established by the applicable zoning district.

Nonconforming Sign

A sign or sign structure constructed or erected prior to the effective date of this Ordinance or amendment containing provisions with which the sign or sign structure does not comply, or any sign that was lawfully erected and complied with the sign regulations in effect at the time it was erected, but is no longer in compliance.

Nonconforming Structure

A structure or portion thereof, not including signs, legally developed before the effective date of this Ordinance, or any amendment thereto, but that does not comply with one or more provisions of this Ordinance.

Nonconforming Use

The use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the zoning district in which it is located.

Nonconformity

An existing use, structure, lot of record, sign, or tower that was lawfully established before this Ordinance was adopted that no longer conforms with one or more provisions of this Ordinance.

Nonresidential Building

Any building containing solely nonresidential uses.

Nonresidential Structure

Any structure containing solely nonresidential uses.

Nonresidential Use

A use of land for recreation, civic or institutional, commercial, or industrial purposes that excludes any residential use.

North American Vertical Datum (NAVD)

For the purposes of Section 17.6, Floodplain Regulations, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

Nuisance

Any interference with the use and enjoyment of a neighboring property that is substantial and unreasonable, such as would be offensive or inconvenient to the normal person. Examples may include any interference or disturbance, which renders physical occupation of a neighboring property uncomfortable, endangers life or health, gives offense to the senses, or violates the laws of decency.

Nuisance Tree

A tree that interferes with the quiet enjoyment of real or personal property or public infrastructure.

O**Office**

The premises used by an establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

On-Site Parking

Parking on a lot, not inclusive of parallel parking on internal drives.

One Hundred Year Flood

Floods of a large magnitude that are only expected to be equaled or exceeded once (on average) during any 100-year period.

Opacity

A measurement indicating the degree of obscuration of light or visibility.

Opaque Screen

Any combination of vegetative material, fences, or walls and designed to completely obstruct off-site views into the area.

Open Space

Land used for active or passive recreation or resource protection purposes, not including residential lots, right-of-way, or parking or loading areas.

Open Space Lot

A single lot or group of lots intended to contain open space set-asides.

Open Space Set-Aside

Portion of a proposed development required for reservation as permanent open space.

Outdoor Dining Area

The type of open space described as such in Section 11.9, Outdoor Dining Area.

Outdoor Sales

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Storage

The keeping, in an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This does not include the display of vehicles or equipment for sale or rental in a sales lot.

Overnight Stay

For the purposes of Chapter 4, Overlay Zoning Districts, overnight stay refers to uses where people or animals sleep overnight, such as residential uses, group homes, continuum of care facilities, correctional facilities, hospitals, bed and breakfast establishments, hotels, and animal services with boarding facilities.

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Parallel Parking Space

A parking space located parallel to a public or private street or internal drive.

Parapet or Parapet Wall

That part of a building facade that rises above the roof level, typically obscuring a flat roof as well as any roof-mounted equipment.

Parcel

See “Lot”.

Parked Vehicle Sign

Signs placed on or affixed to vehicles or trailers that are parked on a public or private street or on public or private property so as to be visible from a public or private street or internal drive. This does not pertain to signs placed on or affixed to vehicles, where the sign is incidental to the primary use of the vehicle or trailer or to exclude the advertising of the vehicle for sale.

Parking Area

Parking spaces that serve a principal use.

Parking Bay

A parking area consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking Demand Study

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

Parking Space

A space that is designated for the parking or temporary storage of one vehicle.

Parking Structure

A structure designed for vehicular parking below, at, and/or above grade, excluding, however, a garage.

Partial Certificate of Appropriateness

A partial certificate of appropriateness (COA) is a type of COA specific to single family residential site plans that limits approval to conceptual elevations, height, massing, scale, setbacks, and types of historic resource edge treatment. A partial COA does not permit the issuance of a building permit.

Passive Parks, Passive Recreation

Land used for low-intensity recreation, open space, and conservation of natural habitat. Improvements are natural resource-oriented, such as picnic areas, canoe launches, arboretums, benches, trails for hiking, biking, or horseback riding, and archaeological and historical sites. Site disturbances, such as grading, vegetation removal, and lighting are minimal. These facilities are often located within dedicated natural areas.

Pasture Animal

Any horse, cow, goat, or other domestic livestock.

Pedestrian

A person traveling on foot under their own locomotion.

Pedestrian-Scale Lighting

Devices intended to provide exterior lighting that are lower in height than commercial lighting and located proximate to pedestrian areas such as sidewalks, open space areas, or plazas.

Performance Agreement

An agreement between an applicant or developer and the City to ensure the completion of required improvements as part of site plan or final plat approval.

Perimeter Landscape

A planting area with vegetative material, walls, fences, and/or associated ground cover located along the perimeter of a surface parking area used as screening.

Perimeter Planting Strip

A planting area along the outer edge of a surface parking area.

Person

Person means any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Chapter 22, Enforcement, for violating this Ordinance shall include an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs.

Personal Services

An establishment that primarily engages in providing services generally involving the care of the person or person's possessions. Personal services include laundry and dry-cleaning services, barber shops, salons, day

spas, informational and instructional services, tanning salons, portrait studios, and other personal care services. Services associated with an animal are not included in this definition.

Pervious Surface

A surface that absorbs water or allows the passage of water through it to the ground below.

Pier

Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

Pilaster

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

Place of Public Assembly

An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, performances, and other similar activities, including buildings or performance venues in which such functions and activities are held.

Plan Amendment

A type of application to amend the general plan, entitled Envision Franklin.

Plan of Services

A plan for how the City would provide municipal services to land if annexed.

Planting Season

The dormant time of the year for trees beginning with leaf drop and ending with bud

break; which is generally late fall (November) to early spring (March), excluding winter months when the ground is frozen.

Planting Strip

An area located immediately between the sidewalk and the curb or street pavement that serves as the area where street trees are planted.

Platted Lot

A lot shown on a recorded final plat.

Plaza

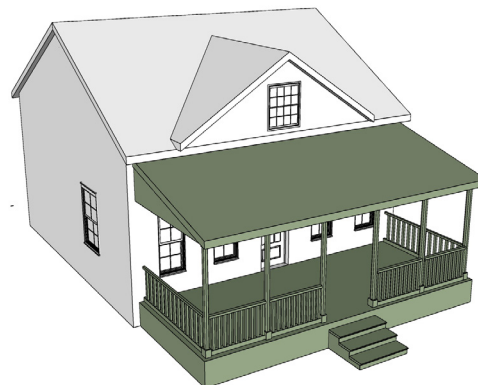
A type of open space described as such in Section 11.10, Plaza.

Pocket Park

A type of open space described as such in Section 11.6, Pocket Park.

Porch

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements, which is at least six feet deep.



Portable Shipping Container

A large metal or wooden container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

Portable Sign

A sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily movable, not permanently attached thereto. Also includes any single or double surface painted or poster panel type sign or any variation thereof.

Portico

A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

Preliminary Historic Zoning Commission (HZC) Recommendation

A type of application to provide preliminary recommendations for development in the Historic Preservation Overlay District

Preliminary Plat

A type of application to propose a layout for subdividing land into more than two lots.

Primary Materials on a Facade

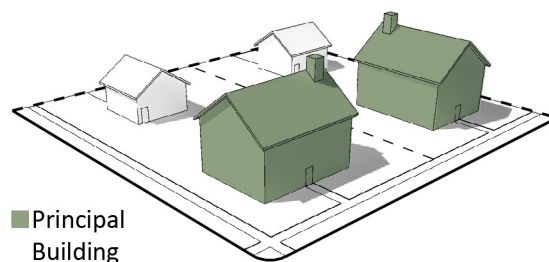
The exterior building materials used to clad most of a building facade.

Prime Agricultural Lands

Lands actively engaged in direct production of agricultural goods or products.

Principal Building

A building in which the principal use of the lot is conducted on which it is situated.

**Principal Use**

The primary use or activity taking place on a lot. The principal use does not include any accessory uses occurring on the same lot.

Private Street

Any street or road owned and maintained by a private individual, organization, or company rather than by a unit of government.

Produce Stand

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

Property Owner Association

An incorporated nonprofit organization operating under recorded agreements through

which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.

Public Access Easement

A grant by a landowner to the public for ingress and egress across private lands, commonly to provide access to public improvements, infrastructure, open spaces, or other specified purposes. A public access easement does not constitute fee simple ownership of the land.

Public Improvement

Street, park, or other public way, ground, place or space, public building or structure, facility, or public utility, which serves and is available to the public.

Public or Private Infrastructure

Facilities and services needed to sustain development and land-use activities, including water, sewer, drainage, stormwater management improvements, streets, sidewalks, and other similar facilities.

Public Sign

A sign erected by a governmental entity or agency in the public interest, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Public Street

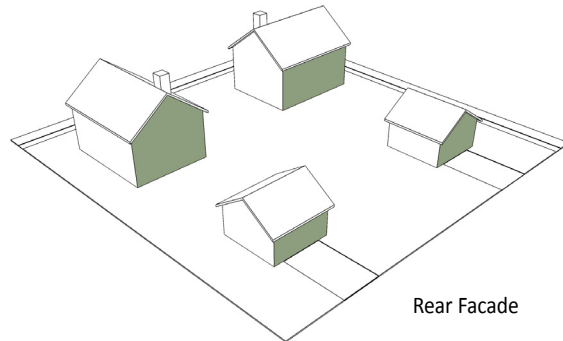
Any street or road owned or maintained by a unit of government.

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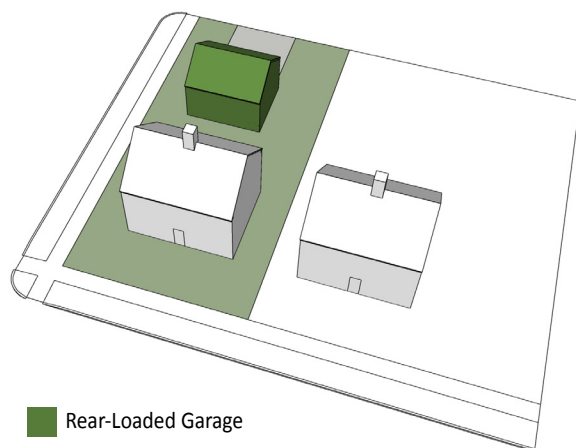
Rear Facade

The side of a building facing the rear or back of a lot or building site, not facing a street.



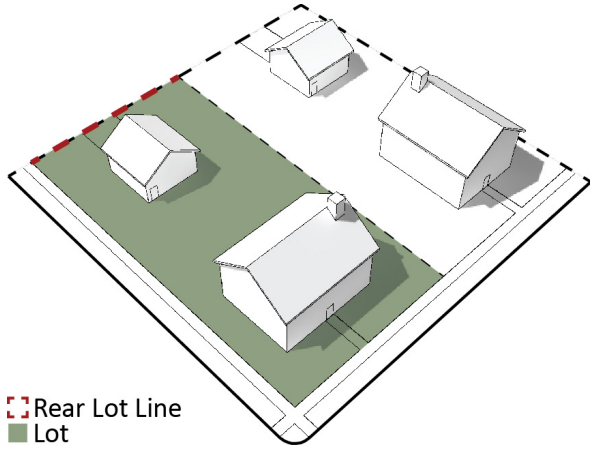
Rear-Loaded Garage

A garage whose vehicular entrance faces the rear lot line.

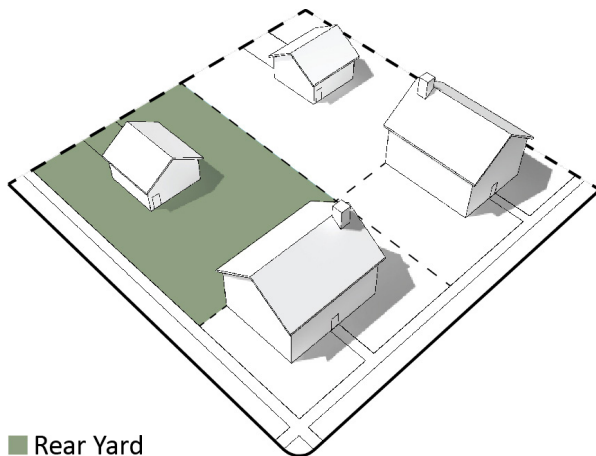


Rear Lot Line

The boundary line of a lot which is generally opposite, and does not intersect, the front line.

