



City of Franklin

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

Meeting Agenda

Board of Mayor & Aldermen and Franklin Municipal Planning Commission

Thursday, April 28, 2016

5:30 PM

City Hall Training Room

Notice is hereby given that a joint, non-voting workshop of the Board of Mayor and Aldermen and the Franklin Municipal Planning Commission will be held on Thursday, April 28, 2016, at 5:30 PM in the City Hall Training Room. Additional information can be found at www.franklintn.gov/planning. For accommodations due to disabilities, contact the Human Resources Department at 791-3216, at least 24 hours prior to the meeting.

The typical process for discussing an item in this workshop setting is as follows:

- 1. Applicant/staff presentation, and*
- 2. BOMA and FMPC comments.*

CALL TO ORDER

NEW BUSINESS

1. [16-0391](#) (5:30-5:45 pm) Development plan revision, for 20 additional detached dwelling units on an additional 35.14 acres, within the Rizer Point PUD Subdivision, located along Del Rio Pike.

Attachments: [Revised - Workshop Power Point 4 28 2016](#)
2. [16-0392](#) (5:45-6:00 pm) Development plan, for 9 attached dwelling units on 0.9 acres, at 725 W. Main Street.

Attachments: [Updated The Arlington at West Main](#)
3. [16-0390](#) (6:00-6:15 pm) Final review of revisions to the Columbia Avenue Overlay.

Attachments: [Draft Ordinance 2015-80 CAO District Text Amendment.Law Approved 2](#)
4. [16-0393](#) (6:15-6:30 pm) Review of proposed text amendment to incorporate 2015 vesting legislation into the Zoning Ordinance.

Attachments: [Ordinance 2016-005 Vested Property Right Ordinance Law Approved 2](#)
[Powerpoint Ordinance 2016-005 Vested Property Rights 4-8-16](#)

OTHER BUSINESS

RIZER POINT

FRANKLIN, TENNESSEE

Development Plan Revision & Rezoning Request
Joint FMPC/BOMA Workshop
April 28, 2016



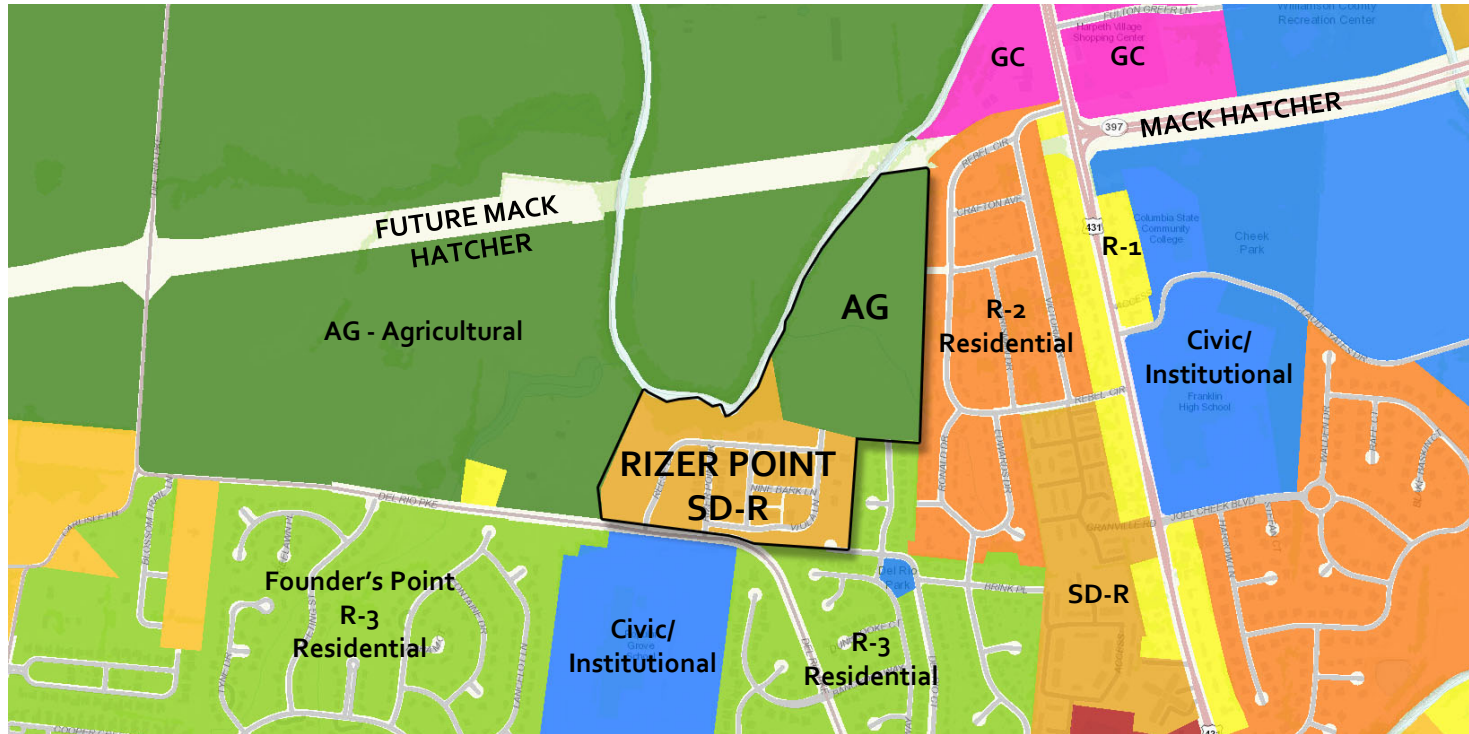
Rizer Point PUD, Revision 3

Existing Rizer Point PUD:

- 95 homes on aprox. 36 AC

Proposed Revision 3:

- Addition of aprox. 35 AC
- 20 new single family homes
- Open space/ access to Harpeth River
- Road connection between Rizer Point and Wedgewood Drive

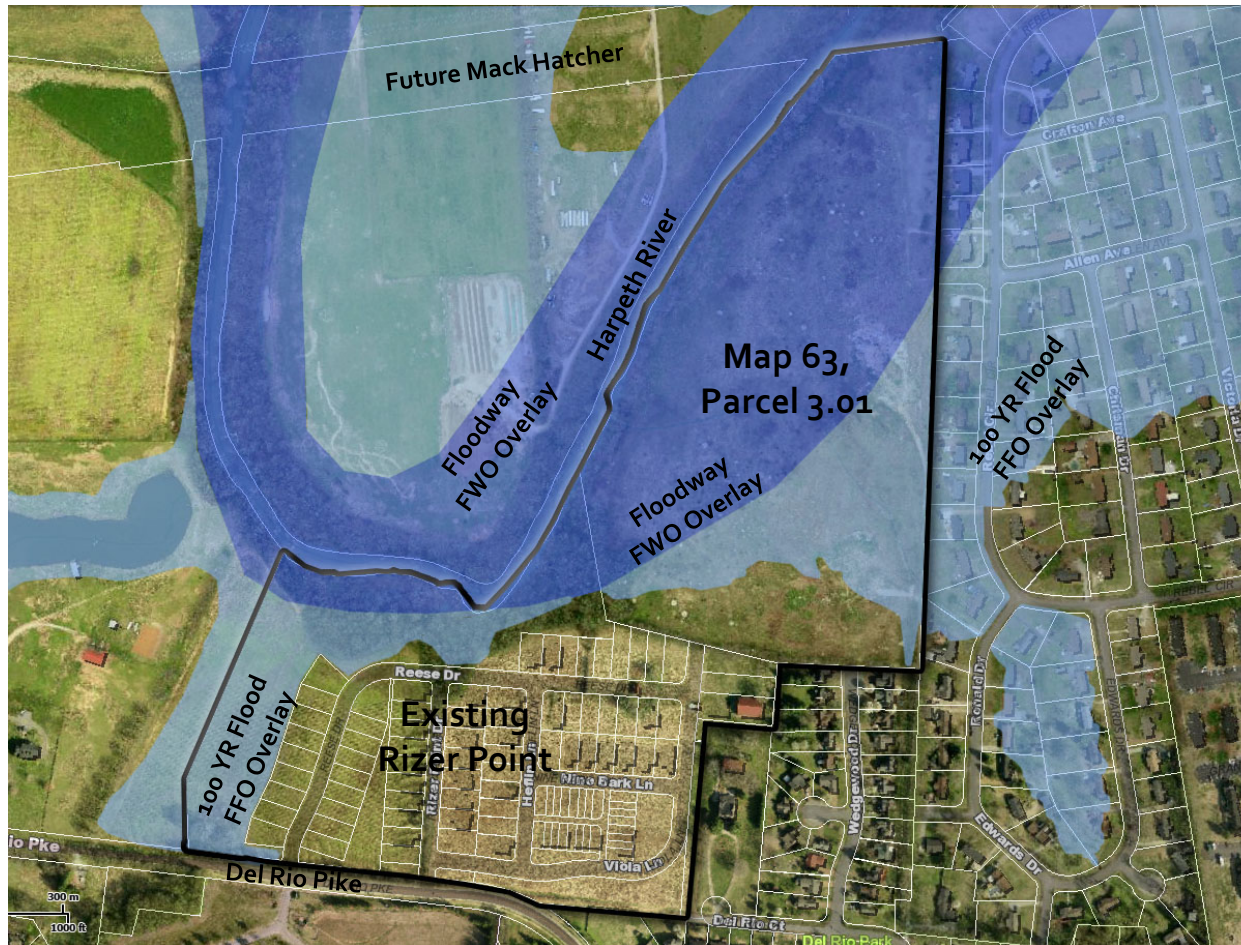


Existing Zoning:

- Rizer Point – SD-R
- New Property - AG

Proposed Zoning:

- SD-R (1.62) with Revised Rizer Point PUD Development Plan



Character Areas:
WHCO 2 & 4

Existing Zoning:
SD-R & AG

Existing Land Use:
Residential & Vacant

Overlays:
FFO, FWO
Floodplain, Floodway

Existing Conditions



Proposed Revision 3:

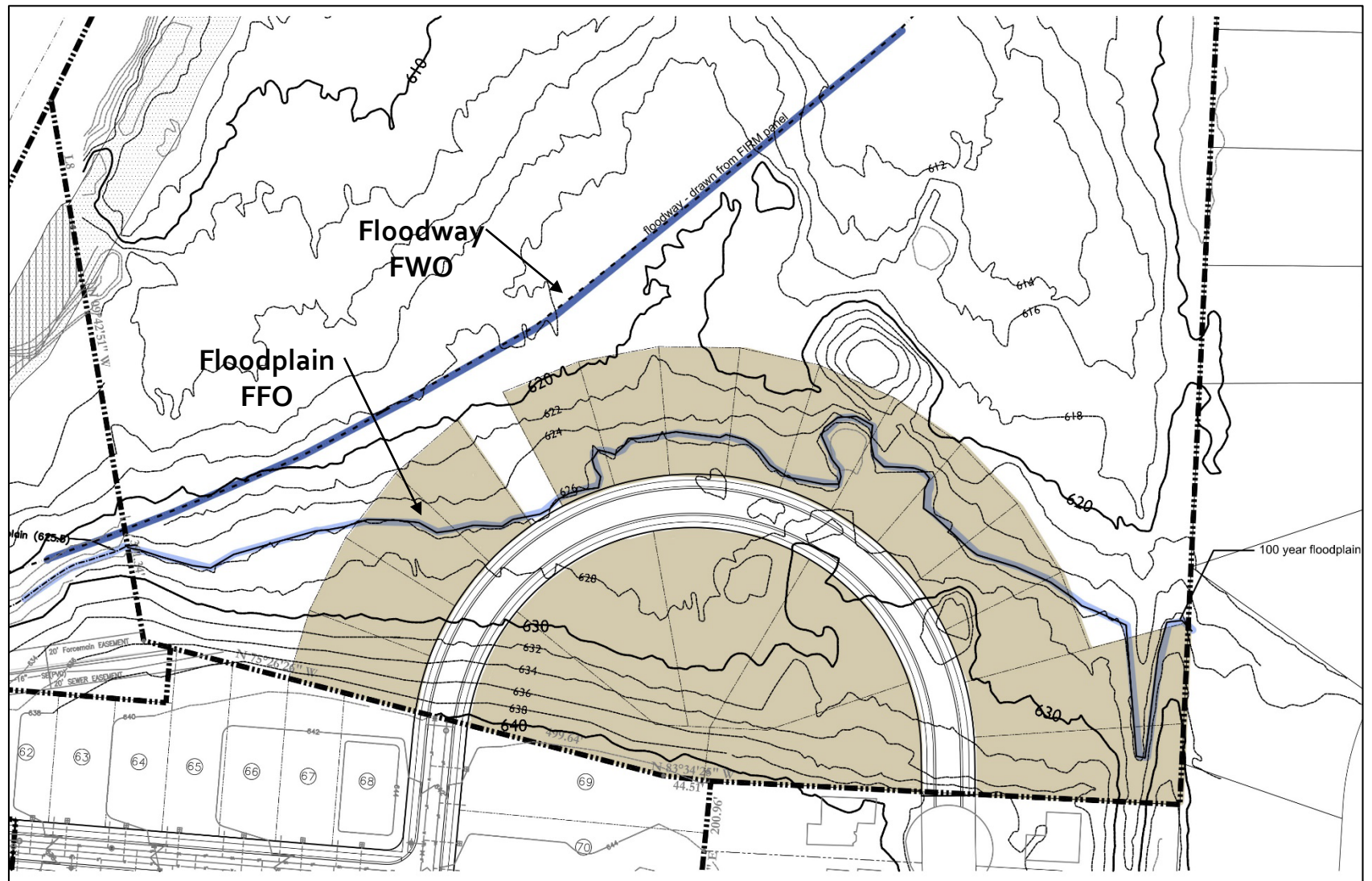
- 20 new single family homes
- Road connection between Rizer Point and Wedgewood Drive
- Proposed Zoning: SD-R

Density:

