



City of Franklin

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

Meeting Agenda

BOMA & FMPC Joint Conceptual Workshop

Thursday, March 27, 2025

5:00 PM

Williamson County
Auditorium

MEETING LOCATION

Williamson County Auditorium
1320 West Main Street

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 the date, time and in the location stated above. Additional information can be found at www.franklintn.gov/planning. For accommodations due to disabilities, contact the Human Resource 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. (5:00 - 5:20 PM) Presentation of 2024 Development Report and Future Changes
2. (5:20 - 5:50 PM) Zoning Ordinance Update Potential Topics: Sureties/Bonds
3. (5:50 - 6:30 PM) Zoning Ordinance Update Potential Topics: Flags

OTHER BUSINESS

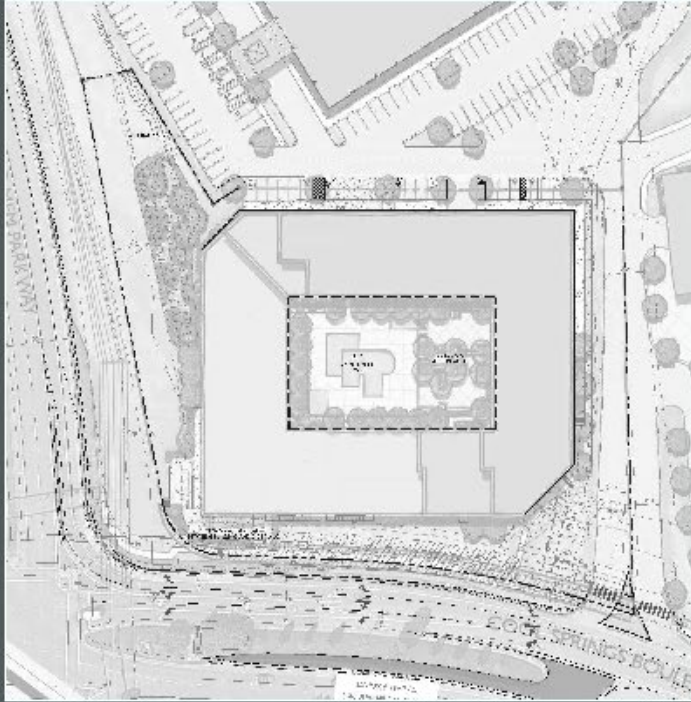
ADJOURN

FUTURE DEVELOPMENT REPORT CHANGES AND CONCEPTS

March 27, 2025

MAJOR CHANGES UNDER CONSIDERATION

- Give the projects a face along with the name
 - Integrate graphics and images to highlight project approvals
 - Include pictures, maps, and project data for residential and mixed-use projects



The Caroline

MPD-PLANNED DISTRICT
APPROVAL DATE

101 COOL SPRINGS BLVD
MIXED USE DEVELOPMENT
WITH 190 APPROVED MULTI-
FAMILY UNITS AND 3,607 SF OF
COMMERCIAL AT THE CORNER OF
COOL SPRINGS BLVD AND MACK
HATCHER MEMORIAL PKWY.

TOTAL SITE SQUARE FOOTAGE:
126,583 (2.906 ACRES)
DESIGN CONCEPT:
REGIONAL COMMERCE
OPEN SPACE: 6,329 SF
NATURAL AREA: 12,658 SF



EXAMPLE SPREAD

MAJOR CHANGES UNDER CONSIDERATION

- Large full spreads highlighting major approvals
 - Give the project a face along with the name
- Pie-chart breakdown of entitled Development Plans showing square footage breakdown by nonresidential type
 - Office/commercial/retail/etc.
- Refinement of LCS (Land Coding System)
 - Focus on aligning land use descriptions with building types utilized in Zoning Ordinance

MINOR CHANGES UNDER CONSIDERATION

- Relocation of major tables into appendices or rear of document
 - Population table
 - Zoning Changes table
- Split buildout table into two parts:
 - Residential developments *entitled*, but no constructed units
 - Residential developments *actively* under construction
- Focus on new construction with removal of site plans for small additions

THOUGHTS AND FEEDBACK

Development Report is now available at:

www.FranklinTN.gov/DevelopmentReport

PERFORMANCE AGREEMENTS AND SURETIES

PERFORMANCE BONDS



Additional Tool for our toolbox?