**Rear Yard**

The open area, except as otherwise authorized in this Ordinance, located between the rear facade of a building or structure and the rear boundary of a lot, and extending from one side lot line to the other side lot line.

**Reasonably Safe from Flooding**

Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will

not damage existing or proposed structures.

Recreational Vehicle

For the purposes of Section 17.6, Floodplain Protection, a vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Drop-Off Center

A small collection facility where recyclable materials are purchased or accepted from the public. It is an accessory use.

Redevelopment

Any proposed expansion, addition, renovation, or major change to an existing building, structure, or aspect of development.

Refuse Area

Area containing dumpsters, trash compaction, garbage or recycling collection, and other similar service areas.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Rehabilitation (of a Historic Structure)

The act of returning a historic structure to usable condition through repair, alteration, and/or preservation of its features.

Rehabilitation Center

A facility that provides formal, organized, services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include physical therapy, counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated, as determined and licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities. Rehabilitation centers may be stand-alone facilities or be a component of other facilities.

Remote Parking

A parking area intended to serve one or more uses provided on a different parcel or lot than the use it is intended to serve.

Replacement Tree

A tree that is required to be planted after the development of a site to replace predevelopment existing trees that were removed either accidentally or in violation of this Ordinance during or as a result of the land disturbance process.

Required Landscape

Landscape requirements, including site landscaping, parking area landscaping, buffers, streetscape landscaping, street trees, historic resource edge treatments, or screening composed of vegetative materials.

Required Yard

The space between a lot line and a building within which no structure shall be permitted, except as authorized in this Ordinance.

Residential Character

A building form, neighborhood, or area that is intended primarily for dwelling purposes, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

Residential Lot

A lot with an existing residential use or designated for residential use through zoning, excluding multifamily residential.

Residential Uses

The classification of those principal uses as listed under that heading in Subsection 5.1.3, Permitted Principal Uses by Zoning District.

Restaurants

An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carryout.

Restricted-Access Bicycle Enclosure

A locked area containing within it one bicycle rack space for each bicycle to be accommodated, and accessible only to the owners or operators of the bicycles parked within it.

Retail Uses

An establishment primarily engaged in the sale of goods and materials to the general public. Retail uses may include retail shops, bookstores, antique stores, convenience stores, bakeries, grocery stores, retail plant sales, and similar uses.

Retaining Wall

A wall or similar structure used at a grade change to hold the soil on the uphill-side of

the wall from slumping, sliding, or falling. Examples include segmental walls, masonry walls, poured-in-place walls, boulder walls, and pre-split rock walls.

Retention (Wet) Pond

A stormwater management feature that uses a wet basin as a holding area for stormwater runoff and is designed to retain a permanent pool of water throughout the year.

Rezoning

A change in the district boundaries or district classifications of the zoning map. For the purposes of this Ordinance, rezoning also includes the initial zoning of a property that occurs with annexation.

Right-of-Way (ROW)

An area owned or maintained by the City, County, the State of Tennessee, federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

Riparian Buffer

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

Riverine

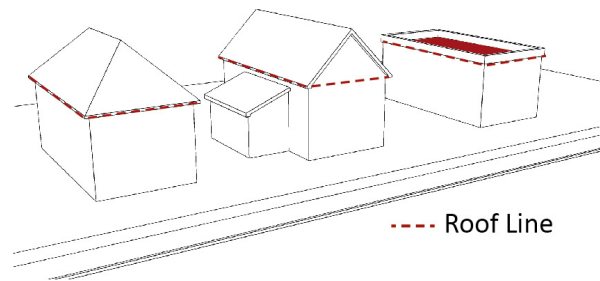
Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roof Forms

The type, arrangement of ridges or parapet walls, or materials used on a roof.

Roof Line

The highest point of a flat roof or mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys, or other minor projection.

**Roof Sign**

An attached sign wholly or partially dependent upon the roof of any building for support.

Routine Maintenance

The preventative or cyclical maintenance that is a part of the on-going care and upkeep of any building, structure, property, or improvement.

Rural Character

The development patterns, architecture, and arrangement of land uses such as agriculture and undeveloped lands found in sparsely settled areas.

S**Sandwich Board Sign**

A type of sign described as such in Section 15.12, Sandwich Board Sign.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms in certain instances, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

Seasonal Sales

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

Secondary Street

A street, by virtue of its use, location, absence of pre-existing pedestrian supportive qualities, or lack of prominence, that may be allowed to have some screened parking along the lot frontage.

Security/Caretaker's Quarters

An accessory dwelling located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

Self-Storage Facilities

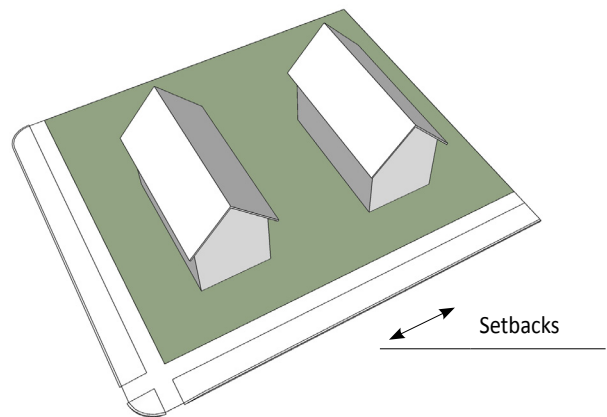
A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

Service Area

Maintenance areas, equipment areas, loading docks, loading berths, or similar spaces that serve the principal use or building.

Setback

A setback refers to the distance which a building is required to be set back from a lot line or from a nearest building or structure.

**Severe Pruning**

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or installed, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

Shared Parking

Parking spaces shared by two or more uses that are in proximity to one another and the parking area, and that have different operational characteristics such that utilization of the parking spaces by one use will not generally overlap with the utilization of the parking spaces by the other use(s).

Shed

A simple roofed accessory building that is typically used for storage, a shelter for animals, or a workshop.

Shoebox-Style Lighting Fixture

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

Short-Term Vacation Rental

A dwelling unit used, in its entirety, for transient occupancy, for which the City has issued to the owner a business license for such use, in accordance with the Municipal Code.

Showroom

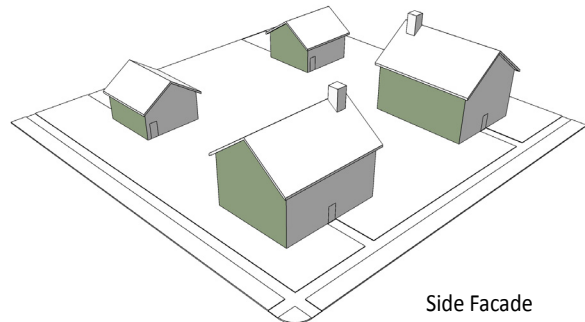
A large room used for displaying a company's products for sale, such as vehicle models, appliances, furniture, plumbing or lighting fixtures. Showrooms typically have a small office component for sales.

Shrub

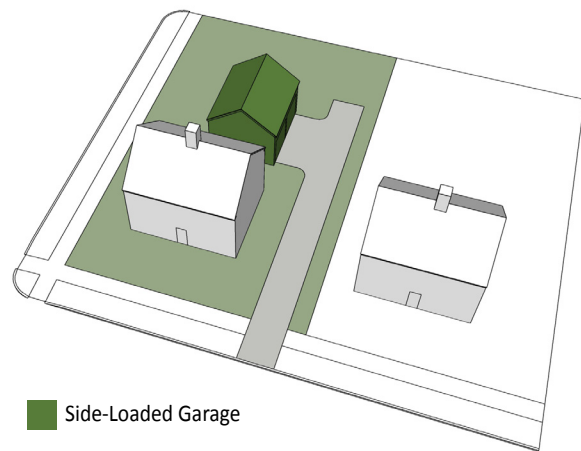
A woody plant, growing 18 inches to 15 feet in height at maturity, consisting of several small stems emerging from the ground or small branches near the ground. Shrubs may be deciduous or evergreen.

Side Facade

A side of a building and connects the front and rear facade. A side facade faces an internal lot line or a secondary street or secondary internal drive.

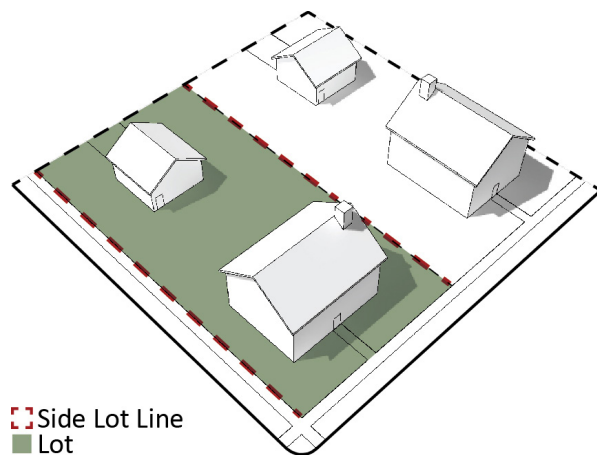
**Side-Loaded Garage**

A garage whose vehicular entrance faces a side lot line that is not along a side street.



Side Lot Line

The boundary line of a lot that intersects the front lot line, and the rear lot line, and any other side lot line.



Side or Rear Wing

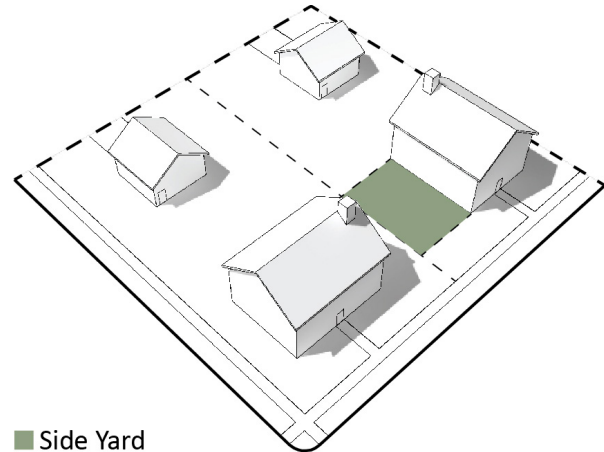
Massing forms of a building subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are typically one to one and a half stories, set back from the front facade of the house, and do not exceed one third of the width of the main body.

Side Street

For a corner lot, the side street is the side that is fronted by a side facade of the building, rather than the front facade and main entrance.

Side Yard

The open area located between a side facade of a building or structure and the nearest boundary of a lot.



Sidewalk

A paved path for pedestrians.

Sight Distance Visibility

The area located at the intersection of two streets, whether public or private, or a street and private driveway or internal drive through which an unobstructed view of approaching traffic is necessary for motorists.

Sightline analysis

A line-of-sight analysis that provides a simulation of the visibility of rooftop mechanical equipment from anywhere along the adjacent right-of-way from a pedestrian's viewpoint. This analysis includes elevation of the right-of-way, future grade, building height, and adjacent structures.

Sign

Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or

identify a person or entity or to communicate information of any kind.

Sign Area

The sign area is the computed area of the background upon which lettering, insignia, or other devices are placed.

Sign Permit

A type of permit to ensure that signs are compliance with this Ordinance.

Single-Family Residential (Use Type)

A type of residential use containing one dwelling unit on its own lot, surrounded by open yards on all sides, and intended for permanent occupancy by one family, as defined in this Chapter.

Site

The spatial location of an actual or planned structure or set of structures. The term includes lots, building sites, and development sites.

Site Area

The total area of land contained within the property lines of a development project.

Site Landscape

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.

Site Lighting

Exterior lights and light fixtures intended to illuminate on-site parking areas, access drives, and other areas.

Site Plan

A type of application defined as such in Chapter 20, Procedures.

Site Preparation

Excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

Sleeping Room

A room or group of rooms forming a single habitable unit that is used, or intended to be used, for sleeping and living, but not for cooking or eating purposes, and that is leased individually as a unit within a bed and breakfast establishment or similar use.

