FRANKLIN
TENNESSEE

Zoning Ordinance

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Adoption Date:
10/9/07

Effective Date:
7/1/08

1799

HISTORIC
FRANKLIN
TENNESSEE

BOMA ADOPTED 10/9/07
EFFECTIVE DATE 7/1/08
LAST AMENDED 8/28/12

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CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE

This ordinance shall be known as the “Zoning Ordinance of the City of Franklin, Tennessee”, referred to as “this ordinance”.

1.2 PURPOSE

The purpose of this ordinance shall be to promote the public health, safety, and general welfare of the City of Franklin, referred to as “the city”, and the residents thereof. The zoning regulations and districts as herein set forth have been designed to:

1.2.1 Secure safety from fire, flooding along natural watercourses, and other dangers;

1.2.2 Provide adequate light and air;

1.2.3 Prevent the overcrowding of land;

1.2.4 Avoid undue concentrations of population;

1.2.5 Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;

1.2.6 Foster convenient, compatible, and efficient relationships among land uses;

1.2.7 Protect the historic resources of Franklin;

1.2.8 Preserve and protect existing trees and vegetation, floodplains, stream corridors, scenic views, water quality, wildlife habitat, gateways, corridors, and other areas of scenic and environmental significance from adverse impacts of land development;

1.2.9 Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities;

1.2.10 Lessen congestion in the streets;

1.2.11 Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;

1.2.12 Preserve the character and quality of residential neighborhoods;

1.2.13 Encourage innovation in residential development and redevelopment that meets the demand for housing with a greater variety in the type and design of dwellings;

1.2.14 Provide equal opportunity in housing to sustain economic diversity in our community and provide for the disabled;

1.2.15 Enhance the quality of development through superior building and site design;

1.2.16 Conserve the value of buildings and land;

1.2.17 Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs; and

1.2.18 Ensure that service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

The zoning regulations and districts have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

1.3 AUTHORITY

This ordinance is enacted pursuant to the authority granted by the Tennessee Code, Annotated, Sections 13-7-201 through 13-7-210, and 13-7-401 through 13-7-409.

1.4 EFFECTIVE DATE

This ordinance shall take effect and be in force from and after July 1, 2008.

1.5 APPLICABILITY

This ordinance is applicable to all land located within the city, as now or hereafter established. The use of land and buildings or structures, and the construction, reconstruction, alteration, expansion, or relocation of buildings or structures on a lot or site shall conform to the regulations applicable to the base district and overlay district(s) in which the lot or site is located.

1.6 RELATION TO THE FRANKLIN LAND USE PLAN

The administration, enforcement, and amendment of this ordinance should be consistent with the Franklin Land Use Plan and the Central Franklin Area Plan (together referred to as “the land use plan”). In the event this ordinance becomes inconsistent with the land use plan, then this ordinance should be amended within a reasonable time so as to become or remain consistent with the land use plan. Additionally, all amendments to this ordinance should maintain and enhance the consistency between this ordinance and the land use plan.

1.7 TRANSITIONAL RULES

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this ordinance.

1.7.1 Violations Continue

Any violation of previous versions of this ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties and enforcement set forth in Chapter 7: Enforcement, unless the use, development, construction, or other activity complies with the provisions of this ordinance. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this ordinance.

1.7.2 Uses, Structures, and Lots Rendered Nonconforming

Where any use, building, structure, or lot that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 4.3, Nonconformities.

1.7.3 Revisions to Projects Approved Under Previous Ordinances

(1) Pending Applications

(a) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete by the city.

(b) If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance.

(c) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

(d) An applicant with a pending application may waive review available under prior ordinances through a written letter to the Department of Planning and Sustainability and request review under the provisions of this ordinance.

(2) Approved Projects and Amendments or Revisions to Approved Projects

(a) Approved Planned Unit Developments, Site Plans, Conservation Design Plans, Variances, Grading Permits, Tree Removal Permits, or Building Permits that are valid on the effective date of this ordinance shall remain valid until their expiration date, where applicable.

(b) Amendments to Site Plans, Conservation Design Plans, Grading Permits, or Building Permits approved prior to July 1, 2008 shall comply with the standards and review processes of this ordinance. Amendments to PUD Concept Plans or PUD Site Plans approved prior to July 1, 2008, shall follow the process described in Subsection 1.7.3(c) or 1.7.3(d), as applicable, below.

(c) Amendments and revisions to a Planned Unit Development Concept Plan approved prior to July 1, 2008, shall:

(i) Not be considered under review processes in place under prior ordinances;

(ii) Be considered under the processes and requirements of this ordinance and the Administrative Manual; and

(iii) Comply with the development standards of this ordinance where the standards will not impact the approved project in the strictly limited terms of loss of entitlements, access points, street network, or open space. In the case that these standards would impact the approved project in the strictly limited terms of loss of entitlements, access points, street network, or open space, the amendment or revision to the Planned Unit Development shall be carried out with the Zoning Ordinance requirements in effect at the time of the approval of the original Planned Unit Development.

(d) Amendments and Revisions to PUD Site Plans approved prior to July 1, 2008, shall:

(i) Not be considered under review processes in place under prior ordinances;

(ii) Be considered under the processes and requirements of this ordinance and the Administrative Manual; and

(iii) Comply with the development standards of this ordinance unless there is a standard(s) approved with the PUD, prior to 7-1-08, that conflicts with a standard(s) within this ordinance. If there is a conflict between the PUD requirement and a standard(s) within this ordinance, the PUD requirement shall govern for that requirement only and all other standards of this ordinance shall apply. If the application of the standards of this ordinance results in the loss of entitlements, the amendment or revision to the PUD Site Plan shall be carried out with the Zoning requirements in effect at the time of the approval of the original PUD Site Plan.

1.8 RELATIONSHIP TO OTHER LAWS AND AGREEMENTS

1.8.1 Conflict with Other Public Laws, Ordinances, Regulations, or Permits

Where provisions of this ordinance impose greater restrictions than those of any other City, State, or Federal regulation, statue, or ordinance the provisions of this ordinance shall be controlling. Where the provisions of any City, State, or Federal regulation, statue, or ordinance imposes greater restrictions than this ordinance, the provisions of such City, State, or Federal regulation, statue, or ordinance shall be controlling.

1.8.2 Conflict with Private Agreements

This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this ordinance. The city shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties.

1.8.3 Public Improvements of Other Governmental Entities

Whenever the FMPC shall have adopted the plan of the city or any part thereof, thereafter no public street, park, way, ground, place, space, building, structure, or utility owned or operated by another governmental entity shall be constructed or authorized in the city until the location and extent thereof shall have been submitted to and approved by the FMPC. In case of disapproval, the FMPC shall communicate its reasons to the BOMA, and the BOMA, by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the BOMA shall have the power to proceed; provided, that if the public way, ground, place, space, building, structure, or utility be one the authorization or financing of which does not, under the law governing the same, fall within the province of the BOMA, then the submission to the FMPC shall be by the state, county, district, municipal or other board or official having such jurisdiction, and the FMPC's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the FMPC to act within 30 days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the BOMA or other submitting board or official. The date of official submission shall be the date at which the FMPC first considers the item.

1.8.4 Conflict Between Standards within this Ordinance

(1) Controlling Standards

In the event of conflict between one or more of the standards in this ordinance, precedence shall be established based on the following hierarchy (e.g., if an overlay district standard conflicts with a base district standard, the overlay district standard shall control and take precedence):

(a) Section 3.4, Overlay Districts;
(b) Section 3.5, Character Area Overlay Districts;
(c) Section 3.2, Base Districts;
(d) Section 3.3, Site Development Standards; and
(e) Chapter 5: Development Standards.

Except for conflicts between the categories of standards enumerated in Subsection 1.8.4(1)(a)-(e) above, in cases where two or more standards within this ordinance conflict with one another, the more restrictive standard shall be controlling.

1.9 SEVERABILITY

1.9.1 If any court of competent jurisdiction invalidates any provision of this ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this ordinance.

1.9.2 If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

1.9.3 If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1.9.4 Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

CHAPTER 2: DEVELOPMENT APPROVAL AUTHORITY AND PROCEDURES

2.1 PURPOSE

The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures. This chapter also defines the development review procedures used in the enforcement of this ordinance.

2.2 DECISION-MAKING AND REVIEW BODIES

2.2.1 Summary Table of Decision-Making and Review Bodies

(1) Table 2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this chapter. Other duties and responsibilities of the entities are set forth in subsequent subsections of this chapter.

(2) Even though not referenced in this chapter, other boards, commissions, government agencies, and non-government agencies may be asked by the Department of Planning and Sustainability, the City of Franklin Planning Commission (FMPC), or the City of Franklin Board of Mayor and Aldermen (BOMA), to review some applications, including, but not limited to, map amendments (rezonings), text amendments, and planned unit developments (PUD).