Existing : 2.87 DUA

New Property: 0.57 DUA

Overall Density: 1.62 DUA



TYPICAL ARCHITECTURE

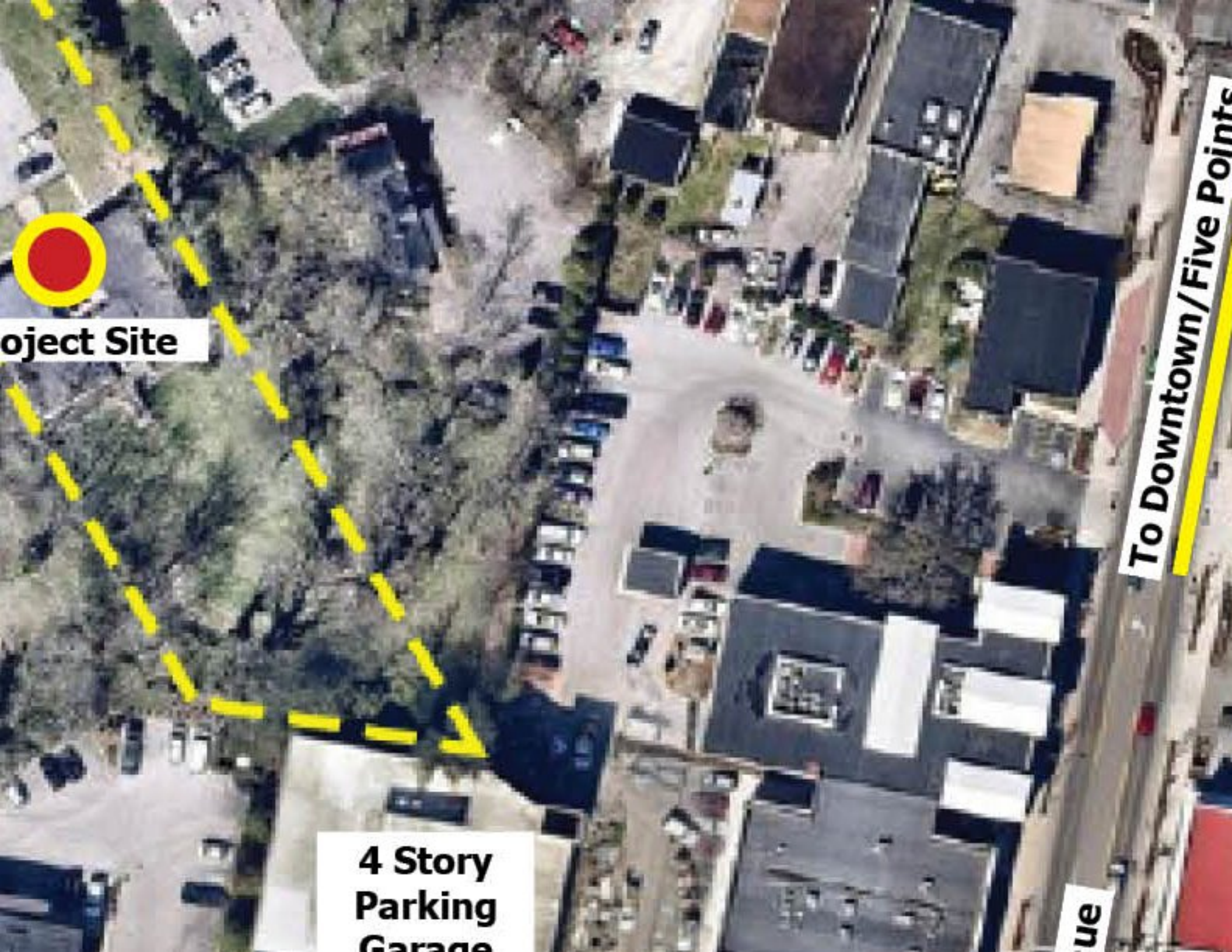




Proposed Revision 3:

- Dedicated ROW to be provided to Rebel Meadows. Lots will be redesigned to accommodate this request. Staff prefers this dedicated ROW to connect as shown instead of becoming a continuation of Wedgewood Drive.
- Formal Open Space Location. Existing informal open space will be evaluated and improved to become formal open space (specifically the area where canoe launch trail head is located).
- Next Steps:
 - Neighborhood Meeting May 4, 2016
 - Development Plan & Rezoning Request submittal for June FMPC meeting.

What we've heard
from Staff...