Slope

The degree of deviation of surface from the horizontal, usually expressed in percent or a ratio.

Slope, Steep

Any slope of 14 percent or greater.

Special Flood Hazard Area (or Areas of Special Flood Hazard)

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map. After detailed ratemaking has been completed in preparation for publication of the Floodplain Insurance Rate Map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Special Hazard Area

An area having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards, and shown on an Flood Hazard Boundary Map or Floodplain Insurance Rate Map as Zone A, AO, A1-30, AE, A99, or AH.

Specimen Tree

Any canopy tree with a diameter of 24 inches or greater measured at diameter breast height (DBH).

Spire

A tall, pyramidal, polygonal, or conical structure rising from a tower, turret, or roof (usually of an institutional use) and terminating in a point.

Sports Courts/Sports Fields

A court or field for playing a sport.

Sports Court/Sports Field Sign

A type of sign described as such in Section 15.13, Sports Court/Sports Field Sign.

Square

A type of open space defined as such in Section 11.8, Square or Green.

Stacking

A portion of a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is typically not permitted within the stacking/standing area.

Start of Construction

Includes substantial improvement of a structure in the floodplain, and means the date the

building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured/mobile home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency

For the purposes of Section 17.6, Floodplain Regulations, the Tennessee Emergency Management Agency (TEMA), as designated by the Governor of the State of Tennessee at the request of TEMA to assist in the implementation of the National Floodplain Insurance Program for the State.

State Highway

An officially designated highway or route of the State of Tennessee, which is therefore subject to the rules and regulations of the Tennessee Department of Transportation.

Steeple

A tower that tapers to a point at the top typically used as a decorative feature on a building or as an area on or within a building to house church bells, clocks, antennas, or similar devices.

Stoop

A small staircase ending in a platform and leading to the entrance of the building, which is between three and six feet deep.

**Storage Building**

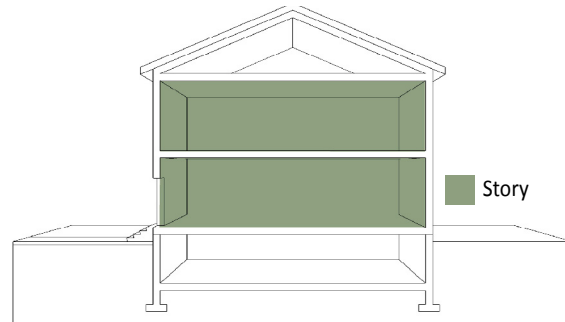
A building used for the storage or warehousing of goods, but not including temporary storage containers such as portable on-demand units or tractor trailers used for storage.

Stormwater Management Feature

Any device, facility, or infrastructure that serves to collect, convey, temporarily detain, permanently retain, infiltrate, treat, or otherwise manage stormwater.

Story

A habitable level of a building, excluding attics and basements.

**Streamers**

A series of long, narrow banners, flags, or pennants attached to a cord.

Street

An existing or planned public or private right-of-way that is designed, dedicated, or used principally for vehicular and pedestrian circulation, which provides access for abutting properties. The following defines types of streets:

Street Lights

Exterior lights and light fixtures intended to illuminate public and private street and other rights-of-way.

Street Stub

A nonpermanent, dead-end street intended to be extended in conjunction with development on adjacent property.

Street Tree

A canopy tree planted or existing within the planting strip or along either side of a public or private street or internal drive.

String Lights

Small white electric lights spaced evenly along a cable and used for decoration and/or low level lighting.

Structure

Anything constructed or erected requiring more or less permanent location on the ground or attachment to something having permanent location on the ground, excluding wheels.

Subdivision Regulations

The Franklin Subdivision Regulations adopted on April 15, 1966, and as subsequently amended.

Substantial Damage

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The market value is the assessed value of the structure per the Williamson County Property Assessor, plus an additional 15 percent of that assessed value. In calculating the substantial damage, construction improvement costs are tracked cumulatively over a ten-year period.

Substantial Improvement within the FFO Overlay District

For the purposes of Section 17.6, Floodplain Regulations, any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the initial improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

The market value is the assessed value of the structure per the Williamson County Property Assessor, plus an additional 15 percent of that assessed value. In calculating the substantial improvement, construction improvement costs are tracked cumulatively over a ten-year period.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Substantially Improved Existing Manufactured Home Parks or Subdivisions

For the purposes of Section 17.6, Floodplain Regulations, where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

t**Tandem Parking**

A parking space within a group of two or more parking spaces arranged one behind the other.

Teardown

The act or process of disassembling, demolishing, or destroying a building or structure.

Telecommunication Towers and Antennas

A free-standing structure or any structure to be attached to a building or other structure, that is used for telecommunications.

Temporary Construction Site Sign

A type of sign described as such in Section 15.17, Temporary Construction Site Sign.

Temporary Field Office

A temporary nonresidential use employed as a temporary working space while an existing principal use is rebuilt, altered, expanded, or renovated.

Temporary Housing

A temporary residential use employed as a temporary living space while an existing dwelling is rebuilt, altered, expanded, or renovated on a site where a previous dwelling was destroyed or rendered uninhabitable.

Temporary Sign

A type of sign described as such in Section 15.18, Temporary Sign.

Ten-Year Floodplain

The area which has a minimum statistical probability of one in ten of being flooded in any given year.

Tent

A temporary portable structure typically composed of fabric or plastic stretched over poles or other support structure intended to

provide habitable space on a short-term basis

Text Amendment

A change in the wording or substance of this Ordinance.

Theater

A structure used for dramatic, operatic, motion pictures, or other performance.

Three-Dimensional Model

Three-dimensional imagery of proposed buildings and the surrounding buildings to better understand how the proposed building will impact the nearby built and natural environment. The three-dimensional model shall include height, massing, scale, and setbacks.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for radio, telephone, and similar communications purposes, including self-supporting guyed towers, lattice towers, or monopole towers. The term includes cellular telephone towers, common-carrier towers, microwave towers, radio and television transmission towers, and the like. This term includes any alternative tower structures, such as man-made trees, bell steeples, clock towers, light poles and similarly designed mounting structures that camouflage or conceal the presence of antennas or towers. The term includes the structure and any support thereto.

Townhouse (Building Type)

The principal building type described as such in Section 6.6, Townhouse.

Townhouse (Use Type)

A type of residential use where the dwelling units are joined side-by-side and separated by shared walls. They have independent access to the exterior and generally have small yards.

Traffic Calming Measure

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed and/or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

Traffic Impact Study

An analysis of the effect of traffic generated by a proposed development or redevelopment on street capacity, operations, and public safety.

Trail

An access way, whether paved or unpaved, that is intended to serve multiple modes of travel including walking, jogging, bicycling, or other forms of non-motorized transport.

Transitional Features

Architectural elements or site aspects that provide a compatible transition between land uses, subdivisions, sites, lots, or structures throughout the City.

Transportation and Street Technical Standards

The transportation design requirements that present a comprehensive approach to designing new and modified streets within the City of Franklin.

Travel Lane

Portions of a public or private street, internal drive, or drive aisle intended solely for the movement of vehicles, not parking or standing.



■ Travel Lanes

Tree Bank

A fund as described in Subsection 17.2.8, Tree Bank.

Tree Pit

Pervious areas within a sidewalk, plaza, or other impervious surface that have been designated for the growth of street tree roots. Tree pits may or may not be covered by a grate or other protective device.

Tree Removal Permit

A type of permit to remove a tree not associated with an approved building permit, grading permit, site plan, preliminary plat, final plat, or stormwater management permit.

Tree Save Area

The portion of a development site or lot located under existing tree canopy that is to be retained during the development process.

Tree Topping

Removal of entire branches, leaves, and/or trunk from the top of a tree.

Trellis

A structure of open latticework, especially one used as a support for vines and other creeping plants.

Trim Color

A color used on the trim of a building.

U**Understory Tree**

A small to medium-sized tree, growing 15 to 40 feet at maturity and often used for aesthetic purposes.

Unified Site Plan

A development option permitting a site plan to be submitted as an aggregation of two or more lots; however, bulk requirements, including buffers, building setbacks, landscape surface ratios, and parking shall be determined based on perimeter lot lines, regardless of the location, ownership, size, or quantity of the interior lots, effectively treating the aggregation of lots as one lot for meeting the requirements of this Ordinance.

Uniformity Ratio

A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

Use Classification

A designation of the use of land in one of six basic classifications, including agricultural, residential, institutional, commercial, or industrial

Utilities

A supply of gas, electricity, water, cable, fiber optic, or telephone service to homes, businesses, and development.

V**Variance**

Relief granted from certain provisions of this Ordinance.

Vehicle Repair Facilities

An establishment engaged in major repair and maintenance services for automotive vehicles, such as passenger cars, trucks, vans, and trailer bodies and interiors. Services are typically non-routine and include auto body work, collision repair, replacement of major parts, painting, or customization.

Vehicle Sales and Rental

An establishment primarily engaged in the retail sale or rental of new and used automotive vehicles, noncommercial trucks, or major recreational equipment, including incidental storage, maintenance, and servicing.

Vehicle Service Facilities

An establishment providing a range of minor, routine maintenance services for automotive vehicles. These services are performed indoors and include oil changes, lubrication, fluid replacement, tire rotation and sales, and other quick service activities.

Vehicle Wash Facilities

An area or structure equipped with automatic

or self-service facilities for washing automotive vehicles.

Vertical Blade Sign

A type of sign described as such in Section 15.14, Vertical Blade Sign.

Vested Plan

In accordance with T.C.A. § 13-4-310, as amended, and subject to the exceptions set forth in said statute, the following project types will constitute the T.C.A. definition of a preliminary development plan as a vested plan: (1) development plan; (2) preliminary plat; and (3) site plan not associated with an approved development plan or preliminary plat.

In accordance with T.C.A. § 13-4-310, as amended, and subject to the exceptions set forth in said statute, the following project types will constitute the T.C.A. definition of a final development plan as a vested plan: (1) a site plan associated with an approved development plan or preliminary plat.

Viable Tree

An existing healthy tree located on a development site or lot that has a high probability for continued life following the completion of development.

Violation

For the purposes of Section 17.6, Floodplain Protection, the failure of a structure or other development to be fully compliant with the City of Franklin's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

W

Wall Offset

Projections or recess in the facade of a building for the purposes of screening mechanical or utility equipment.

Wall Sign

A type of sign described as such in Section 15.15, Wall Sign.

Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm water runoff and flood water flows either regularly or infrequently and includes major drainage-ways for carrying urban storm water runoff.

Wetland

Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wheel Stop

Precast concrete or other manufactured ground-mounted device located at the head of a parking space that is intended to prevent the wheels of a vehicle from moving beyond the stop.

Wholesale Sales

An establishment primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

Window

An opening in the wall of a building that is fitted with glass or other transparent material in a frame to admit light or air and allow people to see out.

Window Sign

A type of sign described as such in Section 15.16, Window Sign.

Wing Wall

A smaller wall attached or next to a larger wall or structure.

Wrecker Service

A service for towing wrecked or disabled vehicles or freeing vehicles stalled in snow or mud.

Y**Yard**

An open area that lies between a building or structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this Ordinance.

Z**Zoning District**

Areas of land divided into zones within which various uses are permitted and standards are applicable. This term may be referred to as a “district”.

Zoning Map

The official map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance. The zoning map may be found on the City website.

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CHAPTER 24

HISTORY TABLE

24.1 General	393
24.2 History Table	393

24.1 General

This Chapter documents the historical evolution of this Ordinance to enable users to quickly identify amendments that have been adopted by the BOMA over time.