City staff has had a substantial increase in requests to use Performance Bonds as a performance surety option, insuring the proper installation of required site improvements

Developers are citing that Performance Bonds can allow them to better position their equity and assets against the surety requirements for development projects



DSAC Review

Provided guidance on whether to implement an insurance bond option for required improvements on private development

Discussions at 10/1/2024 and 2/4/2025 meetings

Recommendation: Support the use of insurance bonds, adopting similar criteria of current surety options



Current Requirements

Required improvements such as streets, sewer, stormwater infrastructure, landscaping, etc., shall be:

- 1) Constructed prior to building permit or;
- 2) A performance surety shall be provided to ensure the completion, construction, installation, and dedication of all required improvements

The performance surety shall be in the amount of 125% of the actual estimated cost of the listed improvements.



Cashier's Check



Irrevocable Standby
Letter Of Credit

What's unique with a bond?

3rd party

COMPANY

Typically an insurance company rather than a financial institution

term

DURATION

Standard AIA template shows that the term of the bond is typically the duration of the project



defaults

WORK COMPLETE

Work likely to be completed by 3rd party, rather than funds paid out to City

coverage

COST OF CONSTRUCTION

Actual Cost of Construction is covered; inflation not always a factor

What's everyone else doing?

i.e. Nashville



Do you accept more performance bonds or letters of credit:

Accept about the same amount of each, 50/50; rarely do they receive cashier's checks



Do you see a trend on when performance bonds are used:

Performance bonds seem to be received more frequently on larger projects



Do you see a trend in project completion when performance bonds are used:

Projects do seem to take longer, opinion is that it's due to funds not being tied to LOC



Do you have any issues with expiration of performance bonds:

No, standard template requires that bonds are non-expiring

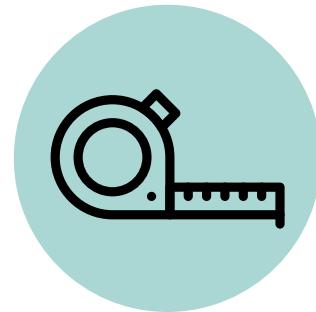
DSAC Suggestions



Non-Expiring



City listed as Beneficiary



Minimum standards: "A" AM Best Rating, within the USA, and operates under the laws of the State of Tennessee



Default procedures listed in bond



Window of notice if 3rd party intends to dissolve bond



OTHER SURETIES ADJUSTMENTS



Landscaping Sureties

Remove the 1-year Maintenance Agreement Requirement

- **QUICKER TURNOVER:** In residential projects, allows landscaping to be turned over to HOA's faster, for neighborhood management
- **AVOID MOTHER NATURE:** Fluke weather events can unnecessarily prolong maintenance agreements without proper funds allocated for full replacement
- **STRICTER INSPECTION:** Inspectors can refuse release of landscaping surety until all plants are installed and healthy

Maintenance Agreement Minimums

Increase dollar amount of minimum Maintenance Agreement Calculations

Currently calculated at 25% of performance agreement or \$2,500 (\$3,000 for landscaping), whichever is greater.

Increase minimum amount to **\$10,000** for all sureties reacting to inflation and rising costs of materials/labor





Update technology

Replace language about facsimile use

- **If Bonding agency is not within Williamson or Davidson County,** required to provide means for default presentation
- update Facsimile option to email option

Allow Out-Of-State Institutions

No longer require institution to have a branch/office in Williamson or Davidson County

- Less need to present documents in person

Clauses in Performance Agreement capture options for emergency situations

- Businesses should be licensed/registered in TN
- Should be businesses within the United States



Summary



- Specify Performance Bond as a means for securing a Performance Agreement, with suggested minimum standards
- Remove 1-year maintenance agreement requirement for landscaping sureties
- Increase minimum maintenance agreement amounts to \$10,000
- Replace outdated technology references
- Allow for out-of-state institutions

Display of Flags Zoning Ordinance Presentation

Joint Conceptual Workshop
March 27, 2025

Planning & Sustainability
Department



HISTORIC
FRANKLIN
TENNESSEE

Overview Of Comments From October 22, 2024 BOMA Work Session

Last year, a Notice of Violation was issued to a residential property for the number of flags, which prompted a BOMA Work Session discussion.