TABLE 2-1: SUMMARY OF THE ROLES OF DECISION-MAKING BODIES

H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision)
M = Meeting (Public Meeting Required) A = Appeal (Authority to Hear/Decide Appeals)
R = Recommendation (Responsible for Review and a Recommendation in Specified Circumstances)

Procedure	Sub-section	Board of Mayor and Alderman (BOMA)	Planning Commission (FMPC)	Board of Zoning Appeals (BZA)	Historic Zoning Commission (HZC)	Dept. of Planning & Sustaina-bility	Develop-ment Review Team (DRT)	Dept. of Build. & Neigh. Ser.
Zoning Ordinance Text Amendment	2.4.1	H-D	M-R		R	R	R	
Zoning Map Amendment (Rezoning)	2.4.1	H-D	M-R		R	R	R	
PUD – Development Plan	2.4.2	H-D	M-R		R	R	R	
Site Plan Review	2.4.3		M-D A [2]		R	R-D [1]	R	
Land Use Plan Amendment	2.4.4		M-D			R	R	
Variance	2.4.5			M-D		R		R

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H = Hearing (Public Hearing Required) D = Decision (Responsible for Final Decision)
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Procedure	Sub-section	Board of Mayor and Alderman (BOMA)	Planning Commission (FMPC)	Board of Zoning Appeals (BZA)	Historic Zoning Commission (HZC)	Dept. of Planning & Sustaina-bility	Develop-ment Review Team (DRT)	Dept. of Build. & Neigh. Ser.
Appeal of Administrative Decision	2.4.6			M-D				
Performance Agreements	2.4.7		R-A [3]			D		
Tree Removal Permit	2.4.8					R		R-D
Certificates of Appropriate-ness in the HPO District	2.4.9				M-D	R		
Sign Permit	2.4.10							D

NOTES:
[1] The Department of Planning and Sustainability has been delegated the authority to administratively review and approve certain Site Plans.
[2] The FMPC shall be responsible for appeals from administratively reviewed Site Plans.
[3] The FMPC has the authority to review Performance Agreements that have been in place for a certain duration and to call Performance Agreements.

2.2.2 Board of Mayor and Aldermen (BOMA)

(1) Powers and Duties

In addition to any other authority granted to the BOMA by charter, ordinance, or state law, the BOMA shall have the following powers and duties related to this ordinance:

(a) Zoning Ordinance Text and Zoning Map Amendments

To enact amendments to the zoning ordinance text and zoning map.

(b) Planned Unit Developments

To hear, review, and make decisions on applications for Planned Unit Development (PUD) Development Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

2.2.3 Planning Commission (FMPC)

(1) Powers and Duties

The FMPC shall have the following powers and duties under this ordinance:

(a) Zoning Ordinance Text and Zoning Map Amendments

(i) To initiate amendments to the text of this ordinance or the Official Franklin Zoning Map (rezoning).

(ii) To hear, review, and make recommendations to the BOMA on applications for amendments to the text of this ordinance or zoning map amendments pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.

(b) Planned Unit Developments

(i) To hear, review, and make recommendations to the BOMA on applications for Planned Unit Development (PUD) Development Plans pursuant to Subsection 2.4.2, Planned Unit Developments.

(c) Site Plan Review

To hear, review, and decide certain applications for a Site Plan pursuant to Subsection 2.4.3, Site Plan Review.

(d) Land Use Plan Amendments

To hear, review, and decide applications to amend the land use plan or related land use plans pursuant to Subsection 2.4.4, Land Use Plan Amendments.

(e) Performance Agreements

(i) To hear, review, and decide appeals of administrative decisions regarding extension, reduction, or release of a Performance Agreement pursuant to Subsection 2.4.7, Performance Agreements, and Chapter 6: Performance Agreements.

(ii) To review Performance Agreements that have been in place for a certain duration in accordance with Subsection 2.4.7, Performance Agreements, and Chapter 6: Performance Agreements

(iii) To call Performance Agreements in accordance with Subsection 2.4.7, Performance Agreements, and Chapter 6: Performance Agreements.

(f) Review of Projects by Other Governmental Agencies

To review and make decisions on applications for public improvement projects by other governmental agencies pursuant to Subsection 1.8.3, Public Improvements of Other Governmental Entities.

(g) Other

To exercise such other powers, and perform such other duties, as are provided by law.

(2) Bylaws

The FMPC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

2.2.4 Board of Zoning Appeals (BZA)

(1) Membership, Powers, and Duties

Pursuant to the provisions of the Tennessee Code Annotated, Sections 13-7-205 through 13-7-207, there is hereby created the Franklin Board of Zoning Appeals, hereinafter referred to as the BZA. The Board shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The BZA shall have the following powers and duties under this ordinance:

(a) Appeal of Administrative Decisions

To hear and decide appeals of administrative decisions where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Department of Building and Neighborhood Services or other administrative official in carrying out or enforcing any provision of this ordinance, and for interpretation of the zoning map pursuant to Subsection 2.4.6, Appeal of Administrative Decisions.

(b) Variances

To hear and decide applications for variance from the terms of this ordinance where:

(i) By reason of exceptional narrowness, shallowness, or shape of a specific piece of property which, at the time of adoption of this ordinance, was a lot of record, or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property; and

(ii) The strict application of the provisions of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of a piece of property; and

(iii) Relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.

In granting a Variance, the BZA may attach conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance pursuant to Subsection 2.4.5, Variances.

(2) Bylaws

The BZA shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

2.2.5 Historic Zoning Commission (HZC)

(1) Establishment

There is hereby established the HZC pursuant to Sections 13-7-401 through 13-7-409 of the Tennessee Code, Annotated.

(2) Powers and Duties

The HZC shall have the following powers and duties under this ordinance:

(a) Site Plan Review

For structures and properties subject to Site Plan review and that are located within the HPO District, the HZC shall review and make decisions on Certificates of Appropriateness as part of the Site Plan review procedure pursuant to Subsection 2.4.3, Site Plan Review, and Subsection 2.4.9, Certificate of Appropriateness in an HPO District.

(b) Certificates of Appropriateness in the HPO District

To review and make decisions on applications for Certificates of Appropriateness pursuant to Subsection 2.4.9, Certificates of Appropriateness in an HPO District.

(c) Powers Related to the HPO District

Pursuant to the powers granted by the Tennessee Code, Annotated, and consistent with the Franklin Historic District Design Guidelines, it shall be the duty of the HZC to make the following determination with respect to the HPO District and all Certificates of Appropriateness:

(i) Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.

(ii) Appropriateness of exterior design or extension of an existing building or structure.

(iii) Appropriateness of setbacks, front, side, or rear yards, off-street parking spaces, location of sidewalks along the public right-of-way that might affect the character of a building or structure.

(iv) The general compatibility of exterior design, arrangement, texture, and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the HZC shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(d) Additional Powers

The following shall also be the duty of the HZC:

(i) To regularly revise and update the historic preservation plan.

(ii) To comment on projects that may have a potential adverse impact on properties that are listed in the National Register of Historic Places or areas contained in the Franklin Historic Resources Survey.

(iii) To nominate properties for inclusion in the HPO District.

(iv) To maintain and update the Historic Resources Survey.

(v) To develop the Franklin Historic District Design Guidelines.

(3) Membership

Membership of the HZC shall be as provided by state law.

(4) Bylaws

The HZC shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

2.2.6 Department of Planning and Sustainability

(1) General Authorization

The Department of Planning and Sustainability, under the supervision of the planning director, is authorized by the BOMA to administer the provisions of this ordinance as provided in this chapter.

(2) Powers and Duties

In addition to the jurisdiction, authority, and duties that may be conferred upon the Department of Planning and Sustainability by other provisions of this ordinance and general or special law, the Department of Planning and Sustainability shall have the following jurisdiction, powers, and duties under this ordinance:

(a) Site Plan Review

To review and make decisions on certain applications for Site Plan review pursuant to Subsection 2.4.3, Site Plan Review.

(b) Performance Agreements

To review and make decisions on Performance Agreements, sureties, and maintenance obligations pursuant to Subsection 2.4.7, Performance Agreements, and Chapter 6, Performance Agreements.

(c) Tree Removal Permits

To review, where appropriate, and provide recommendations to the Department of Building and Neighborhood Services on applications for a Tree Removal Permit pursuant to Subsection 2.4.8, Tree Removal Permits.

(d) Administer Ordinance

To establish application requirements and schedules for review of development review applications, to review and make recommendations to the BOMA, the FMPC, the BZA, and the HZC on applications for development approval considered by those agencies, and to take any other actions necessary to administer the provisions of this ordinance.

(e) Historic Preservation Officer

The Planning Director shall appoint a qualified staff person to serve as Historic Preservation Officer. The Historic Preservation Officer shall administer Sections 3.4.2 and 5.7 of this ordinance and advise the HZC on matters submitted to such commission. In addition to serving as representative of the HZC, the Historic Preservation Officer is responsible for coordinating the city's historic preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations. The Historic Preservation Officer shall maintain the Historic Resources Survey and shall update such survey from time-to-time.

(f) Provide Expertise and Technical Assistance

To provide expertise and technical assistance to the BOMA, the FMPC, the BZA, the HZC, and the Department of Building and Neighborhood Services.

2.2.7 Departmental Review Team (DRT)

(1) Establishment

There is hereby established the Franklin Departmental Review Team (DRT) which shall consist of the department heads, or their designees, of city departments responsible for the review of all development review applications.

(2) Powers and Duties

In addition to the jurisdiction, authority, and duties that may be conferred upon the members of the DRT by other provisions of this ordinance and general or special law, the DRT shall have the following jurisdiction, powers, and duties under this ordinance:

(a) Planned Unit Developments

(i) To participate in the PUD review procedure pursuant to Subsection 2.4.2, Planned Unit Developments.

(ii) To review and provide recommendations to the Department of Planning and Sustainability on applications for Development Plans based on the provisions of this ordinance and other adopted ordinances or policies of the city.

(b) Site Plan Review

(i) To participate in the review of Site Plans pursuant to Subsection 2.4.3, Site Plan Review.