24.2 History Table

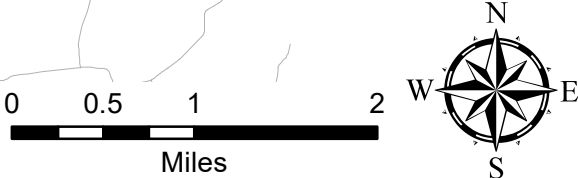
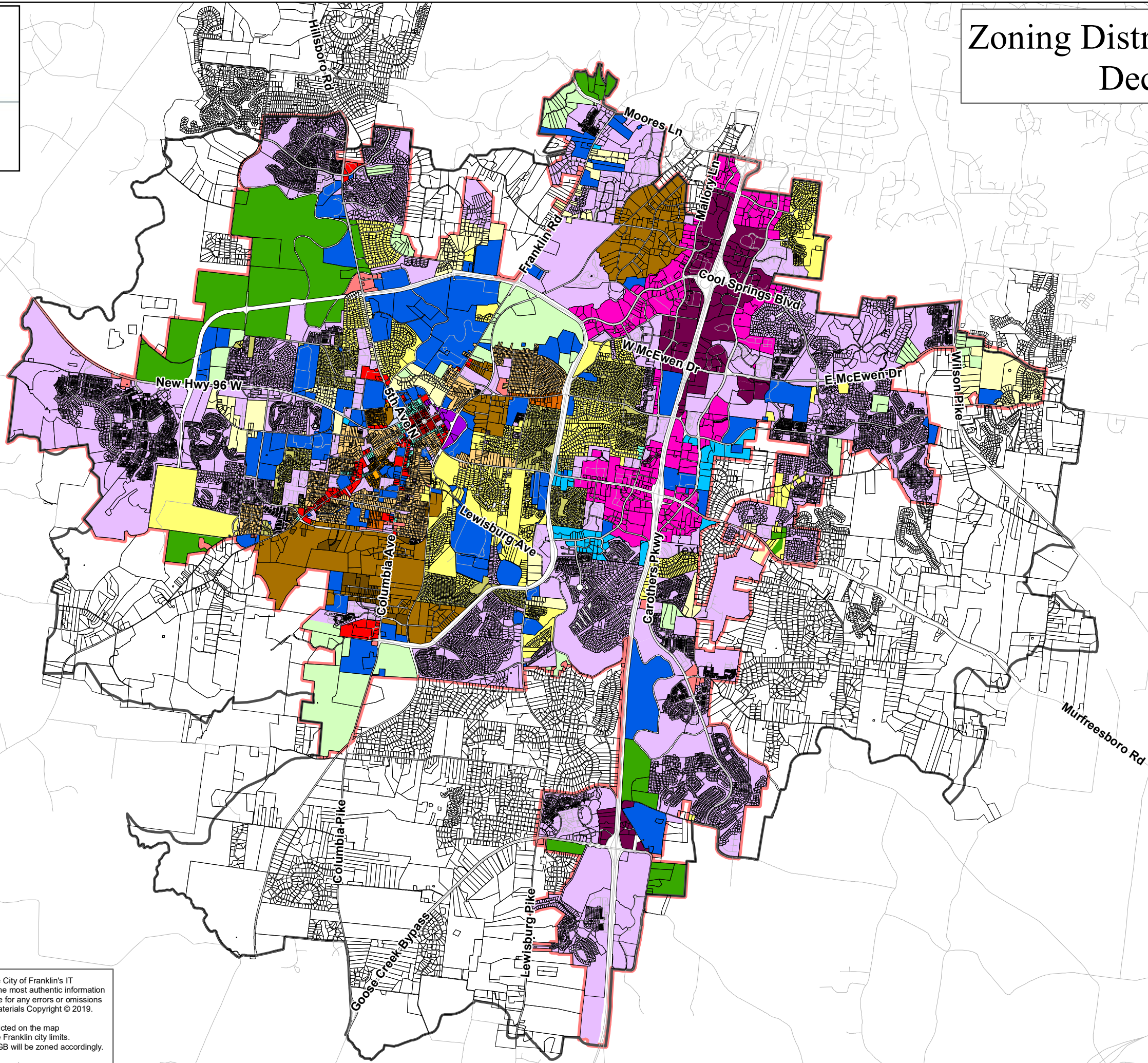
The history table lists the Ordinance number, the text amendment caption, the date of adoption by the BOMA, a summary of the text amendment, and the publication date when the amendment was incorporated into the text of the Franklin Zoning Ordinance. See the City website for any text amendments adopted after the latest publication date that are not yet incorporated into this Ordinance.

Ordinance Number	Amendment Caption	Adoption Date	Summary	Publication Date
20XX-XX	Insert Ordinance Caption Here	XX/XX/XXXX	Insert Topic and Intent	XX/XX/XXXX



Zoning Districts Map of Franklin, TN

December 30, 2019



Legend	
AG Agricultural District	NC Neighborhood Commercial
ER Estate Residential District	CC Central Commercial District
R1 Residential 1 District	DD Downtown District
R2 Residential 2 District	1ST Avenue District
R3 Residential 3 District	5TH Avenue District
R4 Residential 4 District	RC6 Regional Commerce 6 District
R6 Residential 6 District	RC12 Regional Commerce 12 District
MR Mixed Residential District	GO General Office District
PD Planned District	LI Light Industrial District
OR Office Residential District	HI Heavy Industrial District
CI Civic Institutional District	Urban Growth Boundary
	City Limits

This map was created by the City of Franklin's IT Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials Copyright © 2019.

The zoning overlays depicted on the map apply to properties within the Franklin city limits. Upon annexation, properties in the UGB will be zoned accordingly.

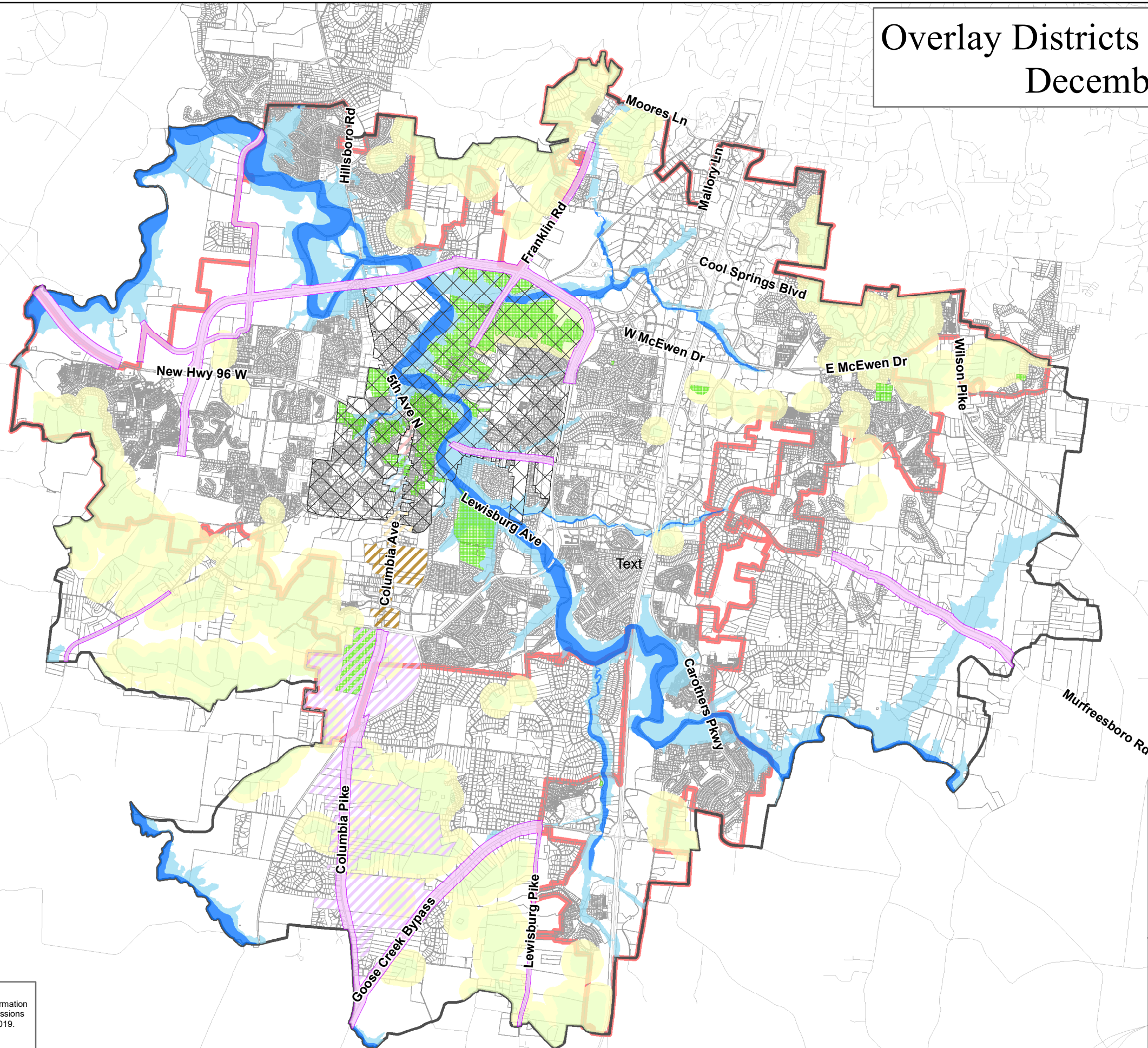
All Rights Reserved.



HISTORIC
FRANKLIN
TENNESSEE

Overlay Districts Map of Franklin, TN

December 30, 2019



Legend

- | | |
|-------------------------------------|-----------------------------------|
| Scenic Corridor Overlay | 500 Ft Buffer of Hillside Overlay |
| Central Franklin Overlay District | Columbia Avenue Sub-District 1 |
| Hillside/Hillcrest Overlay District | Columbia Avenue Sub-District 2 |
| Historic Preservation Overlay | Columbia Avenue Sub-District 3 |
| Floodway Fringe Overlay District | Columbia Avenue Sub-District 4 |
| Floodway Overlay District | Columbia Avenue Sub-District 5 |
| Urban Growth Boundary | City Limits |

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The zoning overlays depicted on the map apply to properties within the Franklin city limits. Upon annexation, properties in the UGB will be zoned accordingly.

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**CITY OF FRANKLIN, TENNESSEE
PROFESSIONAL SERVICES AGREEMENT
COF Contract No. 2019-0313**

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is by and between the City of Franklin, Tennessee, hereinafter referenced as City, and **WINDROW PHILLIPS GROUP** hereinafter referenced as Consultant, who mutually agree as follows:

DECLARATIONS. City desires to retain Consultant to provide lobbying and advisory services, and to represent the City's interests before the Tennessee General Assembly and the administrative branch of government in connection with City's intent for services, hereinafter referenced as Services. The Services are described as follows:

Lobbying and Advisory Services ("Services")

1. SCOPE OF SERVICES. Consultant shall arrange for and provide lobbying services on specific legislative matters; track relevant legislation; monitor regulatory changes; interface with policy makers on behalf of the City; assist in writing, amending and/or defeating legislation on behalf of the City; provide reports throughout the legislative session; and serve as a source of information and as a legislative liaison, even during off-term.
2. Consultant shall be paid for Services in the Not-to-Exceed Amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) monthly effective September 1, 2019, through June 30, 2020, plus any lobbyist registration fees.

[Remainder of page left intentionally blank.]

TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

ARTICLE 1. SERVICES. Consultant will:

- 1.1 Act for City in a professional manner, using that degree of care and skill ordinarily exercised by and consistent with standards of competent consultants using the standards in the industry.
- 1.2 Consider all reports to be confidential and distribute copies of the same only to those persons specifically designated by the City.

ARTICLE 2. GENERAL CONDITIONS.

- 2.1 Consultant shall be responsible for the acts or omissions of any party involved in concurrent or subsequent phases of the Services acting upon written instruction issued by the Consultant.
- 2.2 Neither City nor Consultant may assign or transfer its duties or interest in this Agreement without written consent of the other party.
- 2.3 **INDEMNIFICATION.** Consultant agrees to indemnify and hold City harmless from and against legal liability for all judgments, losses, damages, and expenses to the extent such judgments, losses, damages, or expenses are caused by Consultant's negligent act, error or omission in the performance of the services of this Agreement. In the event judgments, losses, damages, or expenses are caused by the joint or concurrent negligence of Consultant and City, they shall be borne by each party in proportion to its own negligence.
 - 2.3.1 **SURVIVAL.** The terms and conditions of this paragraph shall survive completion of this Agreement.

ARTICLE 3. TERMINATION.