BNS presented to BOMA research on the displaying of flags in other peer communities in the US.

The purpose was to review how other cities and towns regulated flags, specifically:

1. Maximum number of flags permitted
2. Temporary flags
3. Setbacks
4. Height
5. Size restrictions

Many comments and questions were raised on how flags could be regulated in the City of Franklin.



Additional Research Of Other Communities

Staff did further research on some of the cities previously presented to find additional information on the questions raised by the BOMA:

- *Definitions relating to flags*
- *Regulations for temporary flags*
- *Maximum number of flags permitted*
- *Exemptions for flags*



Franklin's Current Flag Regulations

- Cloth material, typically rectangular, attached by one edge to a pole
- Can be affixed to a flagpole located on the ground or on a building
- Permitted in all districts
- Maximum of 3 per lot
- Pole height maximum of 40 feet (from ground); or 20 feet for rooftop poles
- Max width of flag shall not exceed $\frac{1}{4}$ the height of the pole (40' pole = 10 feet width)



Other Cities And Number Of Flags Permitted

Research of other cities found that the number of permanent flags permitted varies but does not appear to exceed “3”:

Cities that allow maximum of 3 flags per lot:

- Murfreesboro, Tennessee
- Charlottesville, Virginia
- Fishers, Indiana
- Hoover, Alabama
- Greenville, South Carolina
- Boulder, Colorado
- **Franklin, Tennessee**

Cities that allow maximum of 3 flag poles:

- Cary, North Carolina
- Durham, North Carolina
- Fort Collins, Colorado
- Chandler, Arizona



Other Cities And Temporary Flags

Research of other communities found varying standards on temporary flags, and the time duration of temporary flags:

- Max square footage: varies 6 – 32 square feet
- Duration: varies between 50 – 120 calendar days



(Example of flag sizes)



Other Cities And Exemptions

Based on research of other cities, it was found that some cities may exempt flags on various levels:

Cities where flags are exempt from sign regulations:

1. Knoxville, TN
2. Amarillo, Texas
3. Charleston, SC

Cities where flags are exempt from requiring a permit, but may still have applicable sign standards:

1. Dublin, OH
2. Destin, FL
3. Charlottesville, VA
4. Carmel, IN
5. **Franklin, TN**



Potential Zoning Ordinance Amendments



Potential Zoning Ordinance Amendments

Staff has researched and discussed various options. The following is a list of **possible** updates that are specific to Franklin and discussions regarding flags thus far:

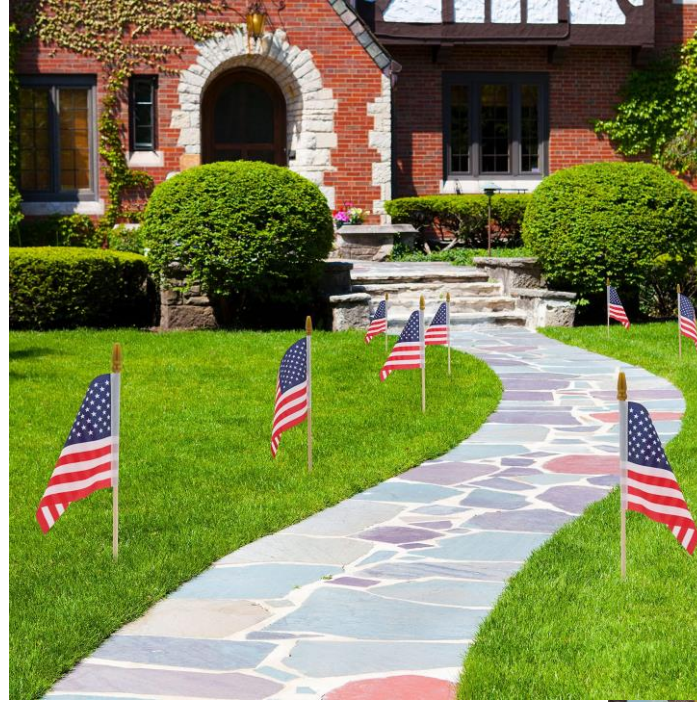
1. Consider exempting small temporary flags under a specific size
2. Consider adding a temporary flag sign type for holidays and special events
3. Consider adding a maximum number of flags per pole
4. Consider adding a wall-mounted requirement to not exceed the height of the building