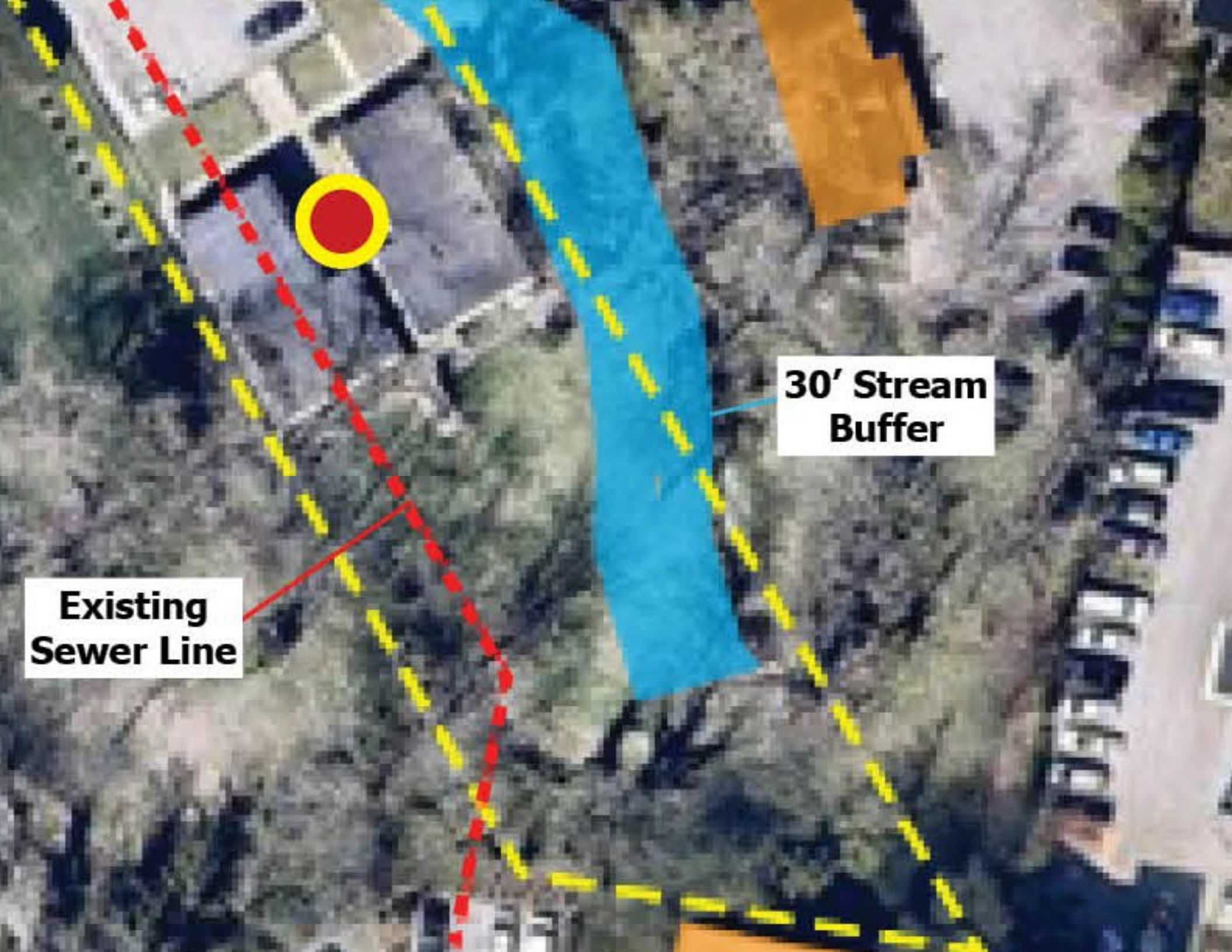


Project Site

**4 Story
Parking
Garage**

To Downtown / Five Points

ue



**30' Stream
Buffer**

**Existing
Sewer Line**





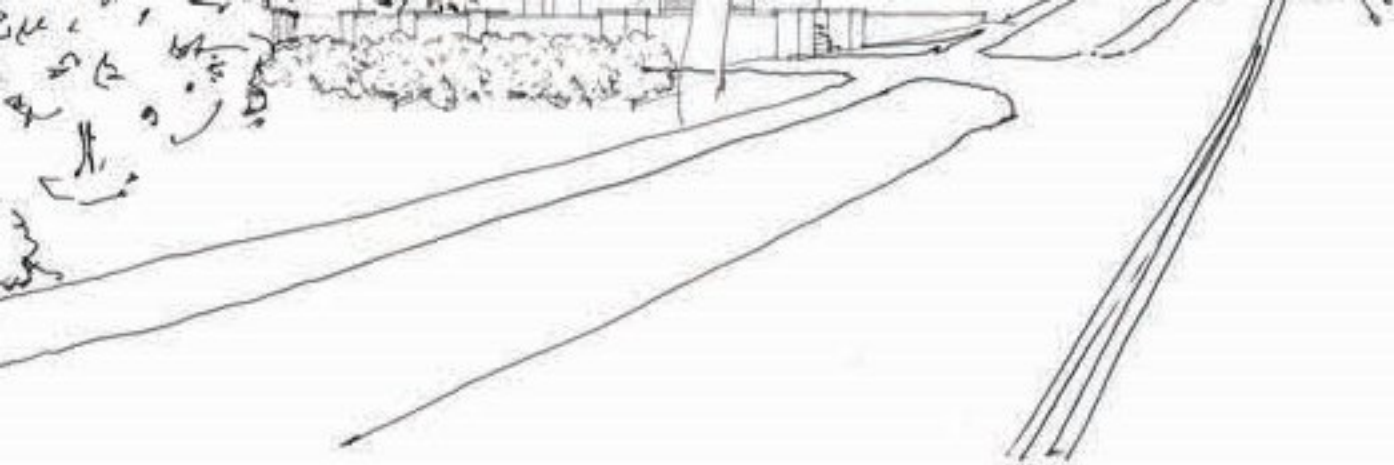






131 THIRD AVE NORTH





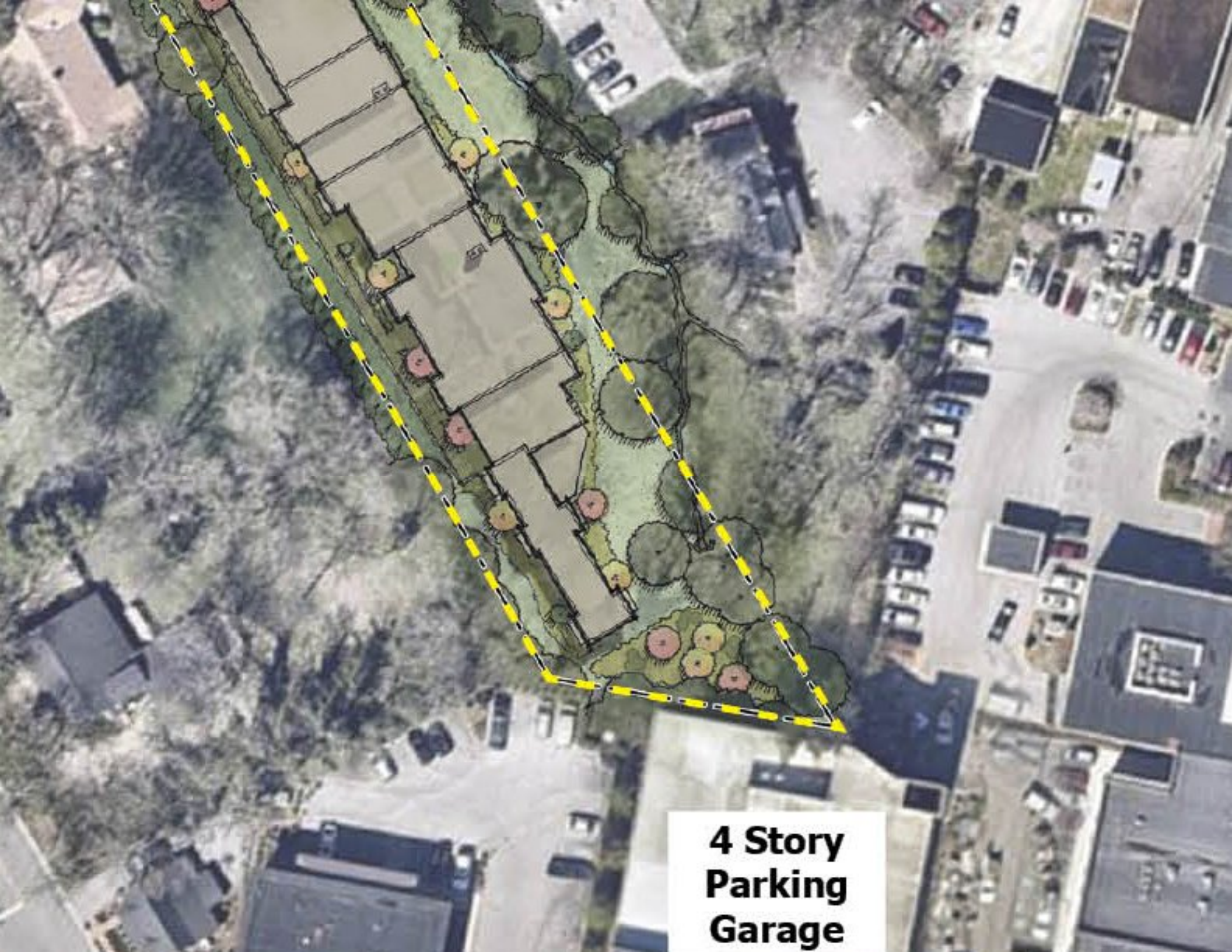
om Downtown



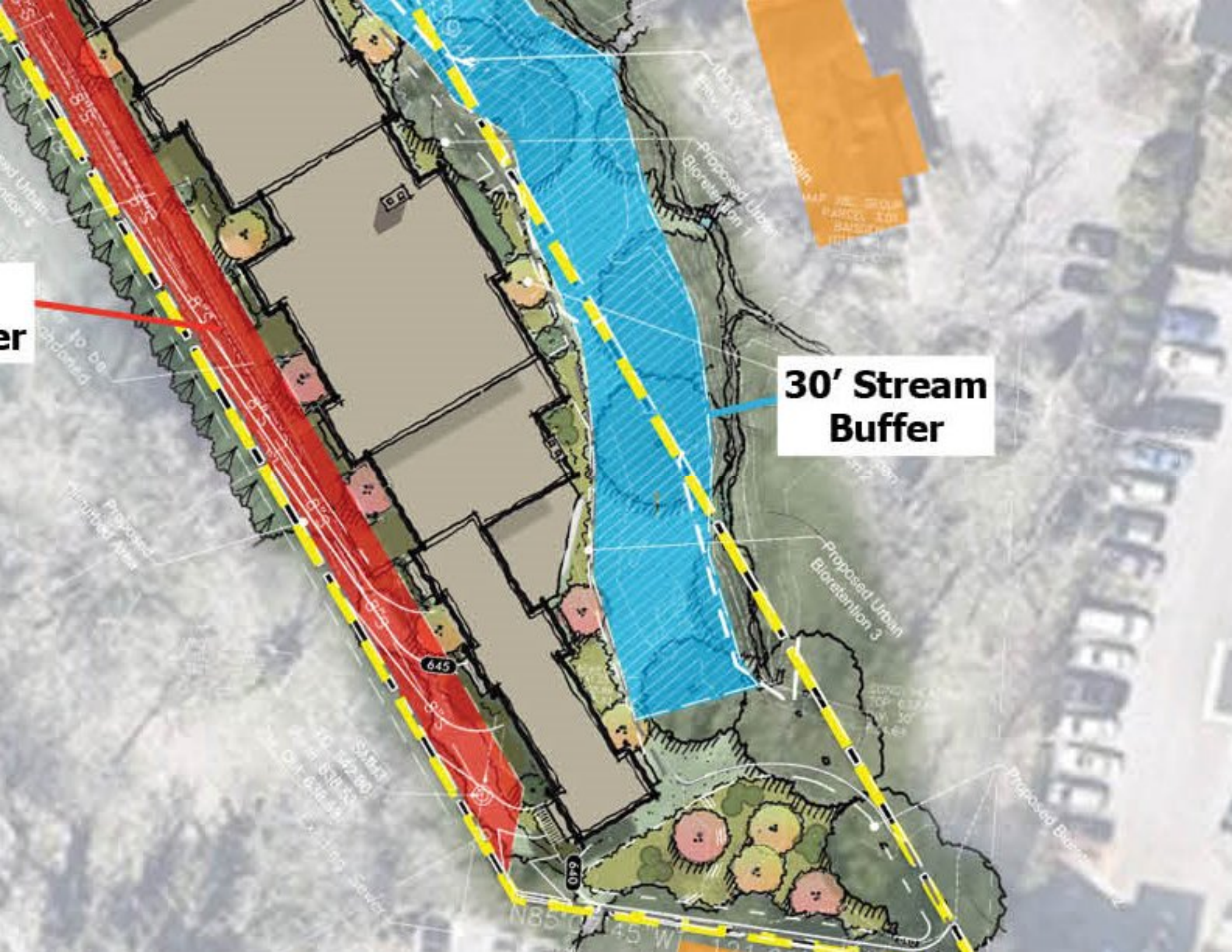
Perspective Toward







**4 Story
Parking
Garage**



**30' Stream
Buffer**

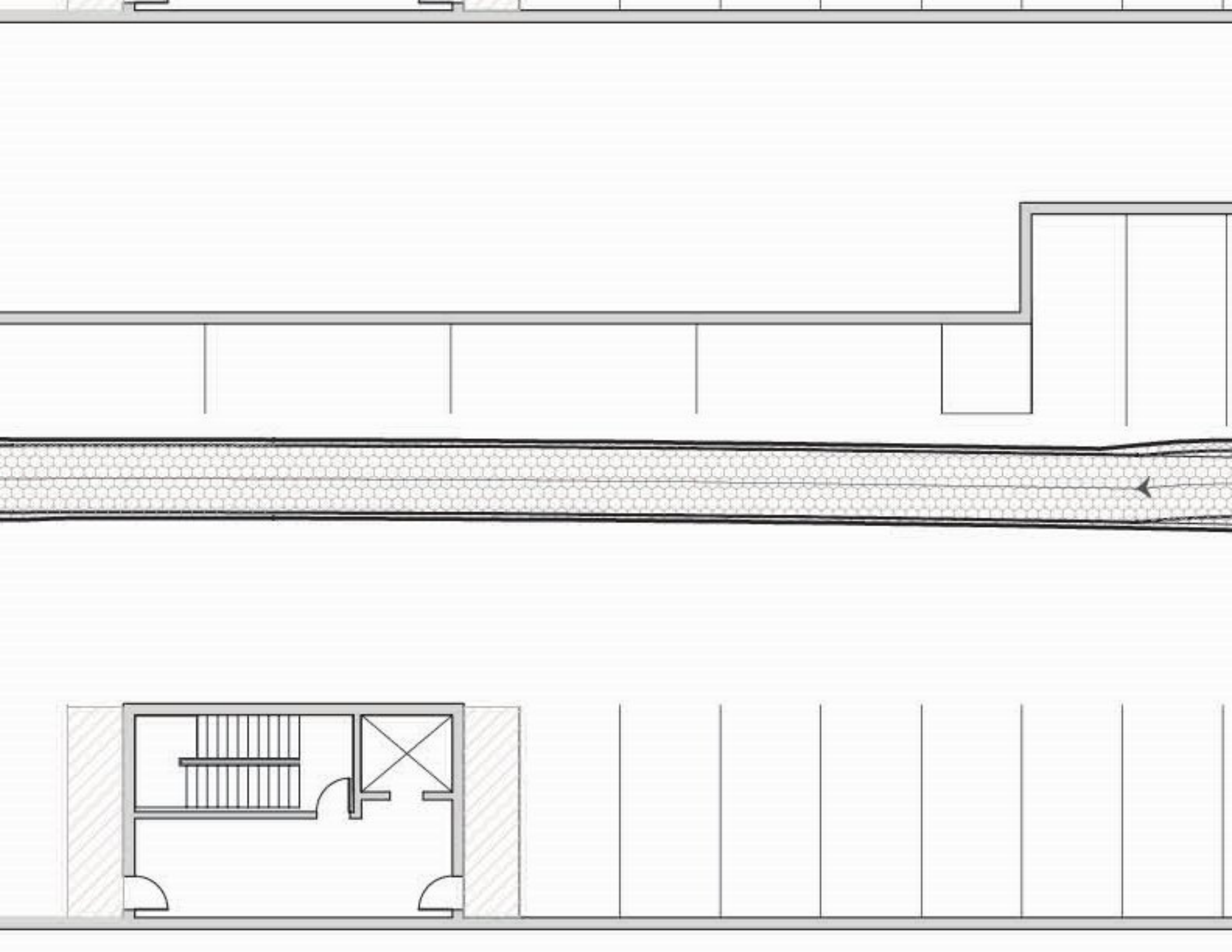




Ridge







ORDINANCE 2015-80

TO BE ENTITLED: “AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO UPDATE THE DEVELOPMENT STANDARDS AND SUB-DISTRICT BOUNDARIES FOR THE CAO-COLUMBIA AVENUE OVERLAY DISTRICT BY AMENDING CHAPTER 3, SUBSECTION 3.4.7.”

WHEREAS, US Highway 31 has historically linked Nashville and Columbia and serves as an important historic and cultural resource; and

WHEREAS, significant military action took place during the Civil War along Columbia Avenue (US Highway 31) between Winstead Hill and Downtown Franklin; and

WHEREAS, the City of Franklin, Tennessee, desires compatible and high-quality development along this important gateway; and

WHEREAS, the City of Franklin, Tennessee, first approved design standards for Columbia Avenue on June, 21, 2005; and

WHEREAS, the design standards were incorporated into the 2008 Franklin Zoning Ordinance, and it is within the best interests of the citizens of the City of Franklin to amend the Franklin Zoning Ordinance to update the Columbia Avenue Overlay standards.

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

SECTION I. That Chapter 3, Section 3.4 Subsection 3.4.7 of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; to renumber the subsequent figures in Chapter 3 accordingly, and is approved to read as follows:

1.1.1 CAO—Columbia Avenue Overlay District

(1) Purpose

Columbia Avenue serves as an integral southern gateway into Franklin. The corridor contains many important historic sites and many longstanding commercial and industrial uses. The City seeks to preserve and enhance the cultural resources along this corridor while also facilitating new development that will improve the character and function of this corridor. ~~Columbia Avenue is experiencing development pressures that threaten the area's visual and historic integrity.~~ The CAO District shall supplement the standards of the base districts and provide protective measures to preserve and enhance the character of Columbia Avenue. More specifically, the standards are intended to:

- (a)** Insure the compatibility of new buildings with respect to the specific character of their immediate context;
- (b)** Reinforce the historically urban character of the portion of Columbia Avenue between the Five Points area and the Carter House;

- (c) Protect and enhance the economic viability of the corridor by promoting high-quality development;
- (d) Minimize negative impacts of development on the corridor's remaining open space; and
- (e) Enhance the quality of development surrounding historic and cultural resources.

(2) Establishment and Applicability

- (a) These standards generally address properties fronting along the Highway 31/Columbia Avenue corridor beginning at the Five Points area, located on the southern edge of the historic downtown commercial core, with the southernmost limits of the city's Urban Growth Boundary (UGB). Properties subject to the standards of this overlay district shall be designated as the Columbia Avenue Overlay District, hereinafter referred to as the CAO District, on the zoning map.
- (b) Development review for properties within the CAO District shall be subject to the standards of this district. The underlying base districts shall govern land use. In case of conflict with dimensional standards of the base district, the standards of the CAO District, and the development standards of Chapter 5: Development Standards, these standards shall control.
- (c) For the purpose of this ordinance, the CAO district is hereby divided into five sub-districts as depicted on the following maps. ~~These maps are provided for reference purposes only, and in case of conflict between the map in this Subsection and the Official Zoning Map, the Official Zoning Map shall control.~~
Most of the parcels located in CAO 5 are not located within the City limits, but it is anticipated that properties will be zoned into the CAO 5 if and when annexation occurs.

(3) General Development Standards

The following development standards shall apply to lots in all of the sub-districts of the CAO District:

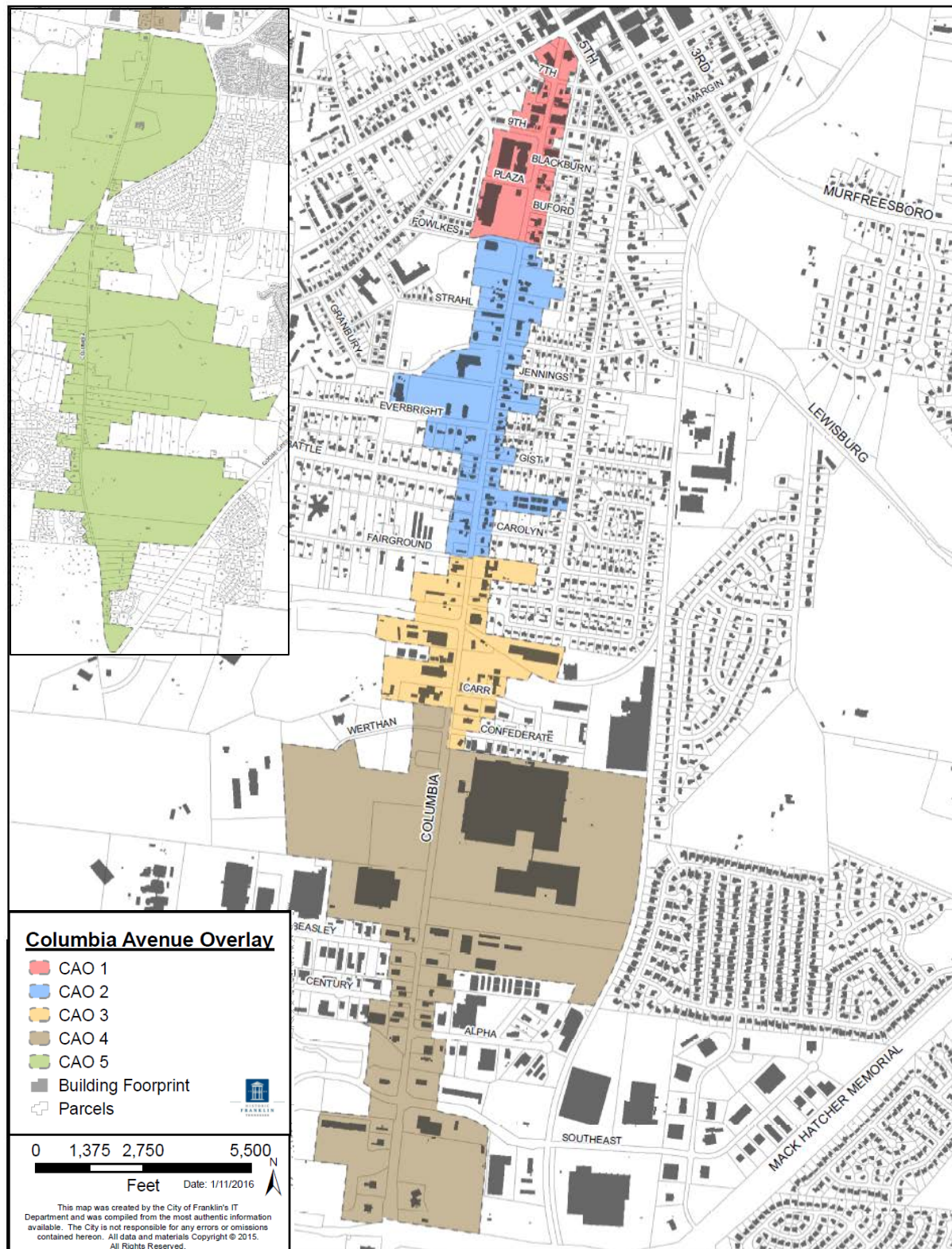
(a) Parking and Access

- (i) ~~Surface parking spaces provided in excess of the minimum requirement established in Subsection 5.9.4, Off-street Parking Standards, shall be constructed of pervious materials. The Department of Planning and Sustainability shall only approve such additional spaces for overflow events, seasonal demands, and related reasons, based upon a demonstration of need by the applicant. However, such additional parking and access lanes shall use alternate pervious materials, such as grass or mulch-covered gridblocks, for the entire overflow area. Asphalt, concrete, crushed stone, and other impervious materials shall not be permitted for the entire overflow area.~~
- (ii) ~~Perimeter landscape is required for parking lots. A continuous perimeter planting strip with an average width of eight feet is required, or a five foot wide planting strip may be used, with the inclusion of either a three-foot opaque wall/fence or evergreen shrubs planted two and one-half to three feet tall so as to achieve a solid screen within three years. Canopy trees shall be planted at a maximum separation of 30 feet on-center.~~
- (iii) ~~All development shall be subject to the requirements in Chapter 5: Development Standards, related to landscape, street tree, and screening requirements unless otherwise noted.~~
- (iv) ~~Because cross-access is encouraged between adjacent commercial properties, parking lots for nonresidential developments that have direct access to a public street shall have at least one vehicular connection to adjacent properties unless deemed infeasible or inappropriate due to topography or other constraints. Lots in a HI District are exempt from the interconnectivity requirements.~~