(ii) To review and provide recommendations to the Department of Planning and Sustainability on applications for Site Plan review based on the provisions of this ordinance and other adopted ordinances or policies of the city.

(c) Zoning Ordinance Text and Zoning Map Amendments

(i) To participate in the Zoning Ordinance Text and Zoning Map Amendment procedure pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.

(ii) To review and provide recommendations to the Department of Planning and Sustainability on applications for Zoning Ordinance Text and Zoning Map Amendments based on the provisions of this ordinance and other adopted ordinances or policies of the city.

(d) Land Use Plan Amendments

(i) To participate in the Land Use Plan Amendment procedure pursuant to Subsection 2.4.4, Land Use Plan Amendments.

(ii) To review and provide recommendations to the Department of Planning and Sustainability on applications for a Land Use Plan Amendment based on the provisions of this ordinance and other adopted ordinances or policies of the city.

2.2.8 Department of Building and Neighborhood Services

(1) General Authorization

The City of Franklin Department of Building and Neighborhood Services, referred to as the "Department of Building and Neighborhood Services", is the department authorized to interpret, enforce, and administer this ordinance, except for those administrative duties delegated to the Department of Planning and Sustainability pursuant to Subsection 2.2.6, Department of Planning and Sustainability.

(2) Powers and Duties

In addition to the jurisdiction, authority, and duties that may be conferred upon the Department of Building and Neighborhood Services by other provisions of this ordinance and general or special law, it shall have the following jurisdiction, powers, and duties under this ordinance:

(a) Interpretations

(i) To render interpretations of all provisions of this ordinance, including, but not limited to, interpretations of the text of this ordinance; interpretation of the zoning map, and determination of whether an unspecified use falls within a use classification or use group allowed in a zoning district.

(ii) The Department of Building and Neighborhood Services may confer with the Department of Planning and Sustainability regarding all provisions of this ordinance or the land use plan.

(b) Enforcement

To enforce the provisions of this ordinance.

(c) Administer Ordinance

To review and decide on Building Permit applications and other related permit applications as identified in this ordinance.

(d) Tree Removal Permits

To review and make decisions on applications for Tree Removal Permits pursuant to Subsection 2.4.8, Tree Removal Permits.

(e) Sign Permits

To review and make decisions on applications for Sign Permits pursuant to Subsection 2.4.10, Sign Permits.

(f) Recommendations on Development Review Procedures

To review and provide comments or make recommendations to the appropriate decision-making and review body on the development review procedures established in Section 2.4, Specific Development Review Procedures.

2.3 COMMON DEVELOPMENT REVIEW REQUIREMENTS

The requirements of this section shall apply to all development review applications and procedures subject to development review under this ordinance, unless otherwise stated.

2.3.1 Authority to File Applications

(1) Unless otherwise specified in this ordinance, development review applications may be initiated by:

(a) The owner of the property that is the subject of the application; or

(b) The owner's authorized agent.

(2) When an authorized agent files an application under this ordinance on behalf of a property owner, the agent shall provide a property owner's affidavit, which shall bind all decisions, and related conditions of approval, to the owner of the property.

2.3.2 Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings of the decision-making bodies shall be established by the Department of Planning and Sustainability and made available to the public.

2.3.3 Application Contents

(1) Submittal Requirements

Applications required under this ordinance shall be submitted in a form and in such numbers as established by the Department of Planning and Sustainability and made available to the public.

(2) Submission of Fees

Applications shall be accompanied by a fee as established by the BOMA and pursuant to Subsection 2.3.7, Fees.

(3) Complete Application Determination

The Department of Planning and Sustainability shall only initiate the review and processing of applications submitted under this chapter if such application is complete as outlined in the FMPC Bylaws.

2.3.4 Simultaneous Processing of Applications

(1) Whenever two or more forms of review and approval are required under this ordinance (e.g., a Planned Unit Development and Certificate of Appropriateness), the applications for those approvals may, at the option of the Department of Planning and Sustainability, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.

(2) No application for an amendment to the land use plan shall be reviewed simultaneously with an application for a Zoning Map Amendment, Planned Unit Development, or Site Plan Review application for the same property.

2.3.5 Effect of Preliminary Concept Meetings and Preapplication Conferences

Discussions that occur during a preliminary concept meeting, a preapplication conference, or PUD conceptual project workshop are not binding on the city and do not constitute official assurances or representations by the city or its officials regarding any aspects of the plan or application discussed.

2.3.6 Waiver of Required Meetings

(1) The Department of Planning and Sustainability may waive the requirement for any preliminary concept meeting or preapplication conference if the Department of Planning and Sustainability determines that there is no need for the meeting due to minimal impacts of the proposed project and similar considerations. The requirement for a neighborhood meeting or PUD conceptual project workshop shall be waived if the Department of Planning and Sustainability determines the proposal will have a limited impact on the neighborhood, environmental protection efforts, or infrastructure.

(2) A required neighborhood meeting or PUD conceptual project workshop shall not be waived if the proposal contains:

(a) Attached dwellings;

(b) A civic and institutional use;

(c) A gross density exceeding 2.0 units or more per acre;

(d) 100 or more acres;

(e) 100 or more dwelling units; or

(f) 200,000 gross square feet or more of nonresidential uses.

2.3.7 Fees

(1) Determination of Fees

The BOMA shall determine the fees to accompany applications submitted under this ordinance in accordance with the adopted city charter. The BOMA may adjust the fees as necessary.

(2) Fees to be Paid

No application shall be processed until the established fee has been paid.

(3) Refund of Fees

Application fees are not refundable except where the Department of Planning and Sustainability determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

2.3.8 Public Notification

Applications for development approval shall comply with the Tennessee Code, Annotated and the provisions of this chapter with regard to public notification.

(1) Content

Notices for public meetings or hearings, whether by publication or mail (written notice), shall, at a minimum:

(a) Identify the Application

Identify the address or location of the property subject to the application and the name, address, and telephone number of the applicant or the applicant's agent.

(b) Specify the Date, Time, and Place of the Public Meeting or Hearing

Indicate the date, time, and place of the public meeting or hearing.

(c) Describe the Subject Property

Describe the subject property(ies) involved by street address, or by legal description and the nearest cross street, and project area (size).

(d) Describe the Nature and Scope of the Application

Describe the nature, scope, and purpose of the application or proposal.

(e) Notify the Public Where to View the Application

Identify the location (e.g., the offices of the Department of Planning and Sustainability) where the public may view the application and related documents.

(f) Notify the Public Where They May be Heard

Include a statement that the public may appear at the public meeting or hearing, be heard, and submit evidence and written comments with respect to the application.

(g) Allow for Written Comments

Include a statement describing where written comments will be received prior to the public meeting or hearing.

(2) Timing of the Notice

(a) Unless otherwise expressly provided in the Tennessee Code, Annotated or this ordinance, notice, when required, shall be postmarked or published at least 15 days prior to the hearing or action for a text or map amendment or a PUD.

(b) The timing of notices for appeals and Variances shall be set in the adopted BZA Bylaws.

(c) The timing of notices for Certificates of Appropriateness regarding Building Permit applications in the HPO District shall be set in the adopted HZC Bylaws.

(3) Published Notice

When the provisions of this ordinance require that notice be published, the Department of Planning and Sustainability shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation. The content and form of the published notice shall be consistent with the requirements of Subsection 2.3.8(1), and state law.

(4) Written (Mailed) Notice

When the provisions of this ordinance require that written or mailed notice be provided, the applicant shall be responsible for preparing and mailing the written notice as follows:

(a) Written notice shall be provided to the property owners, individuals, or organizations as defined in Table 2-2.

TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS

Application for Development Approval	Project Size	Written Notice Provided to:	Informal Notice Provided by City Pursuant to Subsection 2.3.8(7):
Annexation	N/A	N/A	Yes. Notice to be provided in advance of the Planning Commission meeting.
Zoning Map Amendment	Any	Adjacent property owners within 500 feet of the subject property by certified mail and first-class mail. The extent of First-class mail notification may be extended by City Staff when necessary.	Yes. Notice to be provided in advance of the Planning Commission meeting.

TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS			
Application for Development Approval	**Project Size**	**Written Notice Provided to:**	**Informal Notice Provided by City Pursuant to Subsection 2.3.8(7):**
PUD Development Plan	N/A	Adjacent property owners within 500 feet of the subject property by certified mail and first-class mail. The extent of First-class mail notification may be extended by City Staff when necessary.	Yes. Notice to be provided in advance of any required neighborhood meetings.
Appeal of Administrative Decision	N/A	Established in the Administrative Manual.	N/A
Variance	N/A	Established in the Administrative Manual.	N/A
Certificate of Appropriateness in the HPO District	N/A	Established in the Administrative Manual.	N/A
Telecommunication Towers that Require Site Plan Review by the FMPC	N/A	Adjacent property owners within 500 feet of the subject property.	Yes. Notice to be provided in advance of the Planning Commission meeting.
Applications within TIF Districts- When a Variance Request, or Appeal of Administrative Decision is made or if a modification of standards request is associated with the application.	N/A	Property owners within the limits of the TIF district.	N/A

(b) The notification of property owners shall apply only to the initial presentation of the proposed development to the FMPC or the BZA. Notice to the Department of Planning and Sustainability 14 days in advance of any required neighborhood meetings shall be provided and the Department of Planning and Sustainability shall informally notify organizations or individuals registered pursuant to Subsection 2.3.8(7). However, failure to notify any organizations or individuals registered pursuant to Subsection 2.3.8(7) may stop or delay the review process, and such omission may be just cause for denial of the application. If, for any reason, an item scheduled for initial presentation before the FMPC is withdrawn without having been presented or a neighborhood meeting is canceled, then the Department of Planning and Sustainability shall re-notify registered organizations or individuals of the future meeting at which the item will be considered in accordance with this subsection.