Exempt Small Temporary Flags

Consider completely exempting small temporary flags from any sign requirements.

Staff will do further research on small flag sizes if BOMA and FMPC wish to proceed with this exemption.



Add a Temporary Flag Sign Type

Could be an unlimited number of flags.

Allow for temporary flags to be flown during federal holidays.

Could be flown 10 days before the holiday and 5 days after.

Allow for 2 floating events with the same duration.

Federal Holidays

Overview	2024	2025	2026	2027	2028	2029	2030	Historical Data
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2024

2024 Holiday Schedule

Date	Holiday
Monday, January 01	New Year's Day
Monday, January 15	Birthday of Martin Luther King, Jr.
Monday, February 19 *	Washington's Birthday
Monday, May 27	Memorial Day
Wednesday, June 19	Juneteenth National Independence Day
Thursday, July 04	Independence Day
Monday, September 02	Labor Day
Monday, October 14	Columbus Day
Monday, November 11	Veterans Day
Thursday, November 28	Thanksgiving Day
Wednesday, December 25	Christmas Day



Add a Maximum Number of Flags Per Pole

Consider adding a standard that allows for up to two flags per pole (but still a maximum of 3 flags per lot).



Add a Wall-Mounted Requirement

Consider adding a requirement for wall-mounted flags to not exceed the height of the building, such as the rooftop or cornice line.



Example Flag Scenarios With Proposed Zoning Ordinance Amendments



Is It Permitted Or Prohibited?

Is It Permitted Or Prohibited?

A property owner wants to celebrate **Memorial Day** by placing many small flags in their front yard. Is it permitted?

Yes, an unlimited number of small flags would be allowed under the proposed ZO amendments, any time of the year, for any duration because small flags would be exempt.



Is It Permitted Or Prohibited?

A property owner wants to place 10 temporary flags, all of them 4 feet tall, along the front of their property. There is no holiday during this period. Is it permitted?