CAO 5 — Rural Gateway

Figure 3-1: CAO—Columbia Avenue Overlay Sub-Districts



CAO 1 Urban Commercial



CAO 3 Commercial Transition



CAO 2 Historic Residential

CAO 4 Suburban Commercial/Industrial

(4) CAO 1—Urban Commercial Development Standards

(a) Area Description

This sub-district, which includes properties located between the Five Points area and East Fowlkes Street, is at the northernmost end of the study area and is directly connected to downtown. Contemporary strip commercial development, as well as pre-WWII and civic buildings, are present in this sub-district. **While many buildings do not have historic protections, there are several buildings that were constructed over 50 years ago.** While commercial structures are the predominant building type, two historic residential structures are also present. At the effective date of this ordinance, the sub-district is characterized by:

- (i) ~~Primarily one-story buildings with a limited number of two-story structures.~~ **A mix of one and two-story buildings;**
- (ii) A wide range of materials, including brick, aluminum siding, vinyl siding, and wood siding;
- (iii) **Shallow front building setbacks with some** ~~variation in front and side building setbacks;~~
- (iv) ~~A streetscape with narrow sidewalks, frequent curb cuts, and a lack of landscaping;~~ **Streetscape improvements were completed in 2010 providing a continuous sidewalk network on both sides of the street, access management, small-scale masonry signage, and landscaping enhancements.**
- (v) ~~Excessive signage that is poorly located and designed.~~

(b) Streetscape

- (i) ~~Sidewalks shall be required along public streets and shall have a minimum width of five feet, unobstructed by street trees, light poles, and similar features. Where such features block the sidewalk, a minimum sidewalk width of eight feet shall be required. To enhance pedestrian safety, a minimum strip of three and one half feet wide shall be provided from the edge of curb and shall contain pavers, sod, mulch, annuals, or low-growing shrubs.~~
- (ii) ~~A combination of concrete and brick pavers shall be used for the construction of new sidewalks.~~
- (iii) ~~For properties within the Franklin Gateway Corridors and Connector Streets Project (Franklin Streetscape Program), the adopted streetscape plan for those parcels shall govern.~~
- (iv) ~~Street trees should be installed in “plant wells” with tree grates and properly designed drainage and irrigation systems. Street trees shall be planted a minimum of 40 feet on-center and shall be a minimum of three and one half inch caliper and 14 to 16 feet in height at the time of installation. Specific spacing of trees should be determined on a block-by-block case based on existing features such as building façades. Shade trees forming a canopy are recommended.~~

- (v) ~~If existing cobra-head streetlights are removed, decorative replacement lighting shall be installed and may range between 16 and 20 feet in height. If the cobra-head streetlights are not removed, supplemental decorative lights shall be installed but shall not exceed 14 feet in height.~~
- (vi) ~~Pedestrian crossings should be clearly delineated through the use of a different pavement color and texture.~~

(c) Building Heights, Massing, and Orientation

- (i) Buildings shall be aligned parallel to Columbia Avenue with the main entrance facing the street. Corner entrances are an acceptable alternative for corner buildings.
- (ii) **Buildings shall be built to the sidewalk. Buildings shall have front setbacks of 5 to 10 feet from the back of the sidewalk. Buildings along West Fowlkes Street shall have a minimum setback of 25 feet to provide a transition to the less intensive land uses and historic resources directly to the south.** Institutional uses are permitted to have a variable front building setback from ~~zero~~5 to 40 feet from the back of the sidewalk to signify and reinforce their prominent role in the urban fabric and to afford additional safety.
- (iii) Buildings **fronting Columbia Avenue and East and West Fowlkes Street** shall not exceed two stories or a maximum height of 35 feet. A maximum height limit of three stories, ~~not to exceed a total height of 42 feet,~~ is permitted **for buildings internal to the site (not along Columbia Avenue or East and West Fowlkes Street)** in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.
- (iv) ~~The maximum linear length of an uninterrupted facade plane shall be 35 feet.~~ Building wall offsets (projections and recesses) or pilasters shall be used to break up the mass of a single building into bays. Variations in roofline, materials, and color may also be used to break up massing.



Figure 3-2: The rendering shows the Hill Center in Sylvan Park and serves as an example of having a taller building internal to the site.

- (v) To better replicate the historic urban fabric of Columbia Avenue, new buildings in this sub-district shall be designed to **either the following standards:**

- A.) ~~Differentiate, at a minimum, their Columbia Avenue façades every 100 feet or less of linear frontage so as to replicate the historic “rhythm” of building front widths along the street; or~~ **Differentiate the Columbia Avenue façades so as to replicate the historic rhythm of building front widths along the street. For one-story buildings, a different façade treatment shall be provided every 50 feet or less of linear frontage along Columbia Avenue. For two story buildings, a different façade treatment shall be provided every 100 feet or less of linear frontage along Columbia Avenue.**
- B.) ~~Have a maximum building width not exceeding 100 feet fronting Columbia Avenue. Irrespective of property lines, a new building shall be separated at least 15 feet, but no greater than 40 feet, from adjacent proposed or existing buildings. Between the buildings, pedestrian-scale lighting and formal open space shall be provided, as identified in Chapter 5: Development Standards.~~



Figure 3-2 3-3: Examples of buildings having a different façade treatment every 100 feet or less to replicate the historic character of other buildings in the area.

(d) Roofs

- (i) ~~For commercial-type buildings,~~ **For non-residential, mixed-use, and attached residential buildings,** flat roofs or roofs with parapet walls shall be the predominant roof form.
- (ii) Buildings with a residential character shall employ either gable, hipped, or pyramidal roofs having a slope between 5:12 and 12:12. Sloped roofs shall include overhanging eaves that extend a minimum of one foot beyond the building wall.

Figure 3-3 3-4: Example of a flat roof with parapet walls, which should be the predominant roof type for commercial buildings in CAO 1, CAO 3, and CAO 4.



(e) Façades

- (i) Façades of buildings shall emphasize clearly identified main entrances using awnings, canopies, columns, pilasters, and recessed entrances. Storefronts shall be integrally designed with the upper floors of a building to be compatible with the overall character of the façade.
- (ii) Window and door openings shall have a vertical orientation and alignment between floors. **Faux windows, reflective glass, and tinted glass shall be prohibited.**
- (iii) Blank walls facing streets shall be prohibited.
- (iv) Commercial, office, institutional, and mixed-use buildings shall have a discernible base and cap that are clearly defined by horizontal elements along the bottom and top of the building. Elements to achieve this standard include water tables, storefront “kick-plates,” stringcourses, corbelling, and material changes.



Figure 3-4 3-5: ~~Example of with a building~~ **Examples of buildings in CAO 1** with a discernible base and cap.

- (v) For two **and three**-story commercial, office, institutional, and mixed-use buildings, **a minimum of 60** ~~65 to 85~~ percent of the first floor shall be glazed, while 35 to **60** ~~65~~ percent of the façade area on upper floors shall be glazed, exclusive of the parapet wall. For one-story commercial or office buildings, **60** ~~65~~ to 85 percent of the front façade shall be glazed, exclusive of the parapet wall. Reflective glass or tinted glass shall be prohibited.
- (vi) For buildings having a residential character, a minimum of 25 percent of the façade area shall be covered with window and door openings. ~~Storefronts with generous amounts of window and door transparency properly located and proportioned animate the streetscape by providing visual interest for pedestrians.~~

(f) Building Materials

- (i) For commercial, office, institutional, and mixed-use buildings, brick or stone shall comprise a minimum of 75 percent of the primary building materials. For accent purposes, stone, cast stone, cement-based stucco, and split-faced concrete block shall be permitted.
- (ii) ~~For residential buildings, either brick, wood siding, or fibrous cement siding that closely resembles wood siding, shall comprise at least 50 percent of the primary building material. Cast stone, stone, and cementitious materials shall be permitted and are encouraged as accents to the primary building material.~~
- (iii) ~~Vinyl, aluminum siding, Exterior Insulation Finish Systems (referred to as EIFS), and smooth face block, and other synthetic materials shall be prohibited.~~

(g) Parking and Access

- (i) Off-street parking areas are prohibited between the building and Columbia Avenue.
- (ii) A maximum of 25 percent of the parking spaces may be located along the side of the building.

- (iii) To the maximum extent practicable, access to commercial uses shall be provided from side streets.
- (iv) Rear access from Cummins Street shall be required on the east side of Columbia Avenue.
- (v) Driveway-width curb radii for access shall be kept to a minimum to facilitate pedestrian traffic.
- (vi) ~~Developments shall be limited to no more than one access driveway unless a traffic report verifies the justification for an additional access point.~~
- (vii) Where parking abuts the public right-of-way, a three-foot-high masonry wall, designed to complement the building, fence, or evergreen shrubs, may be installed in lieu of the opaque screen required by Section 5.4, Landscape, Buffers, and Screening.
- (viii) **Where a nonresidential use or parking serving a nonresidential use is adjacent to or across the street from a residential use, a six foot masonry wall shall be installed.**
~~Parking lots shall be screened and landscaped pursuant to Chapter 5: Development Standards.~~

(5) CAO 2—Historic Residential Development Standards

(a) Area Description

Pre-WWII residential structures are the primary building type in this sub-district located between East Fowlkes and Fairground Streets. **Institutional buildings, strip commercial development, and reclaimed battlefield open space** are interspersed with the residential structures. ~~are institutional buildings (Boys and Girls Club and Battle Ground Academy) and strip commercial development.~~ While many of the residential structures are still used as homes, some now function as offices, small retail businesses, and museums (Carter House and Lotz House). ~~The properties that are located north of Jennings Street (east side of Columbia Avenue) and Granbury Street (west side of Columbia Avenue) are zoned GC, while the properties to the south of these streets are zoned R-3.~~ The physical development form in this sub-district is characterized by:

- (i) One and two-story residential structures and one-story commercial buildings;
- (ii) The use of brick and wood siding as the primary building materials;
- (iii) **Most** front building setbacks range between 15 and 75 feet; and
- (iv) Sidewalks located directly adjacent to the street that do not extend the entire length of the sub-district.

(b) Streetscape

- (i) ~~Sidewalks and street trees shall be provided as required by Chapter 5: Development Standards.~~
- (ii) ~~Sidewalks shall have a minimum width of five feet.~~
- (iii) There shall be a planting strip with a minimum width of six feet between the curb of the street and the sidewalk.



Figure 3-5 3-6: Illustration of planting strips required within CAO 2.

- (iv) Sidewalks shall be constructed of concrete.
- (v) Street trees shall be installed in the planting strip located between the street and the sidewalk. Trees shall be planted in accordance with Subsection 5.4.8, Street Trees. Additional right-of-way may be needed to accommodate the planting strip.
- (vi) Pedestrian street crossings shall be provided and clearly delineated through the use of a different pavement color and texture.



Figure 3-6 3-7: Example of a cross walk constructed of stenciled concrete. Pedestrian cross walks constructed of stenciled concrete, or an approved equivalent, enhance historic character CAO 2 and serve as a traffic-calming measure.

(c) Building Heights, Massing, and Orientation

- (i) Buildings shall not exceed two stories, ~~or a maximum height of 35 feet. A maximum height limit of three stories, not to exceed a total height of 42 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.~~

- (ii) Buildings on the east side of Columbia Ave shall have a minimum setback of ~~may be set back from between 15 40 to~~ 50 feet from the right-of-way. Buildings on the west side of Columbia Avenue shall have a minimum setback of 30 feet from the right-of-way. No new structure shall be closer to the right-of-way than the closest existing principal structure. ~~However, in locations adjacent to historic structures that contribute to historic character in CAO 2, new building setbacks shall not deviate more than 25 percent from the average building setback as measured from the closest historic structures immediately adjacent to and on the same side of the street as the proposed new building.~~

- (iii) The front façade maximum building width shall not exceed 45 feet.



Figure 3-8: Four single-family homes have a consistent front setback along Columbia Ave. The new building, part of General's Retreat, breaks the consistent development pattern.

(d) Roofs

Main roofs shall be gables or hips with a slope between 5:12 and 12:12 and shall have overhanging eaves on all sides that extend a minimum of one foot beyond the building wall.



Figure 3-7-3-9: Example of a gabled roof with overhanging eaves as required in CAO 2.

(e) Façades

- (i) Façades of buildings housing nonresidential uses shall be configured to resemble residential building types.
- (ii) Buildings shall have front porches with a minimum depth of six feet.
- (iii) Window and door openings shall cover a minimum of 25 percent of the façade area.
- (iv) Window and door openings shall have a vertical orientation and vertical alignment.
- (v) Raised foundations shall be required with an elevation a minimum of 18 inches above the finished grade.



Figure 3-8 3-10: This house demonstrates vertically oriented windows, a raised foundation, and a front porch consistent with existing historic homes in CAO 2.

(f) Exterior Building Materials

- (i) ~~The base of buildings shall be of masonry materials. Primary façade materials shall not change at outside corners.~~
- (ii) ~~Material changes shall occur along a horizontal line or where two forms intersect. One exception is that a change of materials may occur as accents around windows, at corners, or as a repetitive pattern, such as quoining.~~
- (iii) **Brick**, wood siding or fibrous cement siding that closely resembles wood siding shall ~~be comprise at least 50 percent of~~ the primary building material. Cast stone, stone, and cementitious materials shall be permitted, and are encouraged, to accent the primary building material.