(c) The applicant shall be responsible for re-notifying adjacent property owners pursuant to Subsection 2.3.8, Public Notification, if the hearing or meeting is deferred or continued at the applicant's request.

(d) If, for any reason, an item scheduled for initial presentation before the FMPC is withdrawn without having been presented, then the applicant shall re-notify adjacent property owners of the future meeting or hearing at which the item will be considered in accordance with this subsection.

(e) The applicant shall notify adjacent property owners by certified mail, return receipt requested, and by First-class mail of information required in Subsection 2.3.8(1) and state law.

(f) The letters to the adjacent property owners shall be postmarked no later than 15 days prior to the hearing or meeting at which the item will be considered.

(g) A sworn statement from the applicant showing the names and addresses of each adjacent property owner who has been notified shall be delivered to the Department of Planning and Sustainability no later than 14 days prior to the meeting or hearing at which the item will be presented.

(h) The applicant shall hold the numbered retained receipts for a minimum of one year and shall make those available at the request of the Department of Planning and Sustainability.

(5) Other Notices

Applicants shall be responsible for compliance with any additional notice requirements in this ordinance, other city ordinances, or state law.

(6) Constructive Notice

(a) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing or meeting regarding the adequacy of notice, the decision-making body shall direct the Department of Planning and Sustainability to make a formal finding as to whether there was substantial compliance with the notice requirements of this ordinance, and such finding shall be made available to the decision-making body prior to final action on the request.

(b) When the records of the city document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

(7) Registration to Receive Notice by Mail

Immediately following adoption of this ordinance, any organization or individual may register with the Department of Planning and Sustainability if it desires to receive written notice of all certain applications for development approval per Table 2-2, and at a time and method chosen by the Department of Planning and Sustainability. To be eligible for registration, the organization or individual shall provide the Department of Planning and Sustainability information in the form required by the department to ensure that notification can be made. Registration to receive notice by the City is above and beyond the requirements of State law, and is provided as a matter of courtesy and convenience to the community. Failure to notify any organizations or individuals pursuant to Subsection 2.3.8(7) may stop or delay the review process, and such omission may be just cause for denial of the application.

(8) Notification Signs

(a) For a Zoning Map Amendment or a Planned Unit Development (PUD) Development Plan, a notification sign shall be posted on the subject property(ies) prior to the FMPC meeting as well as the BOMA hearing.

(b) The Department of Planning and Sustainability shall post notification signs.

2.3.9 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the written notice requirements of this ordinance, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing are announced at the time of the continuance.

2.3.10 Withdrawal of an Application

(1) Submission of a Withdrawal Request

A request for withdrawal of an application shall be submitted in writing to the Department of Planning and Sustainability.

(2) Prior to Notice of the Public Hearing

The Department of Planning and Sustainability shall approve a request for withdrawal of an application if it has been submitted pursuant to the deadlines described in the FMPC Bylaws and the schedules maintained by the Department of Planning and Sustainability.

2.4 SPECIFIC DEVELOPMENT REVIEW PROCEDURES

2.4.1 Zoning Ordinance Text and Zoning Map Amendments

(1) Purpose and Scope

(a) The BOMA may amend the text of this ordinance or the zoning map pursuant to the procedure set forth in this subsection. The purpose of Zoning Ordinance Text and Zoning Map Amendments is to make adjustments due to changed conditions, changes in public policy, or that are necessary to advance the health, safety, and general welfare of the city.

(b) This subsection shall apply to requests to amend the zoning ordinance text.

(c) This subsection shall apply to requests to amend the zoning map designation of property, with the exception of a map amendment to a planned unit development, which shall be subject to Subsection 2.4.2, Planned Unit Development.

(2) Initiation

A petition to amend the text of this ordinance or to amend the zoning map may be initiated by the BOMA, FMPC, city staff, an owner of property within the city, or any person having authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(3) Procedure

The review procedure for a Zoning Ordinance Text or Zoning Map Amendment shall be as follows:

(a) Step 1 – Preliminary Concept Meeting

(i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preliminary concept meeting.

(ii) The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts of the amendment and general compliance with applicable city plans and ordinances, including this zoning ordinance.

(b) Step 2 – Preapplication Conference

(i) Within 90 days of the preliminary concept meeting (Step 1), the applicant shall meet with the Department of Planning and Sustainability and other departments, as appropriate, for a preapplication conference unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings.

(ii) The applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preapplication conference meeting.

(iii) The purpose of the preapplication conference shall be to review refined submittal information, the submittal requirements for the formal application, and compliance with the provisions of this ordinance prior to the submission of an application.

(iv) If the applicant fails to meet with the Department of Planning and Sustainability or other appropriate department for a preapplication conference within 90 days of the preliminary concept meeting, the applicant shall be required to begin the review procedure again from the preliminary concept meeting (Step 1).

(c) Step 3 – Zoning Ordinance Text or Zoning Map Amendment Application

(i) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.

(ii) The application shall be made within 120 days of the preapplication conference (Step 2).

(iii) If the applicant fails to submit an application for a Zoning Ordinance Text or Zoning Map Amendment within 120 days of the preapplication conference (Step 2), the applicant shall be required to begin the review procedure again from the preliminary concept meeting (Step 1).

(d) Step 4 – Department of Planning and Sustainability and DRT Review and Recommendation on the Map or Text Amendment

(i) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Zoning Ordinance Text or Zoning Map Amendment application pursuant to the deadlines described in the Administrative Manual.

(ii) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.

(iii) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit any revised application document.

(iv) Upon submittal of revised application documents, the Department of Planning and Sustainability shall prepare a final review of the application incorporating the comments from the DRT by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with conditions, or disapproval of the Zoning Ordinance Text or Zoning Map Amendment. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.

(e) Step 5 – FMPC Review and Recommendation on the Map or Text Amendment

(i) After an application has been submitted, the FMPC shall hold a public meeting pursuant to the FMPC Bylaws.

(ii) The FMPC shall make a recommendation on the Zoning Ordinance Text or Zoning Map Amendment to the BOMA in accordance with this ordinance, state law, and the FMPC Bylaws.

(f) Step 6 – BOMA Review and Decision on, by Ordinance, the Map or Text Amendment

(i) The BOMA shall review, hear, and make the final decision on all applications for a Zoning Ordinance Text or Zoning Map Amendment application. In making such decision, the BOMA shall consider but not be bound by the recommendation of the FMPC.

(ii) The BOMA shall make a decision on the Zoning Ordinance Text or Zoning Map Amendment application in accordance with this ordinance and state law.

(iii) The BOMA shall hold the first reading of the Zoning Ordinance Text or Zoning Map Amendment ordinance prior to holding a public hearing on the application. The BOMA may also initiate an ordinance and request a recommendation by the FMPC and/or HZC.

(iv) The BOMA shall hold two additional readings of the Zoning Ordinance Text or Zoning Map Amendment ordinance (the first of which shall be a public hearing).

(v) Upon approval of the third reading of the ordinance, the Zoning Ordinance Text or Zoning Map Amendment shall be considered to be effective.

(vi) A majority vote of the full membership of the BOMA shall be required to pass the decision and ordinance regarding the Zoning Ordinance Text or Zoning Map Amendment.

(4) Approval Criteria

Recommendations and decisions on Zoning Ordinance Text or Zoning Map Amendments shall be based on consideration of the following criteria:

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text or map designations were established;

(b) Whether the proposed amendment is consistent with the land use plan or other applicable city plans;

(c) Whether the proposed amendment is consistent with the purpose of this ordinance;

(d) Whether and the extent to which the proposed amendment addresses a demonstrated community need;

(e) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;

(f) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

(g) Whether the proposed amendment will ensure efficient development within the city; and

(h) Whether the proposed amendment will result in a logical and orderly development pattern.

(5) Site Plan Review Required

Depending on the development type, the applicant may be required to submit an application for Site Plan review in accordance with Subsection 2.4.3, Site Plan Review.

2.4.2 Planned Unit Developments (PUD)

This subsection provides a procedure for reviewing and approving PUDs.

(1) Purpose

The PUD process is a review procedure that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

(a) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;

(b) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;

(c) Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains;

(d) Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and

(e) Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this ordinance.

(2) Scope

(a) The PUD review process consists of a Development Plan that is reviewed and approved by the BOMA, after a recommendation from the FMPC.

(b) The procedures set forth in Subsections (6) and (7) below do not constitute a Zoning Map Amendment. Uses shall be determined through the application of base zoning districts and the established overlay districts. Applicants in the PUD process may simultaneously request Zoning Map Amendments, pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments, during the Development Plan process established in Subsections (6)(a) through (6)(h) or Subsection (7) below.

(3) Minimum Project Size

(a) An applicant may choose to initiate a PUD application for a project of any size.