Either party may terminate performance under this Agreement in whole or in part, for the convenience of the party by giving thirty (30) day written notice to the other party. In such case, the Consultant shall be paid only for the work that is complete at the time of termination.

ARTICLE 4. SCOPE OF SERVICES.

Consultant shall provide the Services as described in the Scope of Services. By mutual agreement, this Agreement and scope can be amended by the parties. The scope and fee for any additional tasks or services under such amendment shall be mutually negotiated and agreed to in writing prior to beginning such additional tasks or services.

ARTICLE 5. SCHEDULE.

TIME OF THE ESSENCE. The parties agree that time is of the essence with respect to the parties' performance of all provisions of the Agreement.

ARTICLE 6. INSURANCE.

During the performance of the Services under this Agreement, Consultant shall maintain a \$2,000,000.00 insurance policy and shall provide a copy of the certificate to the City upon execution of this Agreement.

ARTICLE 7. PAYMENT.

Consultant shall provide monthly invoices for Services. Payment is due within 30 (thirty) days of invoice.

ARTICLE 8. MISCELLANEOUS PROVISIONS

- 8.1 **EQUAL EMPLOYMENT OPPORTUNITY.** In connection with this Agreement and the Services, City and Consultant shall not discriminate against any employee or applicant for employment because of race, color, sex, national origin, disability or marital status. City and Consultant will take affirmative action to ensure that the contractor used for the Services does not discriminate against any employee and employees are treated during employment without regard to their race, age, religion, color, gender, national origin, disability or marital status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship.
- 8.2 **TITLE VI – CIVIL RIGHTS ACT OF 1964.** City and Consultant shall comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), 49 C.F.R., Part 21, and related statutes and regulations.
- 8.3 **NO THIRD-PARTY RIGHTS CREATED.** City and Consultant each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to their successors, executors, administrators, permitted assigns, legal representatives and partners of such other party in respect to all provisions of this Agreement. The Services provided for in this Agreement are for the sole use and benefit of City and Consultant. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than City and Consultant.
- 8.4 **WARRANTIES/LIMITATION OF LIABILITY/WAIVER.** City reserves all rights afforded to local governments under law for all general and implied warranties. City does not waive any rights it may have to all remedies provided by law and therefore any attempt by Consultant to limit its liability shall be void and unenforceable.

ARTICLE 9. EXTENT OF AGREEMENT:

- 9.1 **APPLICABLE LAW/CHOICE OF FORUM AND VENUE.** This Agreement is made under and will be construed in accordance with the laws of the State of Tennessee without giving effect to that state's choice of law rules. The parties' choice of forum and venue shall be exclusively in the courts of Williamson County, Tennessee. Any provision of this Agreement held to violate a law or regulation shall be deemed void, and all remaining provisions shall continue in force.
- 9.2 **ENTIRE AGREEMENT.** This Agreement, including these terms and conditions, represent the entire Agreement between City and Consultant for the Services and supersedes all prior negotiations, representations or agreements, written or oral. This Agreement may be amended only by written instrument signed by City and Consultant.

ARTICLE 10. DISPUTE RESOLUTION, BREACH.

- 10.1 If a dispute should arise relating to the performance of or payment for the Services under this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder. No arbitration or mediation shall be required as a condition precedent to filing any legal claim arising out of or relating to this Agreement. No arbitration or mediation shall be binding.
- 10.2 **BREACH.** Upon deliberate breach of the Agreement by either party, the non-breaching party shall be entitled to terminate the Agreement with notice, with all of the remedies it would have in the event of termination, and may also have such other remedies as it may be entitled to in law or in equity.

ARTICLE 11. SURVIVAL.

The provisions contained in this Professional Services Agreement shall survive the completion of or any termination of the Agreement, contract, or other document to which it may accompany or incorporate by reference or which subsequently may be modified, unless expressly excepted from this Article upon consent of both parties.

CITY OF FRANKLIN, TENNESSEE

By: _____
Dr. Ken Moore
Mayor

ATTEST:

By: _____
Eric S. Stuckey
City Administrator

Approved as to Form:

By: _____
Maricruz R. Fincher, Staff Attorney

WINDROW PHILLIPS

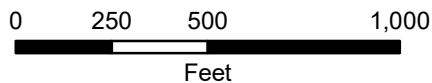
By:  _____
Anna Durham Windrow
Principal

EXHIBIT A
1268 LEWISBURG PIKE
5.88 ACRES



Legend

-  1268 Lewisburg Pike
-  Existing City Limits



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ORIGINAL

U. S. Department of Housing and Urban Development

Knoxville Field Office, Region IV
John J. Duncan Federal Building
710 Locust Street, Suite 300
Knoxville, Tennessee 37902-2526

July 31, 2019

Kathleen Sauseda, Housing Coordinator
Community and Economic Development Office
City of Franklin
P.O. Box 305
Franklin, TN 7065-0305

Dear Ms. Sauseda:

I am pleased to transmit to you the U.S. Department of Housing and Urban Development's (HUD) approval of the 2019 Consolidated Annual Action Plan for funding under the Community Development Block Grant (CDBG) Program. Your jurisdiction's Program Year (PY) 2019 begins on July 1, 2019, and the available funding for the CDBG Program is \$353,910.

The Department commends the City of Franklin and staff on the efforts which successfully completed this Consolidated Annual Action Plan. The goals and objectives developed through this process will provide and expand the foundation for partnerships at all levels of government with citizens and the private sector, including for profit and nonprofit organizations. These partnerships have proven to be invaluable as you and your partners address the problems of affordable housing, homelessness, community development needs, and economic opportunities for all citizens, particularly for very low- income and low-income persons. In addition, these programs are instrumental as your community and the Nation address pressing housing and economic problems and address the needs of our citizens.

As you know, HUD published a Federal Register Notice on May 18, 2018 which withdrew the Local Government Tool for use by CDBG recipients when preparing and submitting their Assessment of Fair Housing (AFH), thereby delaying the requirement to submit an AFH. Nevertheless, the legal obligation to affirmatively further fair housing continues for all. Until HUD publishes a new Local Government Tool, the AFFH obligation reverts to the submission of the certification of affirmatively furthering fair housing. This means that the jurisdiction is conducting an Analysis of Impediments (AI) to fair housing choice, taking appropriate actions to overcome the effects of any impediments, and keeping records reflecting the analysis and actions. The AI should be updated in accordance with the HUD Fair Housing Planning Guide (1996). Any governments that already have an accepted AFH are not required to conduct a separate AI. The Office of Fair Housing and Equal Opportunity is available to answer any questions you may have regarding this matter. You may contact Zachary D. Blair, Senior Equal Opportunity Specialist at 615.515.8597 or at zachary.d.blair@hud.gov.

A copy of your Consolidated Annual Action Plan was provided to the Department's program offices for review and comments. Any received comments have been either enclosed separately or are contained in the Advice and Guidance, which is an enclosure.

Enclosed are three originals of the Grant Agreements for CDBG Entitlement Program (form HUD 7082), which require the Mayor's or the official designee's signatures. These constitute the contract between HUD and the City of Franklin.

The grant agreement(s) require specific information for those using an Indirect Cost Rate. If funding assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E-Cost Principles, you are required to enter specific information as instructed. The requirement on Indirect Cost rate is indicated under the Special Conditions, Item 8 (attached) for CDBG. Now, if your jurisdiction is not using an indirect cost rate, you are required to state NO. If your jurisdiction is using an indirect cost rate, then enter the required information as indicated on each grant agreement (Funding Approval). If no answer and/or no information are provided, then the applicable grant agreement(s) are not considered as fully executed and will be returned to your jurisdiction for completion. Also, please be aware that the HUD Field Accounting Center will not process the grant agreements until the required information has been entered on a grant agreement. You are also reminded that HUD funds are drawn down using a grant-based approach in the Integrated Disbursement and Information System (IDIS).

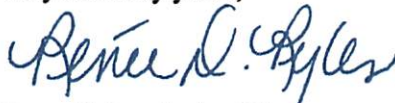
As you know, formula grant funds are governed by the Department, and the management of the Consolidated Plan, including the Consolidated Annual Action Plan is handled by the Office of Community Planning and Development (CPD). I have signed the agreements and applicable funding approval forms. Please retain one set of originals for your records and return the other two sets to CPD as noted below:

U.S. Department of Housing and Urban Development
Renee Ryles, Acting Director, CPD
John J. Duncan Federal Building, Suite 300
710 Locust Street, SW
Knoxville, TN 37902

Failure to execute and return the grant agreements within 60 days of the date of this letter may be considered to constitute rejection of the grant and cause for HUD to determine that the funds are available for reallocation to other grantees. Also, the year-end reporting on 2018 program performance and accomplishments in the Consolidated Annual Performance and Evaluation Report (CAPER) is due to CPD 90 days after the end of the 2018 program year. At this time, no new guidance has been received from our headquarters, and grantees are advised to follow the format used for last year's CAPER reporting and submit the CAPER in IDIS. For submission of other HUD program required reports, please refer to the enclosed Advice and Guidance for instructions.

We look forward to working with your jurisdiction to accomplish the goals set forth for your jurisdiction. In the meantime, if you have any questions regarding this letter, please contact Deana Doyle, Financial Analyst, at (865) 474-8250.

Very sincerely yours,

A handwritten signature in blue ink, appearing to read "Renee Ryles".

Renee Ryles, Acting Director
Office of Community Planning
and Development

Enclosures

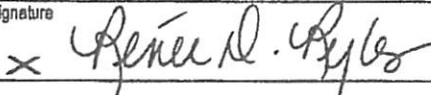
cc

Honorable Ken Moore
Mayor of Franklin

Funding Approval/AgreementTitle I of the Housing and Community
Development Act (Public Law 930383)
HI-00515R of 20515RU.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant ProgramOMB Approval No. 2506-0193
exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) Franklin	3a. Grantee's 9-digit Tax ID Number 626000290	3b. Grantee's 9-digit DUNS Number 081460768
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 109 3Rd Ave S Franklin, TN 37064	4. Date use of funds may begin (mm/dd/yyyy) 07/01/2019	
	5a. Project/Grant No. 1 B-19-MC-47-0014	6a. Amount Approved \$353,910.00
	5b. Project/Grant No. 2	6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.) The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Renee Ryles	Grantee Name (Contractual Organization) Franklin (City Of Franklin)
Title Acting CPD Director	Title
Signature 	Signature 
Date (mm/dd/yyyy) 07/31/2019	Date (mm/dd/yyyy) 10/04/2019

7. Category of Title I Assistance for this Funding Action: Entitlement, Sec 106(b)	8. Special Conditions (check one) ☐ None ☒ Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 05/28/2019 9b. Date Grantee Notified (mm/dd/yyyy) 07/31/2019 9c. Date of Start of Program Year (07/01/2019)	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number
11. Amount of Community Development Block Grant			
a. Funds Reserved for this Grantee		FY (2019)	FY (2018)
b. Funds now being Approved			
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency City Of Franklin 109 3Rd Ave S Franklin, TN 37064
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it	12c. Name of Authorized Official for Designated Public Agency
	Title
	Signature

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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Tabulation of Bids*