- (iv) ~~Vinyl, aluminum siding, EIFS, and smooth face block, and other synthetic materials shall be prohibited.~~

(g) Parking and Access

- (i) Off-street parking areas shall not be located between the building and **Columbia Avenue** ~~any public street.~~
- (ii) **A maximum of 25 percent of the parking spaces may be located along the side of the building.** ~~Parking is permitted on the side of the building, provided the parking complies with the landscaping and screening standards of Chapter 5: Development Standards.~~

(6) CAO 3—Commercial Transition Development Standards

(a) Area Description

The strip commercial development that extends north and south from the intersection of Downs Boulevard and Columbia Avenue comprises CAO 3. ~~These properties, along with CAO 1, anchor both ends of the residential portion of the Columbia Avenue corridor (CAO 2).~~ The intent of these standards is to create a more pedestrian-oriented commercial node that is complimentary to the adjacent residential development. Many of the standards developed for these properties will be similar to CAO 1. On the effective date of this ordinance, this sub-district was characterized by:

- (i) One-story buildings;
- (ii) A wide range of materials, including stucco, concrete block, pre-fabricated metal panels, and vinyl siding;
- (iii) Excessive building setbacks with parking in front;
- (iv) A streetscape with continuous curb cuts and no sidewalks or landscaping; and
- (v) Excessive signage that is poorly located and designed.

(b) Streetscape

- (i) ~~Sidewalks and street trees shall be provided as required by Chapter 5: Development Standards.~~
- (ii) ~~Sidewalks shall have a minimum width of five feet.~~
- (iii) There shall be a planting strip with a minimum width of six feet between the curb of the street and the sidewalk.
- (iv) Street trees shall be installed in the planting strip located between the street and the sidewalk. Trees shall be planted a minimum of 30 feet on-center and shall be a minimum of **two** ~~three~~ and one-half-inch caliper and 14 to 16 feet in height at installation.
- (v) If existing cobra-head streetlights are removed, decorative replacement lighting shall be installed and may range between 16 and 20 feet in height. If the cobra-head streetlights are not removed, supplemental decorative lights shall be installed but shall not exceed 14 feet in height.
- (vi) Pedestrian crossings shall be clearly delineated through the use of a different pavement color and texture.

(c) Building Heights, Massing, and Orientation

- (i) Buildings shall be aligned parallel to Columbia Avenue with the main entrance facing the street. Corner entrances are an acceptable alternative for corner buildings.
- (ii) Buildings **shall have a minimum setback of 15 feet from the dedicated right-of-way** ~~can be built to the back of the sidewalk but may have a variable front building setback of zero to 40 feet from the sidewalk.~~
- (iii) ~~Parking shall be located to the side or rear of the structure.~~
- (iv) Buildings shall not exceed two stories ~~or a maximum height of 35 feet. A maximum height limit of three stories, not to exceed a total height of 42 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.~~
- (v) ~~The maximum linear length of an uninterrupted façade plane shall be 35 feet. Building-wall offsets (projections and recesses) or pilasters shall be used to break up the mass of a single building into bays. Variations in roofline, materials, and color may also be used to break up massing.~~
- (vi) ~~To better replicate the previous urban fabric of Columbia Avenue, new buildings shall be designed to either:~~
 - ~~A.) Differentiate, at a minimum, their Columbia Avenue façades every 100 feet or less of linear frontage so as to replicate the historic rhythm of building front widths along the street (See Figure 3-2.); or~~
 - ~~B.) Have a maximum building width not exceeding 100 feet fronting Columbia Avenue. Irrespective of property lines, a new building shall be separated at least 15 feet, but no greater than 40 feet, from adjacent proposed or existing buildings. Between the buildings, pedestrian-scale lighting and formal open space shall be provided as identified in Chapter 5, Development Standards.~~

(d) Roofs

- (i) For commercial-type buildings, flat roofs or roofs with parapet walls shall be the predominant roof form.
- (ii) Buildings with a residential character shall employ either gable, hipped, or pyramidal roofs having a slope between 5:12 and 12:12. Sloped roofs shall include overhanging eaves that extend a minimum of one foot beyond the building wall.

(e) Façades

- (i) Façades of buildings shall emphasize clearly identified main entrances using awnings, canopies, columns, pilasters, and recessed entrances. Storefronts shall be integrally designed with the upper floors of a building to be compatible with the overall character of the facade.
- (ii) Window and door openings shall have a vertical orientation and alignment between floors.
- (iii) Blank walls facing streets shall be prohibited.
- (iv) Commercial, office, institutional, and mixed-use buildings shall have a discernible base and cap clearly defined by horizontal elements along the bottom and top of the building. Elements to achieve this standard include water tables, storefront kick-plates, stringcourses, corbelling, and material changes.
- (v) For two-story commercial, office, institutional, and mixed-use buildings, 65 to 85 percent of the first floor shall be glazed, while 35 to 65 percent of the façade area on upper floors shall be glazed exclusive of the parapet wall. **Faux windows shall be prohibited.** For one-story commercial or office buildings, 60 65 to 85 percent of the front façade shall be glazed, exclusive of the parapet wall. Reflective or tinted glass shall be prohibited on the first floor.
- (vi) For buildings having a residential character, a minimum of 25 percent of the façade area shall be covered with window and door openings. Storefronts with generous amounts of window and door transparency properly located and proportioned animate the streetscape by providing visual interest for pedestrians.

(f) Building Materials

- (i) ~~For commercial, office, institutional, and mixed-use buildings, brick or stone shall comprise a minimum of 75 percent of the primary building materials. For accent purposes, stone, cast stone, cement-based stucco, and split-faced concrete block shall be permitted.~~
- (ii) For residential buildings, either brick, wood siding, or fibrous cement siding that closely resembles wood siding, shall **be** ~~comprise at least 50 percent of the primary building material.~~ Cast stone, stone, and cementitious materials shall be permitted, and are encouraged as accents to the primary building material.
- (iii) ~~Vinyl, aluminum siding, EIFS, and smooth-face block, and other synthetic materials shall be prohibited.~~

(g) Parking and Access

- (i) Off-street parking areas are prohibited from being located between the building and any public street.
- (ii) **Drive-through uses are prohibited on properties north of Downs Boulevard to create a pedestrian-oriented node.**

- (iii) A maximum of 25 percent of the parking spaces may be located along the side of the building.
- (iv) ~~Where parking abuts the public right of way, a three-foot-high masonry wall, designed to complement the building, a fence, or evergreen shrubs may be installed in lieu of the opaque screen required by Section 5.4, Landscape, Buffers, and Screening.~~
- (v) ~~Parking lots shall be screened and landscaped pursuant to Chapter 5: Development Standards.~~

(7) CAO 4—Suburban Commercial/Industrial Development Standards

(a) Area Description

Light industrial, offices, **and** retail, ~~and agricultural~~ are the primary land uses in this sub-district, which extends from roughly Carr Avenue to Mack Hatcher Parkway. Although there is no cohesiveness to building design, on the effective date of this ordinance, the physical development form in this sub-district was characterized by:

- (i) One and two-story buildings with large footprints;
- (ii) A wide range of materials, including aluminum siding, brick, and pre-cast concrete panels;
- (iii) Deep front setbacks with parking located in front of buildings; and
- (iv) A streetscape with no sidewalks or street trees.

(b) Streetscape

- (i) ~~Sidewalks and street trees shall be provided as required by Chapter 5: Development Standards.~~
- (ii) ~~Sidewalks shall have a minimum width of five feet.~~
- (iii) ~~There shall be a planting strip with a minimum width of five feet, but preferably eight feet, between the curb of the street and the sidewalk.~~
- (iv) Street trees shall be installed in the planting strip located between the street and the sidewalk. Trees shall be planted a minimum of 40 feet on-center and shall be a minimum of **two** ~~three~~ and one-half-inch caliper and 14 to 16 feet in height at installation.
- (v) **Existing stonewalls shall be preserved, or if necessary, shall be relocated to another location in the CAO District.**

(c) Building Heights, Massing, and Orientation

Building heights and setbacks shall comply with the site development requirements of the underlying base district.

(d) Roofs

- (i) ~~Roofs shall be appropriate to a building's architecture.~~
- (ii) For commercial-type buildings, flat roofs or roofs with parapet walls shall be the predominant roof form.

(e) Façades

Façades shall incorporate a minimum of 20 percent glazing along the front facade of the building.

~~(f) Exterior Building Materials~~

- ~~(i) The base of buildings shall be of masonry materials. Primary façade materials shall not change at outside corners.~~
- ~~(ii) Material changes shall happen along a horizontal line or where two forms intersect. One exception is that a change of materials may occur as accents around windows, at corners, or as a repetitive pattern, such as quoining.~~
- ~~(iii) Standard smooth face concrete block shall be prohibited.~~
- ~~(iv) EIFS may be used above six feet from grade.~~

~~(g) Parking~~

~~See Chapter 5: Development Standards.~~

(8) CAO 5—Rural Gateway Development Standards

(a) Area Description

This sub-district, in the southern portion of Franklin's Urban Growth Boundary (UGB), has a rural character, with large lots and significant amounts of vacant land. Reinforcing its rural character, this portion of the corridor becomes known as Columbia Pike south of Mack Hatcher Parkway. Columbia Pike serves as a southern gateway into the city, with its rural character that is important to the image of the community, particularly given its historic significance. Some parcels within this corridor contain forested areas, tree rows, hillcrests, hillsides, and steep slopes (greater than 20 percent). Residential development is occurring in subdivisions of one-acre lots or larger to accommodate the required on-site sewage treatment; however, this trend is viewed by many residents as sprawl and an undesirable trend for continuation. To stop and reverse this trend, and for the appealing rural and agrarian character of this sub-district to be maintained, future development ~~should~~ **shall** be substantially set back from Columbia Pike, with an emphasis on the preservation of substantial tracts of open space along this corridor.

(b) Columbia Pike Buffer

Within a 20-foot buffer measured from the right-of-way of Columbia Pike:

- (i) The buffer shall contain at least two canopy trees per 100 linear feet of the frontage along the public right-of-way. Where canopy trees will conflict with overhead utilities, understory trees shall be used.

- (ii) A fence or a wall shall be constructed. Fences and walls shall be constructed of durable and natural materials to allow for natural weather processes and reduced maintenance. Walls shall be constructed of natural stone in the dry-stack method or without mortar, and shall be a minimum of three feet in height. (See Figure 3-12.) Cultured stone shall not be used. Fences shall be a four-board horse fence, a minimum of four feet in height, constructed of wood, and painted black. (See Figure 3-11.) Vinyl fencing is prohibited in this buffer yard. The Department of Planning and Sustainability may approve other colors or types of fences, such as picket, split rail, wrought iron, or brick walls, if the applicant demonstrates that such a fence or wall is better suited to the portion of the CAO District in which it is proposed. A fence or wall shall not be required if, in the opinion of the Department of Planning and Sustainability, based on steep slopes, floodplain, existing vegetation, or other topographical constraints, the fence or wall would serve no meaningful purpose or may cause adverse environmental impacts.

(c) Building Placement in New Development

To maintain the existing rural character of Columbia Pike, new development, regardless of land use, shall either face Columbia Pike and be set back from the right-of-way at least 250 feet., ~~or be designed according to at least one of the following options:~~

- ~~(i) In cases in which existing smaller lot sizes make compliance with the 250-foot setback impossible, additional screening and landscaping shall be used to mitigate the impacts of having buildings located closer to the street. The additional screening shall include a 30-foot-wide linear form buffer adjacent to the right of way of Columbia Pike. The intent of the additional screening shall be to completely obscure building encroachment within the 250-foot setback from view from the Columbia Pike corridor by a densely planted buffer. Plantings within the buffer shall be in accordance with Subsection 3.4.7 (8)(b).~~
- ~~(ii) Linear open space 250 feet deep, or greater, measured from the right-of-way of Columbia Pike, shall separate the buildable lots located on the interior of the development from Columbia Pike. Furthermore, a 30-foot-wide landscaped buffer, designed according to Subsection 3.4.7(8)(b), shall be provided as closely as possible to the buildable lots to completely obscure the new development from view from Columbia Pike.~~

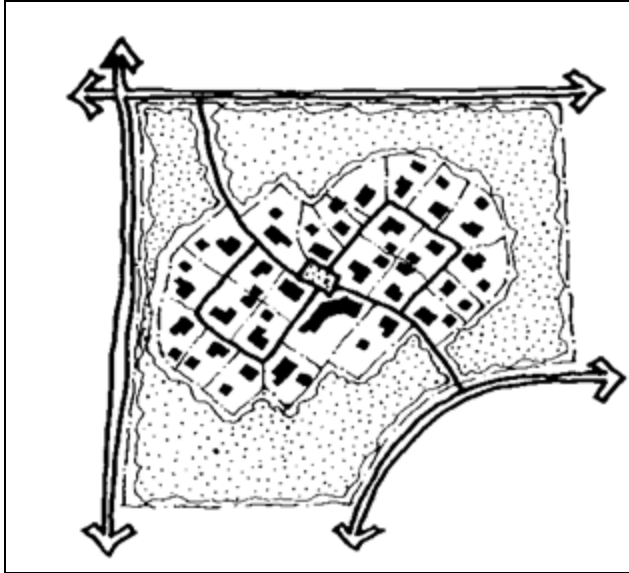


Figure 3-9 3-10: Appropriate Development Example—Buildable lots located within the interior of a development shall be set back from the Columbia Avenue right-of-way in accordance with Subsection 3.4.7(8).

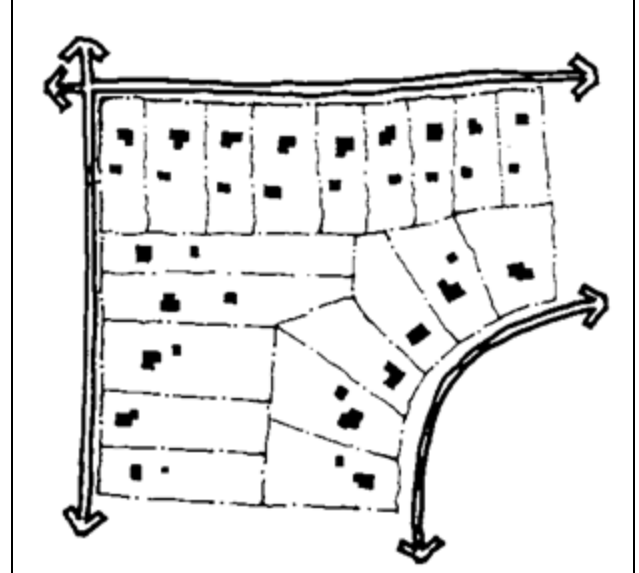


Figure 3-10 3-11: Inappropriate Development Example—New development is prohibited from being located within 250 feet of the Columbia Avenue right-of-way unless otherwise exempted or buffered according to the standards this subsection.