(b) A PUD application shall be required for projects meeting any one of these criteria:

(i) The applicant intends to request a modification of standards with the concept plan or regulating plan application;

(ii) Zoned as an RX, CI, MN, ML, or MX District;

(iii) Proposed to use the TOD development standards of Subsection 5.3.10; or

(iv) Projects containing any three of these criteria:

A.) 20 or more contiguous acres;

B.) 40 or more dwelling units;

C.) Attached dwellings;

D.) 200,000 square feet or more of gross nonresidential building square footage;

E.) Civic and institutional uses that require or comprise two or more contiguous acres;

(c) Any application shall be exempt from the PUD process if:

(i) Subject to an approved Preliminary Plat, a Final Plat recorded prior to July 1, 2008, or was a Lot of Record in existence prior to July 1, 2008;

(ii) Subject to an approved Concept Plan or PUD;

(iii) Subject to a valid Conservation Plan; or

(iv) In an existing TIF (Tax Increment Financing) District.

(4) Uses

The uses allowed within the PUD shall be based on the uses permitted within the base zoning district on the site, permitted in the applicable character area overlay district or other applicable zoning districts, or as recommended in the land use plan.

(5) Initiation

An application for a PUD may be initiated by the property owner or other person with authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(6) Procedure

The review procedure for a new PUD shall be as follows. The BOMA shall approve Development Plans by resolution regardless of the need for an associated Zoning Map Amendment application. For amendments or revisions to Concept Plans, Regulating Plans, or Development Plans, the review procedure shall be established in Subsection 2.4.2(11), below.

(a) Step 1 – Plan Meeting

(i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the Plan Meeting.

(ii) The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts of the PUD and the recommendations from applicable plans and ordinances, including this ordinance.

(b) Step 2 – Preapplication Conference

(i) Within 90 days of the preliminary concept meeting (Step 1), the applicant shall meet with the Department of Planning and Sustainability and other departments, as appropriate, for a preapplication conference unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings.

(ii) The applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preapplication conference meeting.

(iii) The purpose of the preapplication conference shall be to review refined plans and concepts for the PUD, the submittal requirements for the formal application, compliance with this ordinance, the BOMA/FMPC conceptual project workshop required prior to the submission of an application, and the neighborhood meeting (including notice requirements).

(iv) If the applicant fails to meet with the Department of Planning and Sustainability or other appropriate departments for a preapplication conference within 90 days of the preliminary concept meeting, the applicant shall be required to begin the review procedure again from the preliminary concept meeting (Step 1).

(c) Step 3 – BOMA/FMPC Joint Conceptual Workshop

(i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall present their project at an informal public conceptual project workshop with the BOMA and the FMPC.

(ii) The Department of Planning and Sustainability shall be responsible for scheduling the conceptual project workshop.

(iii) Published notification shall be provided in accordance with Subsections 2.3.8(1) and (3).

(iv) Prior to the workshop, the applicant shall provide the Department of Planning and Sustainability with a brief overview of the project size and scope, a summary of the existing site conditions and a summary of outcome of the preapplication conference with staff in a format suitable for display during the workshop and posting on the city's website.

(v) The meeting procedure shall be established by the FMPC Bylaws; however, this workshop shall not be a public hearing.

(vi) The BOMA and the FMPC may offer the applicant an initial informal reaction to the project plans, but such comments shall be advisory only and shall in no manner commit or bind BOMA or the FMPC to any proposal or element thereof.

(d) Step 4 – Neighborhood Meeting

Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall be required to hold at least one formal neighborhood meeting prior to the formal application for a PUD. The applicant shall perform the following:

(i) Provide appropriate notice to the Department of Planning and Sustainability of the neighborhood meeting, including the time, date, and location of the meeting. To constitute a formal neighborhood meeting pursuant to this subsection, the meeting must be attended by a staff member of the City of Franklin;

(ii) Conduct the neighborhood meeting within proximity of the location of the proposed development. If it is not possible to hold the meeting in proximity to the location of the proposed development, due to a lack of public facilities, the meeting shall be held in a nearby convenient location;

(iii) Provide the Department of Planning and Sustainability with a written summary or transcript of the meeting as part of the Development Plan application (Step 5);

(iv) Identify, in writing, the concerns of the neighboring property owners raised at the neighborhood meeting. Such information shall be required at the time of the Development Plan application (Step 5); and

(v) If an applicant fails to hold a neighborhood meeting or does not demonstrate a reasonable effort was made in the notification of such meeting, such failure may stop or delay the review process. However, such omission may be just cause for denial of the application.

(vi) With the permission of the Planning Director, the applicant may hold the neighborhood meeting after the formal application for a PUD for the purposes of conveying to the neighborhood the staff recommendation, but the neighborhood meeting must occur prior to the FMPC meeting.

(e) Step 5 – PUD Development Plan Application

(i) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.

(ii) The application shall be made within 120 days of the BOMA/FMPC conceptual project workshop (Step 3).

(iii) If the applicant fails to submit an application for a PUD within 120 days of the conceptual project workshop (Step 3), the applicant shall be required to begin the review procedure again from the preliminary concept meeting step (Step 1).

(f) Step 6 – Department of Planning and Sustainability and DRT Review and Recommendation on Development Plan

(i) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Development Plan application pursuant to the deadlines described in the Administrative Manual.

(ii) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.

(iii) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised Development Plan.

(iv) Upon submittal of a revised Development Plan, the Department of Planning and Sustainability shall prepare a final review of the Development Plan that incorporates the comments from the DRT by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with conditions, or disapproval of the Development Plan application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.

(g) Step 7 – FMPC Review and Recommendation on the Development Plan

(i) The FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the Administrative Manual.

(ii) The FMPC shall make a recommendation on the Development Plan to the BOMA in accordance with this ordinance, state law, and the FMPC Bylaws.

(h) Step 8 – BOMA Review and Decision, by Resolution, on the Development Plan

(i) The BOMA shall review, hear, and make the final decision on all applications for a Development Plan application. In making such decision, the BOMA shall consider but not be bound by the recommendation of the FMPC.

(ii) The BOMA shall make a decision on the Development Plan application in accordance with this ordinance and state law.

(iii) The BOMA shall hold one reading on the Development Plan resolution, and it shall also be a public hearing. If the Development Plan is accompanied by a Rezoning request, then the one Reading of the Development Plan shall be placed on the same BOMA Agenda as the 2nd Reading and Public Hearing of the Rezoning request.

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

(7) Approval Criteria for the PUD Development Plan

Recommendations and decisions on a Development Plan shall be based on consideration of the following criteria:

(a) Plan and Ordinance Consistency

(i) Whether the proposed Development Plan is consistent with the land use plan or other applicable city plans;

(ii) Whether the proposed Development Plan is consistent with the purpose of this ordinance, including, but not limited to, the applicable character area overlay district;

(iii) Whether the proposed Development Plan will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife habitat, water quality, and vegetation;

(iv) Whether the proposed Development Plan will ensure efficient development within the city;

(v) Whether the proposed Development Plan will result in a logical and orderly development pattern; and

(vi) Whether the proposed uses are permitted within the applicable base or overlay districts, other applicable districts, or the land use plan.

(b) Design

(i) The proposed Development Plan illustrates a design that supports and is consistent with the land use plan.

(ii) The proposed PUD Development Plan will provide community amenities to support the public health, safety, and general welfare including, but not limited to, land dedicated for safety-service purposes, additional park and recreational facilities, additional open space, and non-vehicular connections (e.g., bike/hike trails) to the greater community.

(iii) The development is comprehensively planned and integrated, compact, and linked by pedestrian and vehicular connections to surrounding properties (where appropriate and feasible).

(c) Public Facilities and Infrastructure

(i) The proposed Development Plan demonstrates a safe and adequate on-site transportation circulation system that is integrated with the off-site circulation system of the city.

(ii) The proposed Development Plan provides for sufficient pedestrian and vehicular connections between residential and nonresidential uses and with the planned on-site open space and recreational uses.

(iii) The proposed Development Plan will have adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, and streets.

(iv) The proposed PUD development will be conveniently located in relation to schools and to police and fire protection services.

(v) The improvement standards applicable to the public facilities that will serve the site comply with relevant city standards and regulations.

(d) Open Space

(i) The proposed development meets and/or exceeds the open space standards established in Section 5.5, Open Space Standards, regarding required types and minimum area of open space.

(ii) Residents of the PUD will have sufficient access to usable recreation areas and open space that is convenient and safely accessible.

(e) Phasing

(i) The proposed PUD includes a phasing plan for the development, if appropriate, with the necessary components to insure protection of natural resources and the health, safety, and welfare of the city, and its residents.

(ii) If development of the PUD is proposed to occur in phases, then legal assurance shall be provided, in a format suitable to the City Attorney, that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the city, are constructed with the first phase of the project, or, if this is not technically feasible, then as early in the project phasing as is technically feasible.

(8) Effect of Development Plan Approval on Project Entitlements and Design

(a) The project entitlements, the density and/or intensity approved by BOMA in the Development Plan, shall be subject to the application of the development standards of this ordinance and any conditions of the approved Development Plan. If, upon the application of the development standards and the conditions of the approved Development Plan, the applicant cannot achieve the maximum approved entitlements, the applicant shall be confined to the entitlements achieved from the application of the standards in this ordinance and any conditions of approval.

(b) The applicant may not apply for a Variance in order to achieve the maximum allowable entitlements after approval of the Development Plan.

(9) Site Plan Review Required

Upon final approval of the Development Plan and resolution of any conditions of approval, the applicant shall be required to submit an application for Site Plan review in accordance with Subsection 2.4.3, Site Plan Review.

(10) Modification of Development Standards

As stated in Subsection (1), the PUD process is intended to encourage innovative land planning and design. In order to achieve the purpose and intent of a PUD, as part of an application for a Development Plan, an applicant may request modifications of the development standards of this ordinance. Modifications of Development Standards shall be reviewed by the BOMA, which may grant the MOS as requested, grant the MOS with modifications, or deny the MOS. However, in order to protect the overall purposes of this ordinance, the following standards shall not be modified through the PUD procedure:

(a) Section 5.8, Environmental Protection Standards; or

(b) Table 3-5, Base District Density and Building Height.