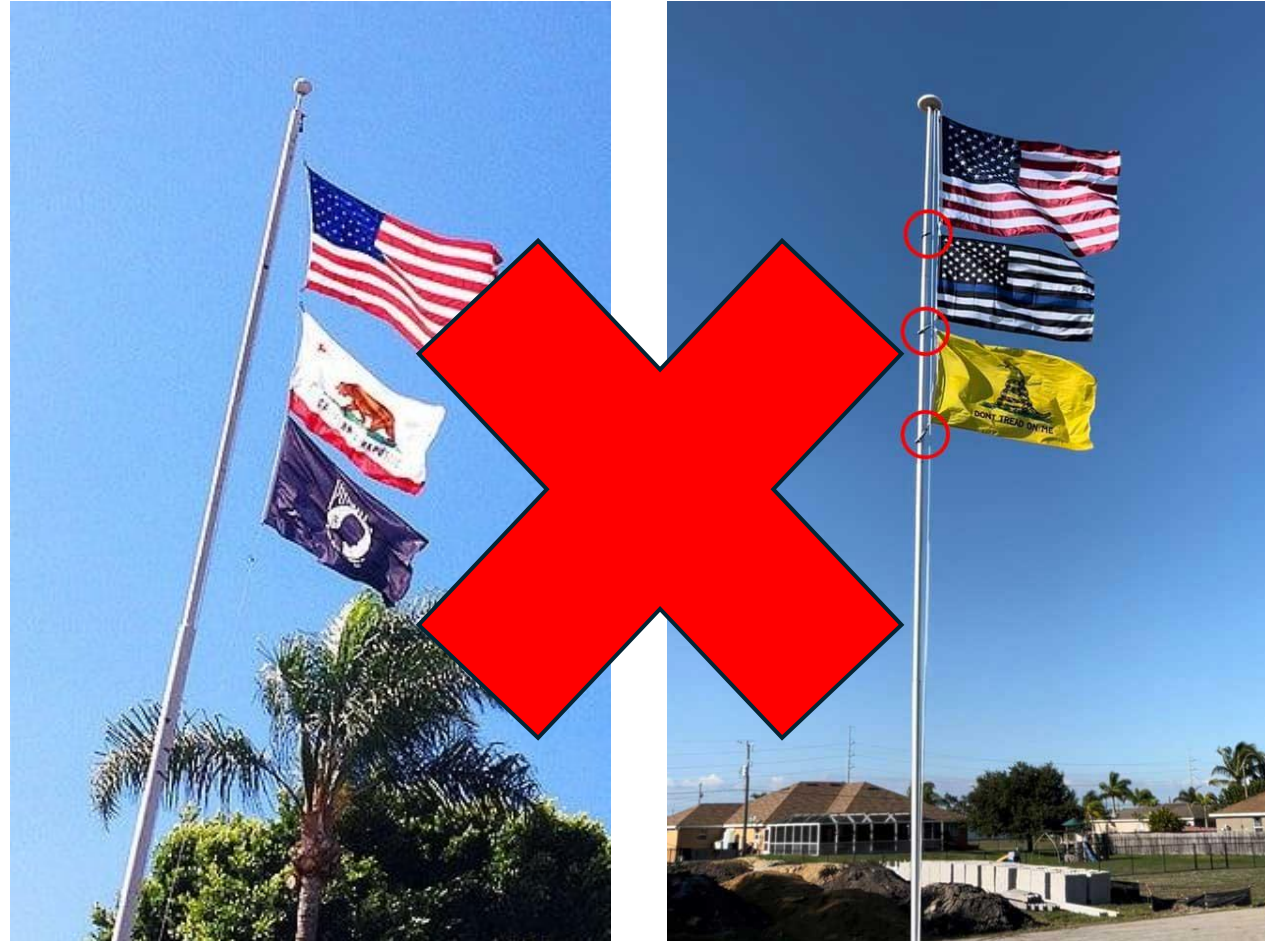
Yes, it would be permitted under the proposed ZO amendments, they could have an unlimited number of temporary flags, but only for **two** floating events of 16 days each.



Is It Permitted Or Prohibited?

A homeowner wants to put up 2 flag poles, with 3 flags on each pole. Is it permitted?

No, it is not permitted. Under today's regulations, and the proposed ZO amendments, it is still limited to three flags in total per lot.



Is It Permitted Or Prohibited?

A property owner wants to fly 20 temporary flags on their property for every federal holiday plus two floating holidays and fly their flags for a total of 208 days per year. Is this permitted or prohibited?

Yes, it is permitted, under the proposed ZO amendments they could fly an unlimited number of flags for up to 208 days per year.



Discussion

1. Consider exempting small temporary flags under a specific size
2. Consider adding a temporary flag sign type for holidays and special events
3. Consider adding a maximum number of flags per pole
4. Consider adding a wall-mounted requirement to not exceed the height of the building