(d) Streetscape

- (i) To maintain the sub-district's rural character, sidewalks and street trees shall not be required along Columbia Avenue.
- (ii) **Compliance with the City's approved Parks Masterplan and Greenways and Open Space Plan is required.**
- (iii) **Historically based fences, such as rail and board fences, and low, dry-stacked stone walls, may be included in the buffer and are encouraged. Stone walls shall be consistent in design and stone type with historic precedents found in the county. If a stone wall is used, the shrub requirement for the buffer shall be waived.**

(e) Rural Gateway Buffer

~~When new buildings will not face Columbia Pike and be set back from the right-of-way at least 250 feet, the following standards shall apply for the Rural Gateway Buffer used to obscure the development from Columbia Pike:~~

- ~~(i) A minimum of 12 trees and 40 shrubs per 100 linear feet of street frontage shall be provided.~~
- ~~(ii) No parking areas or structures shall be permitted within the buffer, and the buffer shall not be disturbed for any reason except as permitted within buffers by Section 5.4, Landscape, Buffers, and Screening.~~

- (iii) ~~The plants shall be from the approved plant list as maintained by the Department of Planning and Sustainability; however, species indigenous to the area are suggested to provide a natural appearance.~~
- (iv) ~~Tree spacing shall be random and not in uniform rows.~~
- (v) ~~Shrubs and trees shall be planted in the buffer in accordance with the following ratios:~~
 - ~~A.) At least 25 percent of the shrubs shall be evergreen shrubs;~~
 - ~~B.) At least 40 percent of the trees shall be canopy trees; and~~
 - ~~C.) At least 25 percent of the trees shall be understory trees.~~
- (vi) ~~Contemporary man-made features, such as berms, shall not be used for screening.~~
- (vii) ~~To prevent the harmful consequences of a monoculture, no more than 40 percent of any one genus of trees and shrubs shall be included in any planting.~~
- (viii) ~~Historically based fences, such as rail and board fences, and low, dry stacked stone walls, may be included in the buffer and are encouraged. Stone walls shall be consistent in design and stone type with historic precedents found in the county. If a stone wall is used, the shrub requirement for the buffer shall be waived.~~
- (ix) ~~Where adjacent properties have been developed according to this standard, or where existing vegetation exists, the buffer shall connect to such vegetation to give the appearance of an existing farm-field boundary.~~

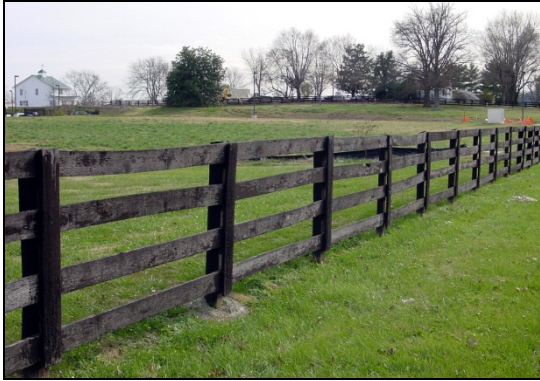


Figure 3-11 3-13: Black four-board horse fences are allowed in CAO 5.



Figure 3-12 3-14: Stone walls ~~are allowed~~**shall be preserved** in CAO 5.

(f) Building Heights

Buildings shall not exceed two stories ~~or a maximum height of 35 feet~~. A maximum height limit of three stories, ~~not to exceed a total height of 42 feet~~, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.

(g) Roofs

- (i) For commercial-type buildings, flat roofs or roofs with parapet walls shall be the predominant roof form.
- (ii) Buildings with a residential character shall employ either gable, hipped or pyramidal roofs having a slope between 5:12 and 12:12. Sloped roofs shall include overhanging eaves that extend a minimum of one foot beyond the building wall.

(h) Façades

- (i) Façades of buildings shall emphasize clearly identified main entrances using awnings, canopies, columns, pilasters, and recessed entrances. Storefronts shall be integrally designed with the upper floors of a building to be compatible with the overall character of the facade.
- (ii) ~~Window and door openings shall have a vertical orientation and alignment between floors.~~
- (iii) ~~Blank walls facing streets shall be prohibited.~~
- (iv) ~~Commercial, office, institutional, and mixed-use buildings shall have a discernible base and cap that are clearly defined by horizontal elements along the bottom and top of the building. Elements to achieve this standard include water tables, storefront kick plates, string courses, corbelling, and material changes.~~

- (v) ~~For two-story commercial, office, institutional, and mixed-use buildings, 65 to 85 percent of the first floor shall be glazed, while 35 to 65 percent of the façade area on upper floors shall be glazed, exclusive of the parapet wall. For one-story commercial or office buildings, 65 to 85 percent of the front façade shall be glazed, exclusive of the parapet wall. Reflective or tinted glass shall be prohibited.~~
- (vi) For buildings having a residential character, a minimum of 25 percent of the façade area shall be covered with window and door openings. Storefronts with generous amounts of window and door transparency properly located and proportioned animate the streetscape by providing visual interest for pedestrians.



Figure 3-13 3-15: The homes shown above are located in Harlinsdale Manor and serve as a good example of architectural style and character that would be appropriate in CAO 5.

(i) Building Materials

- (i) ~~For commercial, office, institutional, and mixed-use buildings, brick or stone shall comprise a minimum of 75 percent of the primary building materials. For accent purposes, stone, cast stone, cement-based stucco, and split-faced concrete block shall be permitted.~~
- (ii) For residential buildings, either brick, wood siding, or fibrous cement siding that closely resembles wood siding, shall **be** comprise at least 50 percent of the primary building material. Cast stone, stone, and cementitious materials shall be permitted and are encouraged as accents to the primary building material.
- (iii) ~~Vinyl, aluminum siding, EIFS, and smooth-face block, and other synthetic materials shall be prohibited.~~

(j) Parking and Access

- (i) ~~Off-street parking areas are prohibited from being located between the building and any public street.~~
- (ii) Parking shall not be permitted between the building facade and Columbia Avenue, regardless of the building's setback, ~~unless a 30-foot buffer designed in accordance with Subsection 3.4.7(8)(e), Rural Gateway Buffer, is provided around the entire parking lot, except where the parking is contiguous to a building.~~

- (iii) Parking-is permitted on the side **and rear** of the building, provided that it complies with the landscaping and screening standards of Chapter 5: Development Standards.

SECTION II. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

By: _____

Eric Stuckey
City Administrator/Recorder

Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

ORDINANCE 2016-005

TO BE ENTITLED: “AN ORDINANCE TO AMEND VARIOUS CHAPTERS OF THE CITY OF FRANKLIN, TENNESSEE, ZONING ORDINANCE PERTAINING TO THE APPROVAL OF DEVELOPMENT PLANS, SITE PLANS AND VESTED PROPERTY RIGHTS.”

WHEREAS, various provisions of the City of Franklin Zoning Ordinance pertain to the process for obtaining approval for the development of property and the period for which such approval is valid; and

WHEREAS, the Tennessee General Assembly has enacted the Vested Property Rights Act of 2014 (the “Act”), which establishes statewide standards under which “vesting periods” are commenced upon the approval of certain types of new Preliminary Development Plans and Final Development Plans (“Development Plans”); and

WHEREAS, during the vesting periods established under the Act, local governments may not apply development standards other than those in effect at the time of approval of the Development Plan, except as permitted by the Act; and

WHEREAS, the Act took effect January 1, 2015, and provided that local governments may pass an Ordinance or Resolution to identify the types of Development Plans that will cause property rights to vest, including the actions that constitute approval of such Development Plans; and

WHEREAS, the revisions to the City of Franklin Zoning Ordinance herein are intended to implement the requirements of the Act in regard to the different types of Development Plans approved by the City of Franklin; and

WHEREAS, this text amendment is in the best interest of the citizens of Franklin.

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

SECTION I: That Chapter 1, Section 1.8, Subsection 1.8.5 of the Franklin Zoning Ordinance is hereby created with the following language to be approved to read as follows:

1.8.5 Vested Property Rights

In accordance with T.C.A. § 13-4-310, the following is the list of the specific types of plans approved, on or after January 1, 2015, that will cause a vested property right to be established, and such action shall constitute final approval of the listed plans:

- (1) Preliminary Development Plans
 - (a) Approval by the BOMA of PUD Development Plan as required by Subsection 2.4.2;
 - (b) Approval by the FMPC of a Preliminary Plat, when not part of a PUD Development Plan, as required by the Franklin Subdivision Regulations; or
 - (c) Approval by the BOMA of a Special Permit as required by Subsection 4.4.
- (2) Final Development Plans
 - (a) Approval by the FMPC, or administratively by staff, of a Site Plan as required by Subsection 2.4.3, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1), or
 - (b) Approval by the FMPC, or Administratively by Staff, of a Final Plat as required by the Franklin Subdivision Regulations, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1).

SECTION II: That Chapter 2, Section 2.4, Subsection 2.4.2(6)(h)(iv) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

- (iv) ~~Upon approval of the resolution,~~ The PUD Development Plan shall be considered to be approved **on the effective date of the resolution**. A majority vote of the full membership of the BOMA shall be required to pass the decision and resolution regarding the Development Plan.

SECTION III: That Chapter 2, Section 2.4, Subsection 2.4.2(11) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

- (11) Amendments for Revisions to an Approved PUD **Development Plan**, Concept Plan or Regulating Plan — ~~January 1, 2000 to December 31, 2014~~

The following subsections provide the framework, **process, and reviewing entity** for revisions or amendments to **approved** Concept Plans, Regulating Plans, or Development Plans. The review process, which applies to the proposed revision, depends upon the elements of the plan proposed for revision. ~~The below sections define the process and the reviewing entity for different types of revisions.~~

~~(A)~~ **(a) Board of Mayor and Aldermen (BOMA) and Franklin Municipal Planning Commission (FMPC) Review**

The items below are considered deviations from ~~the~~ **an approved** Development Plan, Concept Plan or Regulating Plan and require approval of a revised Development Plan by the FMPC and the BOMA, according to the procedure described in 2.4.2(6). The Development Plan shall be approved before the Site Plan is accepted for review.

- ~~I.~~ **(i)** Any increase in entitlements, including the number of dwelling units for residential projects and square footage for non-residential or either for mixed use projects.
- ~~II.~~ **(ii)** Changes or increase from detached to attached dwelling unit(s).
- ~~III.~~ **(iii)** Changes in non-residential square footage related to the institutional and/or industrial use.
- ~~IV.~~ **(iv)** A change in the number and/or location of external access points, or streets classified as collector or arterial roadways.
- ~~V.~~ **(v)** Revisions to the widths or lengths of provided buffers (historic, incompatible use, incompatible lot size, stormwater, etc.).
- ~~VI.~~ **(vi)** Any revision to a condition required by the BOMA.
- ~~VII.~~ **(vii)** Any revision that requires a Modification of Standards (MOS) or that requires a change to an MOS previously approved.

~~(B)~~ **(b) FMPC Review**

The items below are considered deviations from ~~the~~ **an approved** Development Plan, Concept Plan or Regulating Plan and require approval of a revised Development Plan by the FMPC. The Development Plan shall be approved before the Site Plan is accepted for review.

- ~~I.~~ **(i)** Changes to setbacks approved as part of the Development Plan, which change the character of the project.
- ~~II.~~ **(ii)** Major changes to typical lots in either dimension and/or number of lots revised in a section or throughout the development.

- ~~III.~~ **(iii)** Reduction in approved open space within a section of the plan, which impacts the plan.
- ~~IV.~~ **(iv)** Changes in building heights, or number of stories, which impact the visual character or transitional features of the section or plan.
- ~~V.~~ **(v)** Significant changes to the internal street network, block layout, and/or intersection configuration, such as the elimination of streets or connection points, or any reduction to the connectivity index.
- ~~VI.~~ **(vi)** Any impact to existing historic sites or structures, other than impacts previously approved.
- ~~VII.~~ **(vii)** Major changes to parking layout, which adversely alters parking convenience or changes the character of the plan.
- ~~VIII.~~ **(viii)** 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)~~ **(c) Staff Review**

Items not meeting the criteria of Subsections 2.4.2 (11) (a) and (b) **are considered minor revisions and have minimal impact upon the project and may be approved by the Planning Director or his/her designee** ~~may be addressed according to the provisions of this subsection related to staff review. These items are considered minor in nature and have minimal impact upon the project.~~ For staff review, the revised Development Plan shall be submitted simultaneously with a revised Site Plan for staff approval.

The Planning Director or his/her designee may at his/her discretion choose to forward any revised Development Plan to the BOMA, the FMPC or the ~~Department Review Team (DRT)~~ for review, comment and approval. Should the Planning Director or his/her designee require the revised Development Plan be considered by **the** FMPC and/or the BOMA, the submittal requirements for those entities shall apply.