(11) Amendments or Revisions to an Approved PUD Development Plan, Concept Plan or PUD Regulating Plan

The following subsections provide the framework for revisions or amendments to Concept Plans, Regulating Plans, or Development Plans. For those Concept Plans approved prior to July 1, 2008, Subsection 2.4.2(11)(a) shall be the governing review process, as they were originally approved by BOMA, with review from the FMPC. For Concept Plans or Regulating Plans approved between July 1, 2008 and January 10, 2012, either subsection 2.4.2(11)(a) or 2.4.2(11)(b) shall apply, depending on the elements of the development proposed for revision (for example, Subsection 2.4.2(11)(a) would be the governing review process for an increase to the overall entitlements, while Subsection 2.4.2(11)(b) would be the governing review process for a change in the overall block-structure of a development).

(a) Franklin Municipal Planning Commission and BOMA Review

The items below, in each case, are considered deviations from a Development Plan or Concept Plan of record and require approval of a revised Development Plan by the FMPC and the BOMA, according the procedure described in Subsection 2.4.2(6), above. These items relate to the overall entitlements for a development. These items are:

(i) Overall entitlements for the development are increased by more than 10%, i.e. the total number of dwelling units or amount of non-residential square footage is increased by more than 10%.

(ii) The total gross amount of open space is decreased by more than 10%. However, all plans shall provide, at a minimum, the amount of open space required by the Franklin Zoning Ordinance.

(iii) The number of external access points, the street network, or streets identified in the Major Thoroughfare Plan are substantially changed and impacts the project, as approved.

(iv) The revised plan must be submitted if there is a change to a BOMA condition that impacts the physical character of the development. For example, a change to a specific condition regarding placement/materials of an aspect of the construction. If the condition does not address a construction related condition for example a condition for monetary set-aside, only the request need be considered.

(v) Any revision that requires a Modification of Standards or that requires a change to a Modification of Standards previously approved for the development. However, Design Modifications, as described in Section 5.3.11 of the Franklin Zoning Ordinance, may be granted by the FMPC as part of the Development Plan or Site Plan review process.

(b) Franklin Municipal Planning Commission Review

The items below, in each case, are considered deviations from a Development Plan, Concept Plan, or Regulating Plan of record and require approval of a revised Development Plan by the FMPC. These items relate to the conceptual layout of a development. A Development Plan shall not be submitted in conjunction with a site plan. These items are:

(i) Any increase in density or intensity of more than 10%, or the number of stories is changed within a particular phase of the development and such revision impacts a particular aspect of the project established by the Development Plan.

(ii) Any removal of specimen trees shown as preserved on the Concept Plan/Regulating Plan; the removal of trees that establish a desired buffer for particular resources, such as historic resources, water bodies or adjacent properties. Removal of trees shall in any event require replacement trees according to Section 5.2.5(7) of the Franklin Zoning Ordinance.

(iii) A reduction of more than 10% in open space within a section of development that alters the character of the development in that section. For example, a reduction in the overall number of pocket parks in one of the residential sections of a development.

(iv) Any impact to existing historic structures or sites.

(v) Any revisions to drainage, streets, or other engineering design changes that alter items approved in the Concept Plan, including significant changes in traffic circulation.

(vi) Any change that could potentially create adverse impacts on stormwater quality or quantity management.

(vii) Changes to the internal street network or block layout, such as the elimination of streets or connection points.

Any revision or amendment that meets any of the items in Subsection 2.4.2(11)(b)(i-viii), above, shall follow the following review and approval procedure:

Step 1 – Department of Planning and Sustainability Review and Recommendation on the Development Plan

(1) The applicant shall meet with the Department of Planning and Sustainability and other departments, as appropriate, for a preapplication conference unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings.

(2) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Development Plan pursuant to the deadlines described in the Administrative Manual.

(3) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.

(4) If the applicant fails to submit an application within 120 days of the preapplication conference, the applicant shall be required to begin the review procedure again from the Step 1 (1), above.

(5) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.

(6) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised Development Plan.

(7) Upon submittal of a revised Development Plan, the Department of Planning and Sustainability shall prepare a final review of the Development Plan by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with modifications, or disapproval of the Development Plan application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.

Step 2 – FMPC Review and Decision on the Development Plan

(1) The FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the Administrative Manual.

(2) The FMPC shall review, hear, and make the final decision on all applications for a Development Plan application in accordance with this ordinance, state law, and the FMPC Bylaws.

(3) The FMPC shall make a decision on the Development Plan in accordance with this ordinance and state law.

(4) Upon approval of the Development Plan by the FMPC, site plan review shall be required, in accordance with Subsection 2.4.3, Site Plan Review.

(c) Staff Review

The items below, in each case, are considered deviations from a Development Plan, Concept Plan, or Regulating Plan of record and may be approved by the Director of Planning and Sustainability. The Director of Planning and Sustainability or his/her designee may at his/her

discretion choose to forward any change to the DRT and/or FMPC for review.

(i) There are changes in open space, which do not reduce the amount by more than 10% and do not alter the character of the development.

(ii) There are changes in density or intensity that are less than 10%, which do not alter the character of the development.

(iii) There are parking changes or other minor engineering revisions that do not impact the character of the project.

(iv) There are minor changes to the street network, which do not impact the character of the development.

A revision or amendment that meets any of the items in Subsection 2.4.2(11)(c)(i-iv), above, shall submit the revision or amendment to staff and the approval of the revision or amendment shall be listed on the Administrative Agenda.

(12) PUDs Approved Between July 1, 2008 and January 10, 2012

For any PUD Concept Plan or Regulating Plan approved between July 1, 2008 and January 10, 2012, the following review procedure shall apply:

(a) Concept Plans that are to be amended or revised shall follow the process and procedure, as described in Subsection 2.4.2(11)(a), above.

(b) Concept Plans which do not have approved Regulating Plans for all Sections or Phases within the PUD which have Sectioned or Phased Regulating Plans shall follow the process and procedure as described in Subsection 2.4.2(11)(b), above for approval of those unapproved sections or phases.

(c) Concept Plans that have not submitted any Regulating Plans for a PUD shall follow the process and procedure as described in Subsection 2.4.2(11)(b), above.

(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.

2.4.3 Site Plan Review

(1) Purpose and Scope

The purpose of the Site Plan review procedure is to ensure compliance with the development and design standards of this ordinance and to encourage quality development reflective of the guiding principles of the land use plan. Building Permits, Grading Permits, or access plans for new off-street surface parking areas shall not be issued for uses requiring Site Plan review until the Site Plan is approved pursuant to this subsection.

(2) Applicability

(a) Unless exempted pursuant to Subsection 2.4.3(3), Site Plan review shall be required for all residential and nonresidential development (including additions to existing parking areas) prior to the issuance of a Building Permit by the Department of Building and Neighborhood Services.

(b) Except per paragraph (c) below, Site Plans shall be administratively reviewed and approved by the Department of Planning and Sustainability.

(c) Site Plans shall be submitted to the FMPC approval instead of administrative review by staff, if the development application:

(i) Includes incompatible use buffers per Table 5-6: Buffer Class Application In Conventional Areas; however, detached residential uses developing adjacent to detached residential uses shall be reviewed administratively.

(ii) The applicant chooses to appeal a staff decision or recommendation related to the administrative review of a Site Plan;

(iii) Is proposed for a telecommunication tower not administratively approved per Subsection 3.2.9(3); or

(iv) Uses the TOD development standards of Subsection 5.3.10.

(d) The applicant may, appeal the decision of the Department of Planning and Sustainability related to the administrative review of a Site Plan to the FMPC. The appeals shall be filed within three business days of the decision and shall be set for hearing on the next available FMPC agenda.

(3) Exemptions

The following shall be exempted from Site Plan review:

(a) Individual plans for detached residential uses;

(b) The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this ordinance;

(c) Temporary uses other than Temporary Field Offices; and

(d) Critical Lot Plans.

(4) Initiation

An application for Site Plan review may be initiated by the property owner or other person with authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(5) General Procedure for Site Plan Review

The review procedure for a Site Plan review shall be as follows:

(a) Step 1 – Preapplication Conference

(i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall supply preliminary information in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preapplication conference.

(ii) The purpose of the preapplication conference shall be to review the draft Site Plan with the Department of Planning and Sustainability and other departments, as appropriate, and to identify any initial conflicts between the draft Site Plan and this ordinance.

(b) Step 2 – Site Plan Application

(i) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.

(ii) The application shall be made within 120 days of the preapplication conference (Step 1), if applicable.

(c) Step 3 – Department of Planning and Sustainability and DRT Review and Recommendation on the Site Plan

(i) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Site Plan application pursuant to the standards in this subsection and the schedules maintained by the Department of Planning and Sustainability.

(ii) The HZC shall act on any necessary Certificate of Appropriateness prior to the final decision on a Site Plan (Step 4) pursuant to Subsection 2.4.9, Certificate of Appropriateness in an HPO District.

(iii) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.

(iv) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised Site Plan.

(v) When a Site Plan application is decided by the FMPC, upon submittal of a revised Site Plan, the Department of Planning and Sustainability shall prepare a final review of the Site Plan incorporating the comments of the DRT by the deadline established in the Administrative Manual. The Department of Planning and Sustainability shall recommend to the FMPC the approval, approval with modifications, or disapproval of the Site Plan application; or it may also recommend the continuance of the matter to allow for further review.