Purchasing Office Solicitation No.: 2020-015 (3,000 lids for water meter boxes)									
Notice to Bidders published in the 10/17/19 <i>Williamson Herald</i> on:									
Number of vendors that were notified of / 13 / 6 that responded to this solicitation for bids:									
Date and time bids due and publicly opened: 10/31/19 2:00 PM									
Present at opening of bids: Leslie Pewitt, Suzanne Ward and Brian Wilcox of the City of Franklin Purchasing Office									
Target meeting of BOMA at which recommendation is scheduled to be considered: 12/10/19									
Bids received from:	Bid No.:	Does the bid include all required documents?	Manufacturer and model:	Does the bid MOES ¹ ? / If not, how many exceptions do not MOES ¹ ?	Bid pricing (per unit / extended):	Duration of the warranty included in the bid pricing:	Payment terms:	Estimated time of delivery after receipt of order:	Bid and bid pricing is valid through:
Consolidated Pipe & Supply Co., Inc. 1500 County Hospital Rd. Nashville, TN 37218 Terry Glover, Inside Sales 615-242-4286 tglover@consolidatedpipe.com	1 of 1	no (missing warranty description and City's specifications marked by bidder as to compliance therewith)	Sigma LC-2512T water meter lid with 2" touch hole	bidder takes no exceptions	\$15.00 \$45,000.00	12 months	net 30 days	20 days	01/31/20
Ferguson Waterworks 660-A Massman Dr. Nashville, TN 37210 David Schock, Municipal Sales 615-995-9479 david.schock@ferguson.com	1 of 1	yes	Sigma LC-2512T	bidder takes no exceptions	\$14.60 \$43,800.00	12 months	net 30 days	90 days ("per Sigma, these lids will be ready to ship mid Jan 2020")	02/01/20
Fortiline Waterworks 1317 Elm Hill Pike Nashville, TN 37210 Zachary Romine, Account Manager 615-499-9010 zachary.romine@fortiline.com	1 of 1	yes	Sigma LC-2512T	bidder takes no exceptions	\$14.04 \$42,120.00	12 months	net 30 days	18 days	01/31/20
Hampton Roads Diversified, LLC 304 South Jones Blvd., Suite 2746 Las Vegas, NV 89107 Steve Mowatt, Chairman 725-222-6098 smowatt@hrdgs-llc.com	1 of 1	yes	Vestal 36TW/TRL	bidder takes no exceptions	\$28.50 \$85,500.00	12 months	net 30 days	10 days	02/02/20
Southern Pipe & Supply 1223 Foster Ave. Nashville, TN 37210 Chris Wiseman, Sales 615-238-4075 chris.wiseman@southernpipe.com	1 of 1	yes	Sigma LC-2512T cast iron lid	bidder takes no exceptions	\$14.43 \$43,290.00	12 months	net 30 days	7-14 days	06/30/20
Walter A. Wood Supply Co., Inc. 4509 Rossville Blvd. Chattanooga, TN 37407 Bill Pennycuff, Sales 615-840-4982 bill.pennycuff@walterwood.com	1 of 1	yes	Sigma LC-2512T	bidder takes no exceptions	\$14.24 \$42,720.00	not indicated	net 30 days	10 days	11/30/19

¹MOES indicates "meet(s) or exceed(s) specifications"

*Shaded bid is apparent lowest best bid

ORDINANCE NUMBER 2019-19

AN ORDINANCE TO ADOPT A NEW CHAPTER 8 OF THE CITY OF FRANKLIN MUNICIPAL CODE, PERTAINING TO PUBLIC GATHERING AND EXPRESSION EVENTS.

WHEREAS, the City of Franklin, Tennessee recognizes that protests, events, outdoor public assemblies, or other public gatherings are activities that are protected by the First Amendment to the United States Constitution; and

WHEREAS, the City of Franklin, Tennessee can adopt and enforce regulations of behavior that implicate First Amendment activity when the regulations only effect the time, place, and manner of expression, are content-neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication; and

WHEREAS, the City of Franklin, Tennessee has a significant interest in providing a safe and pleasant environment and in eliminating nuisance activity; and

WHEREAS, the City of Franklin, Tennessee has authority to issue permits for parades and other assemblies, but does not control the message of the speaker; and

WHEREAS, the City has a significant interest in ensuring the public safety and order and in promoting the free flow of pedestrian traffic in city parks, streets, sidewalks, and other public fora; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interests of the City of Franklin, Tennessee to adopt this new chapter.

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

SECTION I: That Title 16 of the City of Franklin Municipal Code is hereby amended to create a new Chapter 8 as follows:

Chapter 8. – PUBLIC GATHERINGS AND EXPRESSION EVENTS

Sec. 16-801. – Purpose and Intent.

This chapter establishes the standards for the issuance of a Permit for Public Gathering and Expression Events in the City of Franklin on public property. Its purpose is to promote public safety and welfare, to provide the City of Franklin with a minimum amount of time to logistically accommodate Public Gathering and Expression Events, to assure that the First Amendment rights of those who wish to peacefully participate in Public Gathering and Expression Events on City of Franklin public property are preserved and protected, and to assure reasonable access to public property by other community members not involved in the Event.

Sec. 16-802. – Definitions.

As used in this chapter, the following terms and phrases shall have the following definitions:

- (a) "Applicant" shall mean any person or organization who seeks a Public Gathering and Expression Event Permit to conduct or Sponsor an Event governed by this chapter.
- (b) "Public Gathering and Expression" means and denotes any political, civic, religious or other public activity intended primarily for the communication of ideas as opposed to the generation of monetary profit by the participants in or Sponsors of the Event, or the advertisement of products, goods or services. Fundraising and/or donations are permissible secondary objectives for a Public Gathering and Expressions Event. Events which require a street closure are subject to Title 16, Chapter 5.
- (c) "Permittee" shall mean any person or organization issued a Public Gathering and Expression Event Permit.
- (d) "Sponsor" shall mean any person who, or organization which, intends to conduct a public gathering and expression Event.
- (e) "Permit Officer" shall refer to the City Administrator or city employee designated by the City Administrator to act in his/her place.
- (f) "Permit" shall refer to a Public Gathering and Expressions Event Permit.
- (g) "Event" shall refer to a Public Gathering and Expression Event.

Sec. 16-803. – Public Gathering and Expression Event.

As used in this chapter a "Public Gathering and Expression Event" is a noncommercial public assembly, the primary purpose of which is the exercise of the participants' constitutional rights of free speech and assembly:

- (a) Which is scheduled to take place on public property; a city sidewalk, alley or other right-of-way; city park; and/or city facility; and/or
- (b) Which is likely to obstruct, delay or interfere with the normal flow of vehicular or pedestrian traffic; and/or
- (c) Which due to the crowd it generates, restricts access to or use of sidewalks, parks, beaches or other public areas; and/or
- (d) Which will result in the placement of structures or objects on streets or sidewalks exceeding twelve square feet in size or six feet in height; and/or
- (e) Which may result in donations for non-profit organizations; and/or
- (f) Which will have more than twenty-five (25) participants; and/or
- (g) Which may require additional temporary toilet and sanitary facilities if such facilities already available will be inadequate to meet the need created by Event participants; and/or
- (h) Which will be scheduled for longer than thirty (30) minutes; and/or
- (i) Displays and/or gatherings that are scheduled for longer than one day, which are scheduled overnight, or which require a street closure shall be governed by Title 16, Chapter 5; and/or
- (j) Rally and/or marches to be conducted on a city street rather than a city sidewalk require a street closure and are subject to the conditions of Title 16, Chapter 5.

Sec. 16-804. – Permit Required.

Any person or organization intending to conduct a Public Gathering and Expression Event in the City of Franklin shall first obtain a permit from the Permit Officer.

Sec. 16-805. – Exceptions.

A Permit is not required for the following Events:

- (a) A Public Gathering and Expression Event which in the estimation of the Permit Officer, and for which the Sponsor makes the following guarantees to the Permit Officer that the Event:
 - (1) Involves less than twenty-five (25) participants;
 - (2) Participants will assemble and/or march only on sidewalks;

- (3) Participants will cross streets only at crosswalks in units of twenty-five (25) or less allowing vehicles to pass between each unit;
- (4) Participants will obey all traffic controls and regulations;
- (5) Participants will not obstruct sidewalks or otherwise impede the orderly flow of foot traffic on sidewalks;
- (6) Participants will obey all applicable laws, statutes and ordinances;
- (7) Participants will not obstruct necessary maintenance and cleaning of streets, sidewalks, or other public facilities;
- (8) Adequate toilet and sanitary facilities are available. If in the estimation of the Permit Officer toilet or sanitary facilities will be inadequate to meet the need for such facilities created by Event participants, a Sponsor of the Event shall meet with the city department responsible for the public facility where the Event is to take place and reach an agreement for the provision of additional temporary toilet and sanitary facilities, or otherwise provide for adequate facilities.
- (9) Any signage used will not be of such a dimension or used in such a manner that such signage may impede or obstruct pedestrians on sidewalks or vehicles on streets.

Sec. 16-806. – Application.

Any person desiring to conduct an Event for which a Permit is required pursuant to this chapter shall register by filing a verified application with the Permit Officer on a form supplied by the City Administrator. All applications shall be submitted at least five (5) business days, but not more than six (6) months prior to the commencement date of the Event. The application time limits may be waived pursuant to Sec. 16-816.

Sec. 16-807. – Late Application.

Upon a showing of good cause, the City Administrator shall consider a late application if there is sufficient time to process and investigate the application and possible impact on city services for the Event. The Permit Officer shall make the determination of good cause and, in doing so, shall resolve all doubts in favor of allowing application to be made.

Sec. 16-808. – Contents of Application.

The Event Permit application may require the following information in addition to other information deemed necessary:

- (a) Name, address, home, mobile phone and business telephone numbers of the Applicant and the person who will be present and in charge of the Event (including cell phone number of person who will remain at Event);
- (b) If the Event is to be Sponsored by an organization, the name, address and telephone number of the organization and representative of the organization;
- (c) Nature or purpose of the Event;
- (d) Date and estimated starting and ending time of the Event;
- (e) Location of the Event, including its boundaries, and/or assembly and disbanding locations for walks/marches;
- (f) Estimated number of participants in the Event;
- (g) Type and estimated number of vehicles or structures which will be used at the Event and information as to whether there will be Sponsor-provided water or emergency aid stations at the Event;
- (h) Anticipated security and/or police requirements necessitated by the Event; and
- (i) Anticipated toilet and sanitary requirements necessitated by the Event;
- (j) Whether parking is requested to be restricted or prohibited during such closure;

- (k) Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification. No sound amplification equipment shall be used in any way contrary to the applicable city ordinance on sound amplification equipment, or contrary to the city ordinance on Offenses Against the Peace and Quiet (FMC 11-401 et. seq.);
- (l) Whether or not charity, gratuity, or offerings will be solicited or accepted, or sales of food, beverages, including alcohol or beer, or other merchandise will occur;
- (m) Whether any temporary street closure will occupy all or only a portion of the street or intersection involved; and
- (n) Such other information as the City Administrator deems reasonably necessary in order to carry out his/her duties under this chapter.

Sec. 16-809. – Additional Information Required for Public Gathering and Expression Events

occurring along a Planned Route, and/or entailing a march or a rally.

When the Event is a rally and/or march on city sidewalks, the application shall contain the following information:

- (a) The assembly point for the Event and the time when participants will begin to assemble;
- (b) The proposed sidewalk route to be traveled;
- (c) Material and maximum size of any signs or banners to be carried along the route; and
- (d) Anticipated number of adult monitors.

Sec. 16-810. – Action on Application.

The City's Permit Officer shall approve, preliminarily approve, or deny an Event application on the grounds specified in Sec. 16-817. Final approval may require City of Franklin Board of Mayor and Aldermen review and vote depending upon the Event's impact on public property, pedestrian traffic, vehicle traffic, and public safety. The Permit Officer may refer the application to the Board of Mayor and Aldermen for approval, preliminary approval or denial. Alternatively, the Board of Mayor and Aldermen may inform the Permit Officer of its intention to take final action on a particular Permit application. Permit applications in all cases are to be submitted to the Permit Officer. The Board of Mayor and Aldermen shall not accept applications.

Sec. 16-811. – Time for Action.

Action on the Permit application shall be expeditious and in no case later than five (5) business days after the Permit Officer receives a completed Event application form. The maximum five (5) business days action period may be extended by agreement between the Applicant and the Permit Officer. As used in this section the term "action" means approval, preliminary approval, denial of the Permit or referral of the application to the Board of Mayor and Aldermen pursuant to Sec. 16-810.

Sec. 16-812. - Consultation with Other Departments.

Prior to approving, preliminarily approving or denying the Permit application the city's Permit Officer shall consult with all city departments which may be impacted by the proposed Event.

Sec. 16-813. - Grounds for Denial or Conditions.

If the Permit Officer decides to deny or preliminarily approve the Permit application, the Permit Officer shall inform the Applicant in writing of the grounds for denial or the conditions of approval. The Permit Officer shall further inform the Applicant of his or her right to appeal. This information shall be provided at the time of the decision. If the Permit Officer relied on information about the Event other than that contained in the application, the Permit Officer

shall inform the Applicant of the additional information considered. In cases where the Board of Mayor and Aldermen rather than the Permit Officer acts on the application, the Board of Mayor and Aldermen shall cause this written information to be provided to the Applicant.