SECTION IV: That Chapter 2, Section 2.4, Subsection 2.4.2(12) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

(12) Amendments for Revisions to Development Plans, Site Plans, Preliminary Plats approved after January 1, 2015

~~Amendments to Development Plans, Site Plans and Preliminary Plats approved after January 1, 2015, will meet the criteria set forth in the State of Tennessee Vesting Property Rights Act of 2014, Section 1, (h) (l), addressing amendments.~~

~~An amendment to an approved development plan by the developer must be approved by the Board of Mayor and Aldermen to retain the protections of the vested property right.~~

~~An amendment may be denied based upon a written finding by the local government that the amendment:~~

- ~~(A) Alters the proposed use;~~
- ~~(B) Increases the overall area of the development;~~
- ~~(C) Alters the size of any nonresidential structures included in the development plan;~~
- ~~(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts, or~~
- ~~(E) Increases any local government expenditure necessary to implement or sustain the proposed use.~~

- ~~(2) If an amendment is denied by the Board of Mayor and Aldermen based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the Board of Mayor and Aldermen determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property rights.~~
- ~~(3) Staff will review all amendments requested by developer(s) and approve those with minor changes not impacting the development and meeting the criteria of the Vesting Property Rights Act of 2014. Staff will forward to the Board of Mayor and Aldermen all requests for amendments to project approved after January 1, 2015, that contain changes related to 2.4.2 (12) (1) (A) through E.~~

(12) Reserved

SECTION V: That Chapter 2, Section 2.4, Subsection 2.4.2(13) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

~~(13) — Time Limit~~

~~Since the approval of a Development Plan is not intended for speculative development projects, but represents an applicant's firm intention to develop according the entitlements and master plan approved with the Development Plan, the Planning Commission shall review each Development Plan within two (2) years of the BOMA approval date and each subsequent year until the PUD Development Plan is deemed Complete. For the purposes of this subsection, Complete shall mean either the issuance of a building permit for any section of the PUD and vertical construction has commenced or the issuance of a Grading Permit for any section of the PUD and construction of streets, sewer, water, or other utilities (land preparation such as clearing, grading, and filling shall not be a sufficient level of construction activity to be considered complete); Actively Under Development shall mean that either site plans and plats are approved by the City for any section of the PUD or land preparation such as clearing, grading, and filling is underway for any section of the PUD; and Inactive shall mean that none of the items defined as Complete or Actively Under Development have occurred on site. The FMPC may consider other factors not specifically described above in the review of the status of the PUD.~~

~~During the FMPC review of the status of the PUD, Development Plans shall be classified as (1) Complete, (2) Actively Under Development, or (3) Inactive. If, after review, the project is deemed Actively Under Development by the FMPC, then the project shall again be reviewed within 1 year to re-determine its status. If, after review, the project is deemed Inactive by the FMPC, the following process shall apply to determine the continued appropriateness of the Development Plan:~~

- ~~(a) — The FMPC shall make a recommendation onto the BOMA as to whether the Development Plan should remain in effect on the property, whether any amendments or revisions to the approved Development Plan are necessary, or whether the Development Plan should be revoked. The FMPC may consider the following in the review of the Development Plan the Land use Plan, the Zoning Ordinance, the Subdivision Regulations, and/or any other City regulations.~~
- ~~(b) — The BOMA shall consider the FMPC recommendation and then shall either affirm that the Development Plan should remain in effect, providing a 1 year extension for the plan, or shall act to revoke the Development Plan.~~

(13) Reserved

SECTION VI: That Chapter 2, Section 2.4, Subsection 2.4.2 (14) through (18) of the Franklin Zoning Ordinance are hereby created with the following language to be approved to read as follows:

(14) Vesting Period and Time Limit – Development Plan

In accordance with T.C.A. § 13-4-310, and subject to the exceptions set forth in said statute, the approval of a new Development Plan on, or after January 1, 2015, 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 standards applicable to the approved Development Plan. The vesting period for an approved Development Plan shall be as follows:

- (a) A Development Plan shall be vested for a period of three (3) years from the date of approval. A Development Plan shall be considered approved on the effective date of the Resolution approving the Development Plan by the BOMA.
- (b) If the applicant secures approval of a Site Plan, secures any necessary permits, and commences site preparation within the initial three (3) year vesting period, then the vesting period shall be extended an additional two (2) years beyond the expiration of the initial three (3) year vesting period. Approval of a site plan shall become effective upon the date of approval by the FMPC or administratively by staff, as required by Subsection 2.4.3.

During the two (2) year extension period, the applicant must obtain approval of, and record, a final plat, if required, commence construction, and maintain any necessary permits to remain vested. Approval of a final plat shall be considered effective upon the date the applicant obtains the last signature of approval required on the plat for recording.

- (c) If construction commences within the initial five (5) year vesting period, then the vesting period shall remain in effect until the City has certified the final completion of the development through the issuance of all Final Certificates of Occupancy and the release of all Maintenance Obligations; provided that the total vesting period shall not exceed ten (10) years from the date of approval of the Development Plan unless an extension is granted by the BOMA pursuant to Subsection 2.4.2(16)(b); provided further, that the applicant maintains any necessary permits during the ten-year period.
- (d) There shall be a separate vesting period applicable to each section or phase of a development that is planned to be developed in two or more sections or phases as described in the Development Plan approved by the BOMA. The development standards which are in effect on the date of approval of the Development Plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases in the development until the City has certified the final completion of the development through the issuance of all Final Certificates of Occupancy and the release of all Maintenance Obligations; provided that the total vesting period for all sections or phases shall not exceed fifteen (15) years from the date of the approval of the Development Plan unless an extension is granted by the BOMA pursuant to Subsection 2.4.2(16)(b); provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(15) Amendments to Development Plans Approved on, or After January 1, 2015

- (a) Except as provided in Subsection 2.4.2(15)(b) below, amendments to Development Plans originally approved on, or after January 1, 2015, shall be approved by the BOMA, FMPC, or

administratively by staff, as required by Subsection 2.4.2(11), in order to retain the protections of the vested property right. An amendment may be denied based upon a written finding that the proposed amendment fails to meet the development standards in effect at the time the Development Plan was approved.

- (b) The FMPC and the BOMA shall review and approve amendments as specified in Subsection 2.4.2(11)(a), if the proposed amendment:
 - (i) Alters the proposed use or uses;
 - (ii) Increases the overall area of the development;
 - (iii) Alters the size of any nonresidential structures included in the Development Plan;
 - (iv) Increases the density of the development so as to affect traffic, noise, or other environmental impacts; or
 - (v) Increases any local government expenditure necessary to implement or sustain the proposed use.

Pursuant to T.C.A. § 13-4-310 (h)(1), the BOMA may deny a request to amend a Development Plan based upon a written finding that the proposed amendment fails to meet the development standards in effect at the time the Development Plan was approved, or for any of the reasons listed above in (i) through (v).

- (c) If an amendment is denied based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application for approval of a Development Plan. New applications for approval of a Development Plan shall be required to meet all of the development standards then in effect for those portions of the project not already constructed or under construction. However, notwithstanding the provisions of 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 amended plan without terminating the vested property right.

(16) Expiration and Extension of Vesting period

- (a) Upon the expiration of a vesting period for a Development Plan, construction may not proceed unless a new Development Plan is approved by the BOMA pursuant to the provisions of Subsection 2.4.2. Any new application for approval of a Development Plan shall be required to meet all of the development standards then in effect for those portions of the project not already constructed or under construction.
- (b) Alternatively, the BOMA may grant an extension of the total vesting period for a development if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right.

(17) Termination of Vested Property Right – Violation of Conditions of Approval

Notwithstanding the foregoing, approval of a Development Plan will be subject to any conditions established at the time of approval. Pursuant to T.C.A. § 13-4-310(f), if the established conditions of approval for a Development Plan are not met, the applicant will be allowed 90 days to cure the violation of any condition of approval; provided further, that the BOMA may grant an additional time period 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 Development Plan to terminate; provided, however, the BOMA 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.

(18) Enforcement of Vested Development Standards

A vested development standard shall not preclude the City from enforcing a development standard in accordance with the provisions of T.C.A. § 13-4-310(g).

SECTION VII: That Chapter 2, Section 2.4, Subsection 2.4.3 (7) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

(7) Time Limit

The following time limits shall apply for Site Plans that were approved on, or before December 31, 2014, or for Site Plans that were 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 approved 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) Upon written request, two site plan extensions may be granted. The first site plan extension may be granted by the original approving body, if the applicant can show good cause. A second site plan extension may only be granted by the Planning Commission, if the applicant can show good cause. Each site plan extension request is for six months. The two requests shall not be submitted or granted simultaneously. A site plan extension shall be requested prior to the original expiration date or the expiration of the first extension. All dates are calculated from the original approval date. All site plan extensions shall adhere to the provisions of Subsection 2.4.3(7).
- (c) For Residential Site Plans that do not have an approved Building Permit within one year of the date of the Residential Site Plan approval, a Grading and Stormwater permit shall be approved and construction of streets, water, sewer, sidewalk, utilities, and/or other infrastructure shall have commenced within one year of the date of the Residential Site Plan approval, otherwise the approval shall become invalid. Land preparation itself, such as clearing, grading, and filling, is not a sufficient level of construction activity to keep the site plan approval from expiring.

SECTION VIII: That Chapter 2, Section 2.4, Subsection 2.4.3 (8) of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**, and is approved to read as follows:

~~(8) Amendments of an Approved Site Plan~~

- ~~(a) — If an applicant desires to amend an approved Site Plan, then the amendment may be made with the approval of the appropriate city department with the exception of those changes stated in paragraph (b) below. However, if a proposed change will, in the opinion of the appropriate city department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the city at large, then a re-submittal to the Department of Planning and Sustainability or the FMPC (as appropriate) shall be required pursuant to the provisions of this chapter.~~

- ~~(b) A change to an approved Site Plan shall require a re-submittal to the decision-making body responsible for the original approval, if:~~
- ~~(i) The density of the development is to be increased;~~
 - ~~(ii) The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;~~
 - ~~(iii) Required landscaping materials are to be deleted;~~
 - ~~(iv) Required open space is to be deleted;~~
 - ~~(v) There is any change in plans for historic structures or sites;~~
 - ~~(vi) Drainage, streets, or other engineering design changes will materially alter items approved in the Site Plan; and/or~~
 - ~~(vii) There are any major changes that could potentially create an adverse impact on stormwater quality, stormwater quantity management, or other stormwater management ordinance requirements.~~

(8) Vesting Period and Time Limit – Site Plans Approved on, or After January 1, 2015

(a) Site Plans Not Associated with a Preliminary Development Plan as Specified in Subsection 1.8.5

In accordance with T.C.A. § 13-4-310, and subject to the exceptions set forth in said statute, the approval of a new Site Plan, which is not part of a Preliminary Development Plan as specified in Subsection 1.8.5, 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 standards applicable to the approved Site Plan. The vesting period for an approved Site Plan shall be as follows:

- (i) A Site Plan shall be vested for a period of three (3) years from the date of approval. A Site Plan shall be considered approved upon the date of approval by the FMPC or, administratively by staff, as required by Subsection 2.4.3(2).**
- (ii) If the applicant secures approval of a Final Plat, if required, secures any necessary permits, and commences site preparation within the initial three (3) year vesting period, then the vesting period shall be extended an additional two (2) years beyond the expiration of the initial three (3) year vesting period. Approval of a final plat shall be considered effective upon the date the applicant obtains the last signature of approval required on the plat for recording. During the two (2) year extension period, the applicant must record the final plat, if required, commence construction, and maintain any necessary permits to remain vested.**
- (iii) If construction commences within the initial five (5) year vesting period then the vesting period shall remain in effect until the City has certified the final completion of the development through the issuance of all Final Certificates of Occupancy and the release of all Maintenance Obligations; provided that the total vesting period shall not exceed ten (10) years from the date of approval of the Site Plan unless an extension is granted by the FMPC pursuant to Subsection 2.4.3(10)(b); provided further, that the applicant maintains any necessary permits during the ten-year period.**
- (iv) There shall be a separate vesting period applicable to each section or phase of a development that is planned to be developed in two or more sections or phases as described in the Site Plan approved by the FMPC or Administratively by Staff. The development standards which are in effect on the date of approval of the Site Plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases in the development until the City has certified the final completion of the development through the issuance of all Final Certificates of Occupancy and the release of all Maintenance Obligations; provided that the total vesting period for all sections or phases shall not exceed fifteen (15)**

years from the date of the approval of the Development Plan unless an extension is granted by the FMPC pursuant to Subsection 2.4.3(10)(b); provided further, that the applicant maintains any necessary permits during the fifteen-year period.

- (b) Site Plans Associated with a Preliminary Development Plan as specified in Subsection 1.8.5**
A Site Plan that is associated with a Preliminary Development Plan as specified in Subsection 1.8.5, shall be valid for two (2) years from the date of approval of the Site Plan by the FMPC, or administratively by staff. The development standards adopted by the City, and in effect on the date of approval of the Preliminary Development Plan, shall remain the standards applicable to the approved Site Plan. If the applicant secures approval of, and records, a Final Plat, if required, secures any necessary permits, and commences construction within the two (2) year period, then the Site Plan shall remain valid throughout the vesting period established for the approved Preliminary Development Plan.

SECTION IX: That Chapter 2, Section 2.4, Subsection 2.4.3 (9) through (12) of the Franklin Zoning Ordinance are hereby created with the following language to be approved to read as follows:

(9) Amendments

- (a) Amendments to a Site Plan originally approved on, or before December 31, 2014, or Amendments to Site Plans approved on, or after January 1, 2015, that are associated with a Development Plan, Concept Plan, Regulating Plan, or Preliminary Plat originally approved on, or before December 31, 2014**

The following requirements shall apply to amendments to Site Plans originally approved on, or before December 31, 2014, or to Site Plans approved on, or after January 1, 2015, that are associated with a Development Plan, Concept Plan, Regulating Plan, or Preliminary Plat that was originally approved on, or before December 31, 2014:

- (i) If an applicant desires to amend an approved Site Plan, then the amendment may be made with the approval of the appropriate City Department with the exception of those changes stated in Subsection 2.4.3(9)(a)(ii) below. However, if a proposed change will, in the opinion of the appropriate city department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the City at-large, then a resubmittal of the site plan for approval by the FMPC, or administratively by staff, as appropriate, shall be required pursuant to the provisions of Subsection 2.4.3.
- (ii) An amendment to an approved Site Plan shall require a resubmittal and approval by the decision-making body responsible for the original approval, if:
 - A.) The density of the development is to be increased;
 - B.) The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;
 - C.) Required landscaping materials are to be deleted;
 - D.) Required open space is to be deleted;
 - E.) There is any change in plans for historic structures or sites;
 - F.) Drainage, streets, or other engineering design changes will materially alter items approved in the Site Plan; and/or
 - G.) There are any major changes that could potentially create an adverse impact on stormwater quality, stormwater quantity management, or other stormwater management ordinance requirements.

- (b) Amendments to a Site Plan Originally Approved on, or After January 1, 2015, and Associated with a Preliminary or Final Development Plan as specified in Subsection 1.8.5**

Except as provided in Subsections 2.4.3(9)(b)(i) through (iii) below, an amendment to a Site Plan shall be approved by the FMPC, or administratively by staff, according to the requirements specified in Section 2.4.3(9)(a)(i), in order to retain the protections of a vested property right.