(d) Step 4 –Department of Planning and Sustainability Review and Decision on the Site Plan

(i) For Site Plan applications that are decided by the Department of Planning and Sustainability, upon submittal of a revised Site Plan, the Department of Planning and Sustainability shall prepare a final review, and make a decision to approve, approve with conditions, or disapprove the Site Plan application in accordance with this ordinance and state law.

(ii) For Site Plan applications decided by the FMPC, the FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the Administrative Manual. The FMPC shall make a decision to approve, approve with conditions, or disapprove the Site Plan application in accordance with this ordinance, state law, and the FMPC Bylaws.

(e) Step 5 – Performance Agreement

The applicant shall complete and dedicate all public improvements and install all landscape prior to the issuance of any Building Permit or shall submit a Performance Agreement pursuant to Subsection 2.4.7, and Chapter 6: Performance Agreements. Regardless of the timing of installation, Performance Agreements shall be required during the maintenance period for public improvements and required landscape.

(6) Approval Criteria

Recommendations and decisions on a Site Plan shall be based on consideration of the following criteria:

(a) That the proposed development is consistent with all the requirements of this ordinance and other related codes and ordinances enforced by the city;

(b) That the proposed development is in compliance with the applicable base district and overlay districts; and

(c) That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., Development Plan, or modification of development standards as permitted and approved within a PUD).

(7) Time Limit

(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 Section 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.

(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.

2.4.4 Land Use Plan Amendment

(1) Purpose and Scope

This subsection sets out the procedure to follow when an applicant wants to request an amendment to the adopted land use plan.

(2) Applicability

Zoning Map Amendments and PUDs should be consistent with the adopted land use plan. Applications that are not consistent with the adopted plan may be processed without an amendment to the land use plan; however, the staff should recommend disapproval if the application is not in substantial conformity with the adopted land use plan.

(3) Submission Schedule

(a) Where applicable, an amendment to the land use plan should be approved prior to the submission of an application for a Zoning Map Amendment.

(b) Amendments to the land use plan shall only be heard by the FMPC on a schedule outlined in the Administrative Manual or FMPC Bylaws.

(4) Initiation

An application for a Land Use Plan Amendment may be initiated by the BOMA, the FMPC, a property owner, or other person with authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(5) Procedure

(a) Step 1 – Preliminary Concept Meeting

(i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preliminary concept meeting.

(ii) The applicant shall meet with the Department of Planning and Sustainability to discuss the initial concepts of the amendment and general compliance with applicable city plans and ordinances, including this zoning ordinance.

(b) Step 2 – Preapplication Conference

(i) Within 90 days of the preliminary concept meeting (Step 1), the applicant shall meet with the Department of Planning and Sustainability and other departments, as appropriate, for a preapplication conference unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings.

(ii) The applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the preapplication conference meeting.

(iii) The purpose of the preapplication conference shall be to review refined submittal information, the submittal requirements for the formal application, and compliance with the provisions of this ordinance prior to the submission of an application.

(iv) If the applicant fails to meet with the Department of Planning and Sustainability or other appropriate department for a preapplication conference within 90 days of the preliminary concept meeting, the applicant shall be required to begin the review procedure again from the preliminary concept meeting (Step 1).

(c) Step 3 – Land Use Plan Amendment Application

(i) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.

(ii) The application shall be made within 120 days of the preapplication conference (Step 2), if applicable.

(d) Step 4 – Department of Planning and Sustainability/DRT Review and Recommendation on Land Use Plan Amendment

(i) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Land Use Plan Amendment application pursuant to the deadlines described in the Administrative Manual.

(ii) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.

(iii) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit revised Land Use Plan Amendment documents.

(iv) Upon submittal of revised documents, the Department of Planning and Sustainability shall prepare a final review of the Land Use Plan Amendment application by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with conditions, or disapproval of the Land Use Plan Amendment application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.

(e) Step 5 – FMPC Review and Decision on Land Use Plan Amendment

(i) The FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the schedule maintained by the Department of Planning and Sustainability.

(ii) The FMPC shall make a decision on the Land Use Plan Amendment in accordance with this ordinance, state law, and the FMPC Bylaws.

(6) Approval Criteria

Recommendations and decisions on Land Use Plan Amendments shall be based on consideration of the following criteria:

(a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the adoption of the land use plan;

(b) Whether the proposed amendment is consistent with the guiding principles of the land use plan;

(c) Whether and the extent to which the proposed Land Use Plan Amendment addresses a demonstrated community need;

(d) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;

(e) Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural and built environments, including air, water, noise, stormwater management, wildlife habitat, water quality, vegetation, drainage, streets, and other engineering design;

(f) Whether the proposed Land Use Plan Amendment is compatible with existing and proposed uses surrounding the subject property, and the proposed design and land uses are appropriate for the land, or the proposed land use amendment will maintain or improve compatibility among uses and will ensure efficient development within the city; and

(g) Whether the proposed Land Use Plan Amendment will result in a logical and orderly development pattern.

2.4.5 Variances

(1) Purpose and Scope

The Variance process is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

(2) Initiation

Variances shall be initiated by application of the property owner or other person having authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(3) Procedure

(a) Step 1 – Application for a Variance

An application for a Variance shall be made in accordance with Section 2.3, Common Development Review Requirements.

(b) Step 2 – Department of Planning and Sustainability Review and Recommendation on Variance

The Department of Planning and Sustainability shall coordinate with any other affected departments and review the Variance application and make a recommendation to the BZA to approve, approve with conditions, or disapprove the Variance application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.

(c) Step 3 – BZA Review and Decision on a Variance

(i) The BZA shall review and make a decision on a Variance in accordance with this ordinance, state law, and the BZA Bylaws.

(ii) In approving a Variance, the BZA may impose conditions on the approval, the proposed use, and the premises to be developed or used pursuant to such approval as it determines are required to ensure compliance with the standards in this subsection. The conditions shall be identified in the Variance approval.

(4) Approval Criteria

The BZA may authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship only in accordance with the following criteria:

(a) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property is not able to accommodate development as required under this ordinance; and

(b) The strict application of any provision enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; and

(c) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this ordinance.

(d) In granting Variances, the BZA shall have no power to take action that has the effect of allowing a use in contravention of the applicable base or overlay district or which in any other way changes the applicable district. Any action that has in effect changed the district shall be deemed to be a violation of powers of this subsection and shall be of no force and effect.

(e) The fact that a site or development does not conform to this ordinance prior to the consideration of a Variance application may not be used as a basis for the granting of a Variance.

(5) Effect of a Variance

(a) The issuance of a Variance shall authorize only the particular variation that is approved in the Variance.

(b) A Variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(6) Subsequent Development

Development authorized by the Variance shall not be carried out until the applicant has secured all other approvals required by this ordinance or any other applicable ordinances or regulations. A Variance shall not ensure that the development feature approved as a Variance shall receive subsequent approval for other applications for development approval unless the relevant and applicable portions of this ordinance or other applicable provisions are met.

(7) Time Limit

(a) Unless otherwise specified in the Variance, an application for a Building Permit shall be applied for and approved within one year of the date of the Variance approval; otherwise the Variance shall become invalid. Permitted timeframes do not change with successive owners.

(b) Upon written request, one extension of six months may be granted by the Department of Building and Neighborhood Services if the applicant can show good cause.

(c) The decision of the Department of Building and Neighborhood Services as to what constitutes substantial compliance with the time limit or applicable conditions for a Variance shall be final.

(8) Amendment

A Variance may be amended, extended, or modified only in accordance with the procedures and standards established for its original approval. A request for a change in the conditions of approval of a Variance shall be considered an amendment and subject to the full review procedure set forth in this subsection.

2.4.6 Appeal of Administrative Decisions

(1) Purpose and Scope

This subsection sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision of the Department of Planning and Sustainability, Department of Building and Neighborhood Services, or other administrative official of the city.

(2) Initiation

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the Department of Planning and Sustainability, Department of Building and Neighborhood Services, or other administrative official of the city charged with the administration or enforcement of this ordinance.

(3) Procedure

(a) Step 1 – Submission of Appeal (Application)

(i) An Appeal pursuant to this subsection shall be initiated by filing a written appeal of the administrative decision or determination within 30 days of the date of the order, decision, determination, or interpretation with the Department of Planning and Sustainability, Department of Building and Neighborhood Services, or other administrative official from whom the Appeal is taken.

(ii) An appeal shall be made in accordance with Section 2.3, Common Development Review Requirements.

(b) Step 2 – Forwarding of the Record to the BZA

Upon receiving the written Appeal of the administrative decision or determination, the Department of Planning and Sustainability shall gather and transmit to the BZA the written Appeal and all papers, documents, and other materials relating to the order, decision, determination, or interpretation that is appealed to the BZA. This material shall constitute the record of the Appeal.

(c) Step 3 – BZA Review and Decision on Appeal

The BZA shall review and make a decision on an Appeal in accordance with this ordinance, state law, and the BZA Bylaws.

(4) Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this ordinance, state law, or the federal or state constitutions.

(5) Conditions

The BZA may impose conditions upon an affirmative decision to ensure that the requirements and purposes of this ordinance are followed in the order, decision, determination, or interpretation.