Bentwood, Tennessee		
Definitions	Number of Flags & Standards	Exemptions
<p>Flag: means any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a government, commercial or non-commercial entity.</p> <p>(1) Commercial flag means any flag which displays a commercial message, as defined herein.</p> <p>(2) Non-commercial flag means any flag not displaying a commercial message as defined herein.</p> <p>Non-commercial: means not naming, advertising or calling attention to a business or commercial product, service or activity. However, where the name of a business is merely incidental to the primary purpose of a sign displayed on a residential property, such as the may be the case with a real estate sign or baby announcement, such sign shall be deemed non-commercial.</p> <p>Commercial message: means any wording or other representation that directly or indirectly names, advertises or calls attention to an individual business, product, service or other commercial activity, including wording such as “open”, “grand opening”, “sale”, or “closing” in order to draw attention to a business.</p>	<ul style="list-style-type: none"> • Non-commercial flags permitted in all residential district. • 1 flagpole on lot if three acres or less. More than 3 acres, 1 additional flagpole per acre may be erected. • Maximum height and size. No flag shall exceed 40 square feet per face. Flag pole height max 25 feet. • Flag poles must meet minimum setback requirements. • Temporary signs, less than 5 acres, can have max of 5 signs. Sign can be no larger than 8 sq ft, and total cannot exceed larger than 20 sq ft maximum. More than 5 acres, 1 sign or multiple, and total cannot exceed 32 sq ft. • Temporary signs on residential districts not specified, commercial districts, cannot exceed 60 days in any calendar year. 	<p>Only exemption is in the definition of sign which states: “Sign” does not include:</p> <ol style="list-style-type: none"> 1. Seasonal or holiday displays that do not contain a commercial message. 2. Outdoor murals, sculptures or other artworks that do not contain a commercial message.
Murfreesboro, Tennessee		
Definitions	Number of Flags & Standards	Exemptions
<p>Flag signs, permanent: A sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.</p> <p>Flag signs, temporary: A sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message which is by reason of construction or purpose intended to be used for a limited period of time, and which is not hoisted on a flag pole.</p> <p>Flagpole: A flagpole is a pole, which is designed to raise and lower a flag sign by means of a cord, rope or cable through a pulley system or other such mechanical device. For purposes of the Sign Ordinance, a flagpole is deemed to be a sign support structure and subject to all requirements applicable to sign support structures. For purposes of the Zoning Ordinance, a flagpole is deemed to be an accessory structure.</p> <p>Flagpole, wall-mounted: Wall-mounted flagpoles may be vertical or outrigger. A vertical wall-mounted flagpole is one that extends vertically from the top of a wall or similar structure. An outrigger wall-mounted flagpole is one that extends outward from a wall at an inclined angle.</p>	<ul style="list-style-type: none"> • Detailed regulations for permanent and temporary flags. • Permanent flag signs: Max 3 per lot (ground or wall mounted). Temporary flag signs: 1 additional per lot (unless for institutional group assembly use, then it is unlimited number of temp flags). • Detailed regulations on category, number, location, illumination, length of display, and size limit of the flag sign based on zoning district. • Residential. Permanent flag max 40 square feet for any one sign, or 98 square feet maximum total. Temporary sign max of 24 square feet. • For temporary flag signs, display time, for residential districts, no more than 10 consecutive days, not more than 50 total calendar days per year. Display time does not apply to flag signs of 24 square feet or less. 	<p>Exemptions defined in Section 25.2-23:</p> <ol style="list-style-type: none"> 1. Flag signs of 24 square feet or less which are not mounted on or displayed from a flagpole do not require sign permit. 2. Flagpoles to be erected, prepared, altered or relocated on a lot which is lawfully being used for either a single family or two family residential use, regardless of zoning district do not require sign permit fee.
Knoxville, Tennessee		
Definitions	Number of Flags & Standards	Exemptions
<p>Advertising: Any writing, printing, painting, display, emblem, drawing, sign, or other devised designed, used or intended for advertising, which placed on the ground, rocks, trees, tree stump, or other natural structures or on a building, structure, milestone, signboard, billboard, wallboard, roofboard, frame, support, fence, or other manmade structure.</p> <p>Flag or banner sign: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes and attached to any structure, staff, pole, line, framing, or vehicle.</p>	<p>Flags and other decorative flags are exempt per Section 13.4 of the sign code.</p>	<p>Signs exempt from regulations in Section 13.4:</p> <ol style="list-style-type: none"> 1. Official fraternal, religious, or civic flags when mounted on permanent poles attached to the ground or building when located on the same site as the fraternal, religious or civic organization, institution or building. 2. Official government flags of which the following governmental entities shall be the only official government flags recognized as such by the City of Knoxville: <ol style="list-style-type: none"> i. USA ii. Any state territory, or possession of the USA iii. Any official flag adopted as such by the City of Knoxville or Knox County