Sec. 16-814. - Notice of Intended Action.

(a) Prior to notifying the Permit Applicant of the action to be taken on the Applicant's Permit, the Permit Officer shall advise the impacted departments or divisions or their designees, as necessary, of the intended action.

(b) In cases where the Board of Mayor and Aldermen rather than the Permit Officer acts on the application, the Permit Officer shall immediately provide notification of that action to these individuals or their designees.

Sec. 16-815. – Denial of Late Application.

If the Permit Officer determines that good cause to consider a late application does not exist under Sect. 16-807, within two (2) business days of receipt of the late application, the Permit Officer shall inform the Applicant of the reason for the determination regarding lack of good cause and of the Applicant's right of appeal.

Sec. 16-816. – Expedited Action on Application.

The time limitations for action set forth in this chapter are not to be construed as absolute when time is of the essence. To that end, when it is apparent that the purpose of the demonstration would be frustrated if not conducted at or before a certain date and time, the Permit Officer, if possible, shall expedite the action required by this chapter so as to assure that the action is taken prior to the date and time of the proposed Event.

Sec. 16-817. – Grounds for Denial of Application for a Public Gathering and Expression Event Permit.

An Event Permit application may be denied only if it is determined from a consideration of the application and other pertinent information that one or more of the following circumstances exist:

- (a) The application was submitted less than five (5) days prior to the Event date;
- (b) Information contained in the application is found to be materially false or misleading;
- (c) The Applicant failed to complete the application form after having been notified of the need to do so;
- (d) The Permit Officer has already received an application for another Event at the same time and place as that requested by the Applicant, or is so close in time or proximity as to cause undue traffic congestion, and/or the police department or any other city department to be unable to meet the needs for services at both with the normal complement of staff;
- (e) The time, route, or size of the Event is likely to substantially interrupt the safe and orderly movement of traffic in the vicinity of the Event site or route, or to disrupt the use of a street at a time when it is usually subject to traffic congestion;
- (f) The concentration of persons, vehicles and/or structures at the site of the Event, or its assembly and disbanding areas, is reasonably likely to prevent proper police, fire, or ambulance service to areas in the vicinity of the Event.
- (g) Event participants did not comply with conditions imposed in connection with similar prior Events; and
- (h) The Event will conflict with an Event permitted under Title 16, Section 5.

In determining whether or not the Permit application should be granted or denied, the Permit Officer shall resolve all doubts in favor of granting the application.

Sec. 16-818. – Preliminary Approval.

When the grounds for denial of an application for a Permit can be obviated by altering the date, time, duration, route or location of the Event, the Permit Officer, instead of denying the application, shall preliminarily approve the application pursuant to Sec. 16-819. The city Permit Officer shall preliminarily approve a Permit application rather than deny the application whenever preliminary approval is possible. Depending upon the time, place, and manner of the Event, the Permit Officer may request the Applicant apply for a Permit under Title 16, Chapter 5.

Sec. 16-819. – Permit Conditions.

The Permit Officer may condition the issuance of a Permit by imposing reasonable requirements concerning the time, place, and manner of the Event, any other requirements which are necessary to protect the safety of persons and property, and to provide for adequate traffic control. Such conditions may include, but are not limited to the following:

- (a) Alteration of the date, time, duration, route or location of the Event;
- (b) When the Event is a march, conditions pertaining to:
 - (1) The area of participant assembly and disbanding;
 - (2) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the Event to the sidewalk or designated public area, or allowing for intermittent safe traffic flow through an Event site.
- (c) Requirements for provision of first aid, sanitary or emergency facilities;
- (d) Requirements for use of Event monitors and method for providing notice of Permit conditions to Event participants;
- (e) Restrictions on the number or type of structures for fire safety as required by the City of Franklin Fire Department;
- (f) Requirements for use of garbage containers, cleanup and restoration of public property;
- (g) Reasonable restrictions on the use of amplified sound (as specified in the City's Offenses Against the Peace and Quiet (FMC 11-401 et. seq.));
- (h) Compliance with any other applicable ordinances or laws;
- (i) Restrictions on the service or sale of alcoholic beverages and any other edible or non-edible goods;
- (j) Requirements for security personnel to be present when deemed necessary; and
- (k) Requirement for the Applicant to provide advance written notification to those residents residing along the Event route or within the immediate vicinity of the Event, including notification of parking restrictions necessitated by the Event.

Sec. 16-820. – Permit Issuance.

The Event Permit shall be issued when:

- (a) The application has been approved;
- (b) The Applicant has agreed in writing to comply with the terms and conditions of the Permit; and;
- (c) All other applicable requirements of this chapter have been satisfied.

Sec. 16-821. – Appeal Procedure.

(a) To Board of Mayor and Aldermen. Except where the Board of Mayor and Aldermen has already acted on the application in question, an appeal shall be by a writ of certiorari to the chancery court.

The Board of Mayor and Aldermen's decision shall be final.

(b) To City Administrator. If there is insufficient time for a timely appeal to be heard by the Board of Mayor and Aldermen prior to the date on which the Event is scheduled, the Applicant may, at the Applicant's option, request that the executive assistant schedule the appeal before the City Administrator. The City Administrator shall hold a hearing no later than one (1) business day prior to the time the Event is scheduled to commence and will render a decision as soon as practicable and in no case later than the time the Event is scheduled to commence. The City Administrator's decision shall be final.

The time limitations set forth in subsection (b) of this section are not to be construed as absolute when time is of the essence. To that end, when it is apparent that the purpose of the Event would be frustrated if not conducted at a certain date and time, the City Administrator, if possible, shall expedite the appellate process so as to assure a ruling on the appeal prior to the date and time of the proposed Event.

Sec. 16-822. – Revocation by Permit Officer.

The Permit Officer may revoke a Permit at any time if:

- (a) An emergency arises making it impossible to assign sufficient or appropriate personnel to the Event so as to assure public safety; or
- (b) Information is obtained after the Permit is issued from which it may be reasonably concluded that the Permit should have been denied under Sec. 16-817.

Sec. 16-823. – Reasons for Revocation Stated.

If the Permit Officer revokes a Permit the Applicant shall be informed in writing of the grounds for revocation.

Sec. 16-824. – Appeal of Permit Revocation.

The Applicant may appeal a revocation in the manner provided for in Sec. 16-821 in all cases except where the revocation is based on an emergency and there is insufficient time available to present or schedule an appeal.

Sec. 16-825. – Revocation during Public Gathering and Expression Event.

The City Administrator, Chief of Police, Fire Chief or Fire Marshal, or their designees may revoke the Event Permit during the Event if he or she finds either:

- (a) That the Event has deviated from or will deviate from its approved route or area; or
- (b) Event participants are violation the City's Offenses Against the Peace and Quiet (FMC 11-401 et. seq.).
- (c) Event participants are violating the law or Permit conditions. City staff shall not revoke the Permit for either of these reasons unless the city staff first advises the participants of their route deviation, law violation or Permit condition violation and provides them with an opportunity to correct same.

Sec. 16-826. – Emergency Revocation.

The City Administrator, Chief of Police, Fire Chief or Fire Marshal, or their designees may revoke an Event Permit during the Event if fire or another emergency requires the Event to be terminated to assure public safety. When a Permit is revoked for this reason, all Event participants must immediately comply with the city staff instructions.

Sec. 16-827. Hold Harmless.

Applicants shall agree in writing to assume the defense of an indemnify and save harmless the city, its aldermen, boards, commissions, officers, employees and agents from all suits, actions,

damages or claims to which the city may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of this Permit and the activities permitted in connection therewith.

Sec. 16-828. – Compatibility with State and Federal Law and Constitutions.

It is the intention of the Board of Mayor and Aldermen that this chapter shall be interpreted in a manner compatible with the state of Tennessee Constitution and the United States Constitution and the statutory and decisional law of the state of Tennessee and the United States.

Sec. 16-829. – Violations.

- (a) It shall be an infraction for any person to conduct a Public Gathering and Expression Event, as defined, unless a Permit required under this chapter has been issued for the Event.
- (b) It shall be an infraction for any person to participate in a Public Gathering and Expression Event, as defined, with the knowledge that a Permit has not been issued for the Event.
- (c) It shall be an infraction for a Public Gathering and Expression Event Permittee to willfully violate the terms and conditions of the Event's Permit, or for any Event participant to knowingly and willfully violate the terms or conditions of the Permit.
- (d) It shall be an infraction for any person to hamper, interfere with, obstruct or impede any Public Gathering and Expression Event which has been permitted under this chapter.
- (e) When the Public Gathering and Expression Event Permitted is a march on sidewalks, it shall be an infraction to knowingly drive any vehicle, including bicycles and skateboards, between the persons participating in the march unless it is done at the direction of a police officer, or an authorized security person or monitor.
- (f) It shall be a misdemeanor for a Public Gathering and Expression Event participant to fail or refuse to comply with a revocation order made.

SECTION II. In the Event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, that this Ordinance shall take effect 90 days from and after its passage on second and final reading, the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
DR. KEN MOORE
Mayor

Approved as to form by:

Shauna R. Billingsley

City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____

E-Scooters & the City of Franklin



Background

- Discussion at Sustainability Commission Meetings
- Internal Staff Discussions
- **Purpose:** present scooters as a transportation option and receive direction from the BOMA

What scooters...

SHOULD BE



SHOULD NOT BE



City of Franklin Current Regulations

Motorized vehicles are not allowed on sidewalks

Segways can be on sidewalks if it is a guided tour

Helmets are not required

Scooters & Other Cities

Memphis

- Use Bolt & Spin
- Discourage scooters on sidewalks
- Helmets are encouraged but not required

Brentwood

- Do not allow scooters
- There is not a suitable location for this transportation option

Nashville

- Reduced number of scooters
- Helmets are not required

Scooters & Other Cities

Knoxville

- Strict RFP
- Not allowed on sidewalks
- Have a set district
- Do not operate during football games
- Helmets are recommended but not required

Asheville, NC

- Open City Hall
Survey found 91% of respondents did not want e-scooters



Safety

01

Most accidents were head injuries caused by motor vehicles collisions when the scooterist was not wearing a helmet.

02

Reliable infrastructure is essential for safety-bike lanes and multi-use trails are ideal for scooters.

03

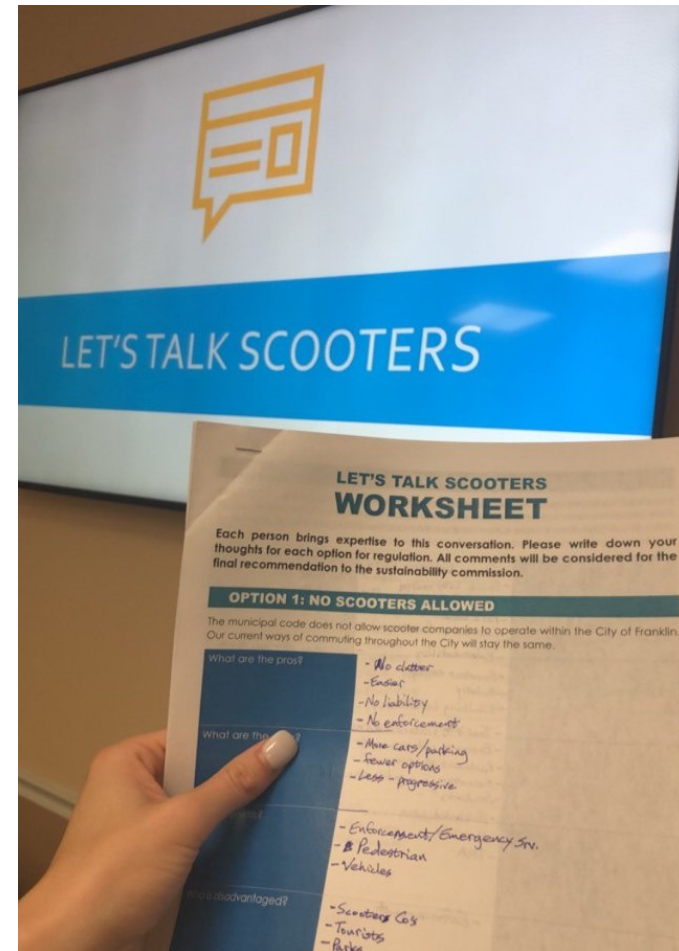
When not in use, scooters can be designated to specific areas to control littering.