(i) An amendment may be denied by the FMPC, or administratively by staff, based upon a written finding that the proposed amendment fails to meet the development standards in effect at the time the Site Plan was approved.

(ii) The FMPC shall review and approve amendments, if the proposed amendment:

- A.) Alters the proposed use or uses;
- B.) Increases the overall area of the development;
- C.) Alters the size of any nonresidential structures included in the Development Plan;
- D.) Increases the density of the development so as to affect traffic, noise, or other environmental impacts; or
- E.) Increases any local government expenditure necessary to implement or sustain the proposed use.

Pursuant to T.C.A. § 13-4-310 (h)(1), the FMPC may deny a request to amend a Site Plan based upon a written finding that the proposed amendment fails to meet the development standards in effect at the time the Site Plan was approved, or for any of the reasons listed above in (A) through (E).

(iii) If an amendment is denied based upon such a written finding, then the applicant may either proceed under the prior approved Site Plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application for approval of a Site Plan. Any new application for approval of a Site Plan shall be required to meet all of the development standards then in effect for those portions of the project not already constructed, or under construction. However, notwithstanding the provisions of this Subsection, a vested property right shall not terminate if the FMPC determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(10) Expiration and Extension of Vesting period

(a) Upon the expiration of a vesting period for a Site Plan as established pursuant to Subsection 2.4.2(14) or Subsection 2.4.3(8), construction may not proceed unless a new Site Plan is approved by the FMPC or administratively by staff pursuant to the provisions of Subsection 2.4.3. Any new application for approval of a Site Plan shall be required to meet all of the development standards then in effect for those portions of the project not already constructed or under construction.

(b) Alternatively, the FMPC may grant an extension of the total vesting period for a development if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right.

(11) Termination of Vested Property Right – Violation of Conditions of Approval

Notwithstanding the foregoing, the approval of a Site Plan will be subject to any conditions established at the time of approval. Pursuant to T.C.A. § 13-4-310(f), if the established conditions of approval for a Site Plan are not met, the applicant will be allowed 90 days to cure the violation of any condition of approval; provided further, that the decision making body responsible for the approval of the Site Plan may grant an additional time period 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 Site Plan to terminate; provided, however, the FMPC 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.

(12) Enforcement of Vested Development Standards

A vested development standard shall not preclude the City from enforcement a development standard in accordance with the provisions of T.C.A. § 13-4-310(g).

SECTION X: That Chapter 8, Section 8.3, of the City of Franklin Zoning Ordinance is hereby amended by inserting the following definitions, alphabetically, and is approved to read as follows:

Construction

For purposes of the 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.

Development standards

For purposes of the Vested Property Rights Act of 2014, means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements, layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning; lot size; lot configuration; yard dimensions; 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;

Final Development Plan

For purposes of the Vested Property Rights Act of 2014, is a plan which has been submitted by an applicant and approved by the City of Franklin describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The following types of plans approved, on or after January 1, 2015, are considered to be Final Development Plans:

- (1) Approval by the FMPC, or administratively by staff, of a Site Plan as required by Subsection 2.4.3, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1), or
- (2) Approval by the FMPC, or Administratively by Staff, of a Final Plat as required by the Franklin Subdivision Regulation, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1).

A Final Development Plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any additional information as required in the checklist included in the Administrative Manual for the type of plan being approved. A variance does not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained does not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan.

Preliminary Development Plan

For the purposes of the Vested Property Rights Act of 2014, is a plan which has been submitted by an applicant that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and to secure preliminary approvals. Examples of information typically found on Preliminary Development Plans include information as required in the checklist included in the Administrative Manual for the type of plan being approved, and including, but not limited to information about proposed land uses, density and intensity of development, road networks, public utilities, general location of off-street parking, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved Preliminary Development Plan serves as a guide for all future improvements within defined boundaries. The following types of plans approved, on or after January 1, 2015, are considered to be Preliminary Development Plans:

- (1) Approval by the BOMA of a PUD Development Plan, as required by Subsection 2.4.2;
- (2) Approval by the FMPC of a Preliminary Plat, when not part of a PUD Development Plan, as required by the Franklin Subdivision Regulations; or
- (3) Approval by the BOMA of a Special Permit, as required by Subsection 4.4.

Site preparation

Means 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.

SECTION XI: Severability. 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 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 XII: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
Eric S. Stuckey
City Administrator

BY: _____
Dr. Ken Moore
Mayor

Approved as to Form:

Shauna R. Billingsley, City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

Ordinance 2016-005

Vested Property Rights

Joint Conceptual Workshop
April 28, 2016

Topics

- Introduce proposed Text Amendment – Vested Property Rights
- Provide brief overview of Vested Property Rights Act (VPRA) of 2014
 - Background
 - Types of Plans
 - Summary of Vesting Process
- Update on where we are now and what we need to do
- Schedule

Background

Vested Property Rights Act (VPRA) of 2014

- Effective January 1, 2015
- Adopted statewide standards
 - Established requirements and time limits for vesting periods
 - Identified the types of plans and approvals that initiate a vesting period
- What gets vested?
 - The development standards in effect on the date of approval remain the development standards applicable to a project throughout its vesting period
- VPRA enabled local governments to adopt Ordinances to:
 - Specify the types of plans in a community that will cause property rights to vest
 - Identify what constitutes approval of those plans

Types of Plans

- VPRA – Classifies two types of “Development Plans” that start a vesting period

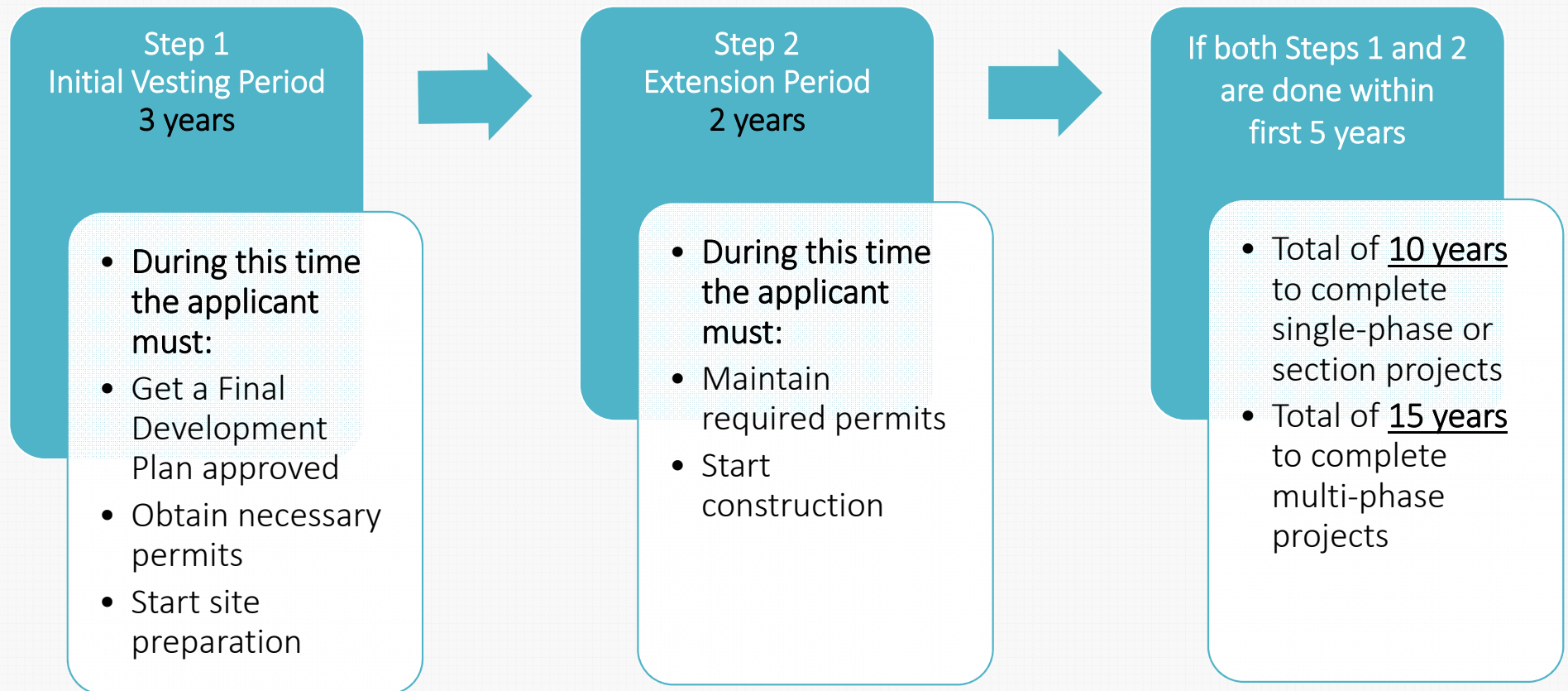
Preliminary Development Plans

- Used to get initial public feedback and secure preliminary approvals
- Serves as a guide for all future improvements
- Single-phased or multi-phased development

Final Development Plans

- Where No Preliminary Development Plan is required
- Plans that describe with reasonable certainty the type and intensity of use for a specific property.
- Examples of types of plans listed in VPRA:
 - Planned unit development plan
 - Subdivision plat
 - General development plan
 - Subdivision infrastructure construction plan
 - Final engineered site plan
 - Any other land-use approval designation utilized by a local government

Summary of Vesting Process



Where we are now

Ordinance 2014-37

- Adopted March 2015
- First step in addressing VPRA
- VPRA referenced only for amendments
 - Revised Amendment Process for PUD's
 - Added Section for Amendments to Development Plans, Site Plans, and Preliminary Plats approved after January 1, 2015

What we need to do

- Amend Zoning Ordinance to address all of the VPRA requirements
- Add a new Section 1.8.5, Vested Property Rights
 - Identify the types of plans in Franklin that cause a vested property right to be established
 - Specify what action constitutes approval
- Update Sections 2.4.2 (PUD's) and 2.4.3 (Site Plans)
 - Clarify the process for amendments
 - Incorporate VPRA requirements
- Add VPRA definitions to Chapter 8

Add New Section 1.8.5, Vested Property Rights

Why Add this Section?

- VPRA requires us to:
 - Specifically identify the types of plans in Franklin that cause a vested property right to be established
 - Identify what constitutes approval for each type of plan
- Mirrors language used in VPRA
- Helps to identify the requirements for plans approved before and after 01/01/15

1.8.5 Vested Property Rights

In accordance with T.C.A. § 13-4-310, the following is the list of the specific types of plans approved, on or after January 1, 2015, that will cause a vested property right to be established, and such action shall constitute final approval of the listed plans:

(1) Preliminary Development Plans

- (a) Approval by the BOMA of PUD Development Plan as required by Subsection 2.4.2;
- (b) Approval by the FMPC of a Preliminary Plat, when not part of a PUD Development Plan, as required by the Franklin Subdivision Regulations; or
- (c) Approval by the BOMA of a Special Permit as required by Subsection 4.4.

(2) Final Development Plans

- (a) Approval by the FMPC, or administratively by staff, of a Site Plan as required by Subsection 2.4.3, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1), or
- (b) Approval by the FMPC, or Administratively by Staff, of a Final Plat as required by the Franklin Subdivision Regulations, when not part of a Preliminary Development Plan as specified in Subsection 1.8.5(1).

Amend Section 2.4.2 – PUD's

- **Update Amendment Section**
 - Fixes numbering and removes dates in title - No substantive changes to existing process/requirements
 - Applies to all amendments whether or not they are subject to vesting requirements
- **Add Section for Vesting Period and Time Limits for Development Plans**
 - Adds vesting time periods and specifies the approvals and requirements to remain vested
- **Add Section for Amendments to Development Plans approved on, or after 01/01/15**
 - Incorporates VPRA requirements for amendments
 - Uses the updated amendment process listed above
 - Exception – FMPC and BOMA required to review and approve amendments that:
 - Alter the proposed use or uses
 - Increase the overall area of the development
 - Alter the size of any nonresidential structures included in the Development Plan
 - Increase the density of the development so as to affect traffic, noise, or other environmental impacts
 - Increase any local government expenditure necessary to implement or sustain the proposed use.
 - Amendments may be denied if:
 - They do not meet any of the development standards in effect at time of approval, or
 - By BOMA for any of the 5 reasons listed above.
- **Add Sections for Expiration, Extension, Termination and Enforcement of Vested Property Rights**

Amend Section 2.4.2 – Site Plan Review

- **Amend Time Limit Section**
 - Clarifies that the existing time limit applies to:
 - Site Plans approved **before 12/31/14, or after 01/01/15** when they are associated with a Concept/Development Plan or Preliminary Plat approved **before 12/31/14**
 - VPRA does not apply to these types of Site Plans
- **Add Section for Vesting Period and Time Limit for Site Plans approved on, or after 01/01/15**
 - Site Plans not associated with a Preliminary Development Plan – Adds VPRA time periods and approval requirements
 - Site Plans associated with a Preliminary Development Plan – Valid for 2 years and remain valid during vesting period
- **Revise Amendments Section**
 - Amendments not subject to the VPRA – follow the same process we use now
 - Amendments subject to the VPRA – follow same process with exception – FMPC must review/approve amendments that:
 - Alter the proposed use or uses
 - Increase the overall area of the development
 - Alter the size of any nonresidential structures included in the Development Plan
 - Increase the density of the development so as to affect traffic, noise, or other environmental impacts
 - Increase any local government expenditure necessary to implement or sustain the proposed use.
 - Amendment may be denied if:
 - They do not meet any of the development standards in effect at time of approval, or
 - By FMPC for any of the 5 reasons listed above.
- **Add Sections for Expiration, Extension, Termination and Enforcement of Vested Property Rights**

Add VPRA Definitions in Chapter 8

- Definitions are based on language in VPRA and updated for Franklin
- Add definitions for:
 - Construction
 - Development Standards
 - Final Development Plan
 - Preliminary Development Plan
 - Site Preparation

Schedule

- Introduce Ordinance at Joint Conceptual Workshop – 04/28/16
- Review Ordinance at Joint Conceptual Workshop – 05/26/16
- FMPC – 05/26/16
- BOMA Worksession and 1st Reading – 06/14/16
- BOMA Public Hearing and 2nd Reading – 07/12/16
- BOMA 3rd Reading – 08/09/16