		<p>iv. Any official flag adopted by member state of the United Nations</p> <p>3. Decorative flags and bunting for a celebration, convention, or commemoration, subject to installation no sooner than 14 days before the event and removal within 7 days following the event.</p>
Greenville, South Carolina		
Definitions	Number of Flags & Standards	Exemptions
<p>Flag: Any fabric or other flexible material designed to be flown from a flagpole.</p>	<p>Signs not requiring a permit:</p> <p>D. Flags must meeting the following standards:</p> <ol style="list-style-type: none"> 1. Max of 3 flags are permitted per lot. 2. The flag area cannot exceed 1.5 times the height of the pole. For example, a 40-foot tall flag pole yields a max 60 square foot flag. 3. The max height of a flagpole is 40 feet, measured from the highest point of the flagpole to average adjacent grade. 4. A free standing flagpole must be setback from a lot line a distance equal to the height of the pole. For example, a flagpole 40 feet in height must be setback at least 40 feet from a lot line. <p>F. Small Temporary signs is any sign with a sign area of 12 square feet or less in RH- and RN- districts, or 32 square feet or less in all other districts, which is not designed or intended to be placed permanently.</p> <ol style="list-style-type: none"> 1. House-Scale and Neighborhood Scale districts, a max total sign area of 12 square feet per lot. 2. Max area of an individual sign is 6 feet. 3. Max of 2 small temporary signs are allowed per lot. 4. Small temporary signs may be installed for a period not exceeding 60 consecutive calendar days, up to 2 times per 12-month period. 	<p>During the 60-day period before a public election or referendum, there is no limit on the number of small temporary signs that are permitted in addition to the small temporary signs permitted under parts (1) and (2) above, subject to the following standards:</p> <ol style="list-style-type: none"> a. The additional signs cannot exceed 6 square feet per sign face and are limited to a height of 4 feet measured from grade to the top of the sign face. b. Signs cannot be located on public property or in public rights-of-way. Signs must be confined wholly to placement on private property, with permission of the property owner. Violations may result in immediate removal of the signs without notice. c. Signs must be removed within 5 days after the election or referendum, provided that the Administrator may extend this timeframe in the event of a runoff election.
Cary, North Carolina		
Definitions	Number of Flags & Standards	Exemptions
<p>Commercial message: means any sign wording, copy, logo, or other representation or image that directly or indirectly names, or advertises, or calls attention to a product, commodity, service, sale, sales event, activity, entertainment, or other commercial activity.</p> <p>Flag: means any fabric or bunting containing distinct colors, patterns, or symbols, used as an ornamental flag or as a symbol that does not contain a commercial message, and that is displayed on a flagpole. (See also Flag, Ornamental).</p> <p>Flag, Ornamental: means any fabric or similar material containing patterns, drawings, or symbols used for decorative purposes and designed to be flown as a flag.</p> <p>Sign, Temporary: means a sign intended for a use not permanent in nature. For the purposes of this Chapter 9, a sign which is intended for use of one (1) year or less, unless otherwise allowed in this Chapter 9 shall be deemed a temporary sign.</p>	<ul style="list-style-type: none"> • Detailed regulations on flag poles allowed and number of flags permitted on pole. Flagpoles shall be limited to 3 per principal building or multi family residential complex. Max 2 flags per pole. Same for commercial and residential. • Max height for flagpoles is 25 feet in height and shall not exceed 5 by 8 feet in size. • Flags shall not contain any commercial message. • Sign permit is not required. • No language on temporary flags. 	<p>There is no sign exemptions listed out for flags or any temporary signage.</p>