Deliberation

Internal process with various departments

Discussed different options:

- o *Option 1: No Scooters Allowed*
- o *Option 2: Scooter Districts*
- o *Option 3: Let Scooters Reign*



Each person brings expertise to this conversation. Please write down your thoughts for each option for regulation. All comments will be considered for the final recommendation to the sustainability commission.

OPTION 1: NO SCOOTERS ALLOWED

The municipal code does not allow scooter companies to operate within the City of Franklin. Our current ways of commuting throughout the City will stay the same.

What are the pros?

- No clutter
- Easier
- No liability
- No enforcement

What are the cons?

- More cars/parking
- heavier options
- Less - progressive

Who is disadvantaged?

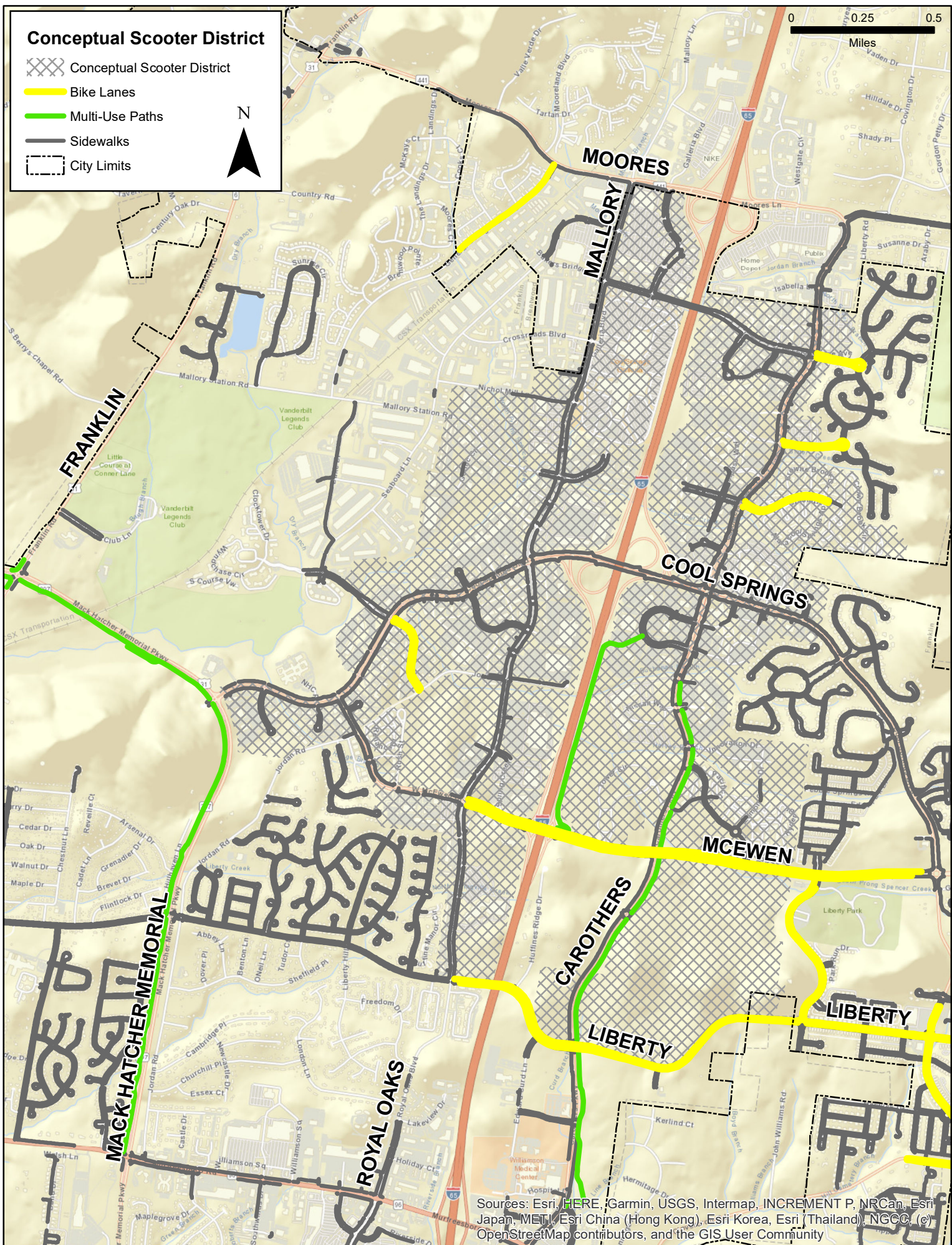
- Enforcement/Emergency Serv.
- Pedestrian
- Vehicles

Who is advantaged?

- Scooter Co's
- Tourists
- Bikes

Scooter District Pilot Program

- o Vendors will submit a RFP via purchasing department
- o Would *not* be in Downtown Franklin
- o Violations would be handled by the scooter company
- o Scooters can ride on local streets, bike lanes, and multi-use trails



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

E-Scooters & the City of Franklin



Background

- Discussion at Sustainability Commission Meetings
- Internal Staff Discussions
- **Purpose:** present scooters as a transportation option and receive direction from the BOMA

What scooters...

SHOULD BE



SHOULD NOT BE



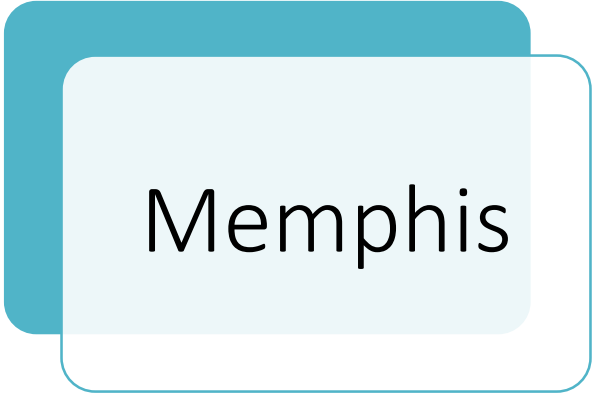
City of Franklin Current Regulations

Motorized vehicles are not allowed on sidewalks

Segways can be on sidewalks if it is a guided tour

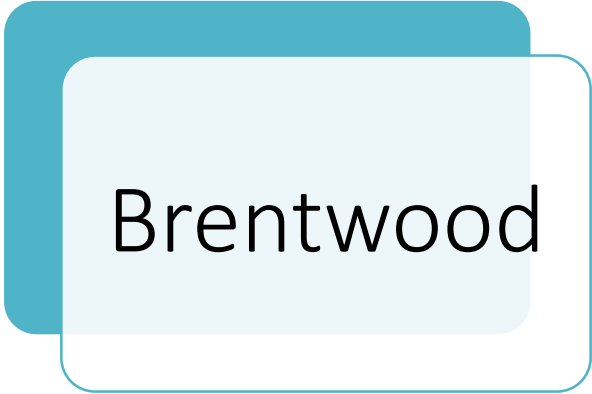
Helmets are not required

Scooters & Other Cities



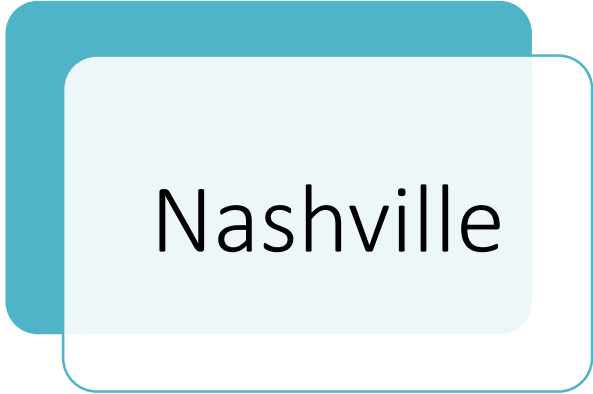
Memphis

- Use Bolt & Spin
- Discourage scooters on sidewalks
- Helmets are encouraged but not required



Brentwood

- Do not allow scooters
- There is not a suitable location for this transportation option



Nashville

- Reduced number of scooters
- Helmets are not required

Scooters & Other Cities

Knoxville

- Strict RFP
- Not allowed on sidewalks
- Have a set district
- Do not operate during football games
- Helmets are recommended but not required

Asheville, NC

- Open City Hall
Survey found 91% of respondents did not want e-scooters



Safety

01

Most accidents were head injuries caused by motor vehicles collisions when the scooterist was not wearing a helmet.

02

Reliable infrastructure is essential for safety-bike lanes and multi-use trails are ideal for scooters.

03

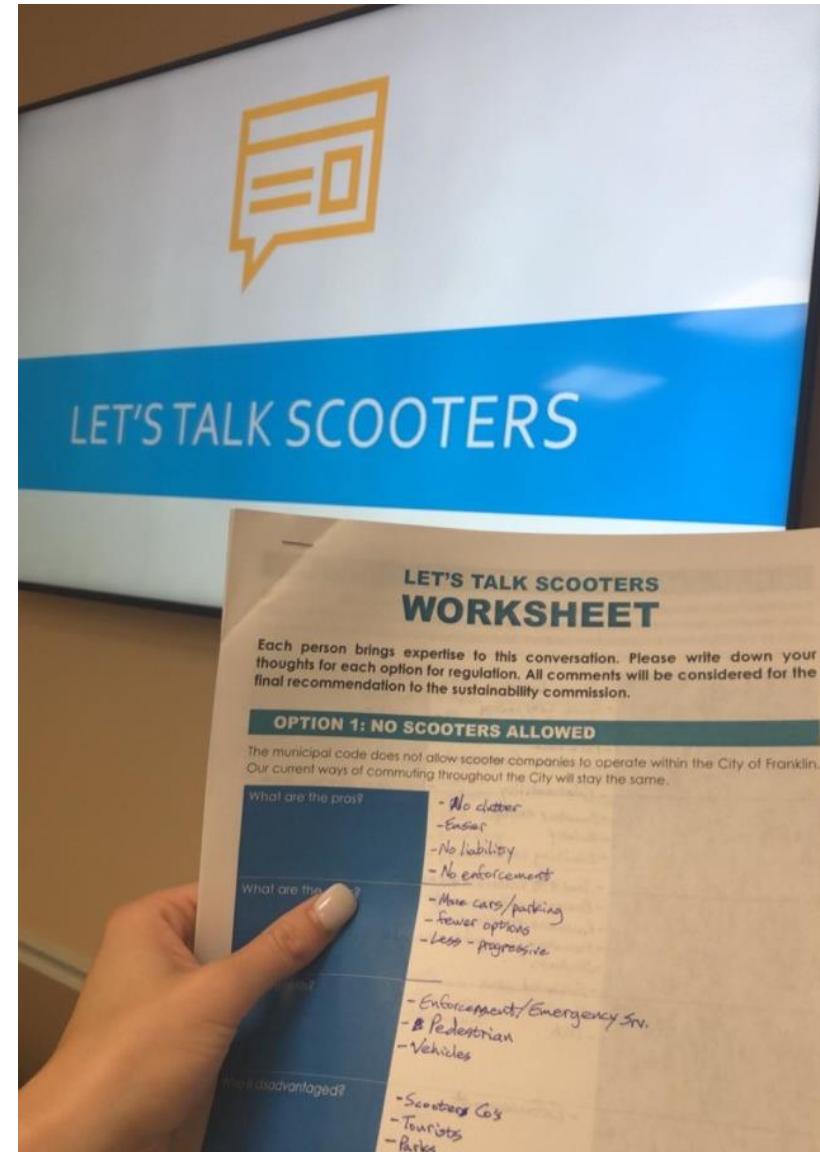
When not in use, scooters can be designated to specific areas to control littering.

Deliberation

Internal process with various departments

Discussed different options:

- *Option 1: No Scooters Allowed*
- *Option 2: Scooter Districts*
- *Option 3: Let Scooters Reign*



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