2.4.7 Performance Agreements

(1) Purpose and Scope

This subsection sets out the procedure for the review and approval of a Performance Agreement where the applicant will not complete and dedicate the required public improvements, private infrastructure, or install all required landscape prior to requesting a Building Permit, or as required for maintenance following installation of required improvements or landscape.

(2) Applicability

(a) Following the approval of a Site Plan pursuant to Subsection 2.4.3, Site Plan Review, an applicant has the option to complete and dedicate all public improvements, complete all private infrastructure (if applicable), and install all landscape prior to receiving a Building Permit or enter into a Performance Agreement with the city to insure the construction, installation, maintenance, and dedication of all required improvements and installation of all landscape.

(b) Regardless of whether all public improvements are completed and dedicated, private infrastructure is completed, and required landscape is installed prior to issuance of a Building Permit, all applicants shall be required to enter into a Performance Agreement for the duration of the mandatory maintenance obligation pursuant to Section 6.4, Maintenance Obligations.

(3) Initiation

Performance Agreements shall be initiated by application of the property owner or other person having authority to file a request pursuant to Subsection 2.3.1, Authority to File Applications.

(4) Procedure

(a) Step 1 – Establishment of a Performance Agreement

In conjunction with an application for a Site Plan, the Department of Planning and Sustainability shall establish the Performance Agreement.

(b) Step 2 – Department of Planning and Sustainability Drafts and Accepts of Performance Agreement

The Department of Planning and Sustainability shall draft a Performance Agreement, and the applicant shall enter into the agreement with the city in accordance with this subsection and Chapter 6: Performance Agreements.

(c) Step 3 – Request for Reduction or Release of a Performance Agreement

(i) The Performance Agreement may be reduced one time when at least 50 percent of the public improvements, private infrastructure, or landscape has been completed. In no case shall a Performance Agreement be reduced to an amount less than the required maintenance obligation.

(ii) The applicant shall submit all information as required in Chapter 6, Performance Agreements, in order for the Department of Planning and Sustainability to consider the request for a reduction or release of the Performance Agreement.

(d) Step 4 – Department of Planning and Sustainability Review and Decision on Reduction or Release of a Performance Agreement/Surety

(i) The Department of Planning and Sustainability shall request the appropriate city departments to inspect the public improvements, applicable private infrastructure, and landscape to determine compliance with the Performance Agreement and approved plan.

(ii) For the first three years after the establishment of the performance agreement or the first three years after a completion of a project that does not require a Building Permit, the Department of Planning and Sustainability shall review the request for an extension, reduction or release of a Performance Agreement and, based on a recommendation from the inspecting department, make a decision within 60 days on whether to approve, disapprove, or forward the request to the FMPC for review with a recommendation. Subsequent review of Performance Agreements after the first three years shall be by the FMPC, unless otherwise recommended by the inspecting city department.

(iii) Prior to making a decision on a request to extend, reduce, or release a Performance Agreement, the Department of Planning and Sustainability shall provide public notification of the request on the City's official website at least seven days prior to taking action on the request.

(iv) The Department of Planning and Sustainability shall provide regular reports to the FMPC related to administrative actions agreements.

(e) Step 5 – Maintenance Obligation

Following a passing inspection of the required improvements or landscape, the applicant shall be required to maintain the completed improvements or required landscape in accordance with Section 6.4 to insure against defects in workmanship and/or materials.

(5) Approval Criteria

Recommendations and decisions on a Performance Agreement shall be based on compliance with Chapter 6: Performance Agreements.

(6) Effect of Site Plan Approval

The approval of a Site Plan shall not constitute or imply the acceptance by the city of any improvement or landscape shown on a Site Plan. The Department of Planning and Sustainability may require the Site Plan to be endorsed with appropriate notes to this effect.

(7) Failure to Complete Improvements

Where a Performance Agreement has been entered into, and required improvements have not been installed within the terms of the Performance Agreement, then the FMPC may declare the agreement to be in default and authorize the calling of the agreement and surety and the completion of the improvements under the supervision of city departments.

(8) Appeals Regarding Agreements

The applicant may, upon disapproval of a request for extension, reduction, or release of a Performance Agreement, appeal the decision of the Department of Planning and Sustainability or city departments to the FMPC. The appeals shall be filed within ten days of the adverse decision and shall be set for hearing on the next available FMPC agenda.

2.4.8 Tree Removal Permits

(1) Purpose and Scope

The purpose of the Tree Removal Permit procedure is to ensure compliance with provisions of Section 5.2, Tree Protection.

(2) Applicability

(a) A Tree Removal Permit shall be required in accordance with Section 5.2, Tree Protection, for the following:

(i) The removal of any specimen tree, in any district, as set forth in Section 5.2, Tree Protection;

(ii) The removal of any size tree on residential lots greater than one acre in size; and

(iii) The removal of any size tree on all nonresidential lots, regardless of lot size.

(b) A Tree Removal Permit shall not be required for the removal of trees where:

(i) Trees are removed in accordance with an approved Building Permit, Grading Permit, Site Plan, or Subdivision Preliminary Plat;

(ii) There is the danger of a tree falling or damaging structures;

(iii) A tree is a detriment to access as determined by the Department of Building and Neighborhood Services;

(iv) Damage will result to utilities or structures from tree roots;

(v) Sight distance will be affected;

(vi) The tree has encroached into established easements;

(vii) Written verification is offered from a qualified specialist that a tree is dead or dying;

(viii) The removal is required by the Stormwater Management Permit for stormwater management activities;

(ix) The tree proposed for removal is located on a single-family residential lot of one acre or less located within a residential zoning district; or

(x) The Department of Building and Neighborhood Services makes an exception, in extraordinary circumstances (e.g., weather-related emergencies, natural disasters, and similar occurrences), as the Department of Building and Neighborhood Services may determine. The Department of Building and Neighborhood Services may impose conditions as it determines are necessary to ensure compliance with Section 5.2, Tree Protection.

(3) Initiation

An application for a Tree Removal Permit shall be initiated by the property owner or other person having authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(4) Procedure

(a) Step 1 –Application for a Tree Removal Permit

An application for a Tree Removal Permit shall be made in accordance with application requirements established by the Department of Building and Neighborhood Services.

(b) Step 2 – Department of Planning and Sustainability Review of Tree Removal Permit

The Department of Planning and Sustainability shall review the application for a Tree Removal Permit and make a recommendation to the Department of Building and Neighborhood Services on whether to approve, approve with conditions, or disapprove the application.

(c) Step 3 –Department BNS Decision on a Tree Removal Permit

The Department of Building and Neighborhood Services shall review the application for a Tree Removal Permit and make a decision within 30 days on whether to approve, approve with conditions, or disapprove the Tree Removal Permit.

(5) Approval Criteria

The Department of Building and Neighborhood Services shall review an application for a Tree Removal Permit based on the standards set forth in Section 5.2, Tree Protection.

(6) Issuance of a Building Permit or Grading Permit

No Building Permit or Grading Permit shall be issued unless the city department issuing the permit receives a written decision from the Department of Building and Neighborhood Services that the proposed development has received a Tree Removal Permit or is exempt from the requirement to obtain a Tree Removal Permit..

2.4.9 Certificate of Appropriateness in an HPO District

(1) Purpose and Scope

The purpose of this subsection is to provide for the review of development, construction, alteration, or demolition of structures within the HPO District by the HZC pursuant to this subsection and Subsection 3.4.2, HPO District.

(2) Applicability

(a) Unless otherwise exempted in Subsection 2.4.9(3), no Building Permit for construction, alteration or rehabilitation, moving, or demolition shall be issued by the Department of Building and Neighborhood Services within the HPO District until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.

(b) In instances where a Certificate of Appropriateness is required for exterior work that does not require a Building Permit (e.g., replacement of windows or the installation of fences), no work shall occur until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC.

(3) Exemption

Building Permits for work (electrical, interior structural, etc.) on the interior of the structure shall be exempt from the provisions of this subsection provided that the work for which the Building Permit is requested will not alter the external appearance or the gross floor area of the structure.

(4) Initiation

An application for a Certificate of Appropriateness shall be initiated by the property owner or other person having authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(5) Procedure

(a) Step 1 – Application for a Certificate of Appropriateness in the HPO District

(i) An application for a Certificate of Appropriateness shall be made in accordance with application requirements established by the Department of Building and Neighborhood Services.

(ii) For properties subject to Site Plan review, the application for a Certificate of Appropriateness shall be made prior to the Department of Planning and Sustainability's review of the Site Plan pursuant to Subsection 2.4.3, Site Plan Review. All other applications may be made with the application for a Building Permit.

(iii) Upon application, the Department of Building and Neighborhood Services shall forward the Certificate of Appropriateness application to the Department of Planning and Sustainability for review by the department and the HZC.

(b) Step 2 – Department of Planning and Sustainability Review and Recommendation on Certificate of Appropriateness

The Department of Planning and Sustainability shall review the application for a Certificate of Appropriateness and make a recommendation to the HZC to approve, approve with conditions, or disapprove a Certificate of Appropriateness needed prior to consideration of a Building Permit application.

(c) Step 3 – HZC Review and Decision on the Certificate of Appropriateness

(i) Upon receiving an application for a Building Permit, the HZC shall, within 30 days following the availability of sufficient information, meet and consider the request and issue a Certificate of Appropriateness to the Department of Building and Neighborhood Services stating its approval, approval with conditions, or disapproval, with the grounds for disapproval stated in writing.

(ii) This time period may be extended by mutual agreement.

(iii) If the Certificate of Appropriateness is issued, then the Building Permit application or Site Plan review shall be processed in accordance with this ordinance or in the same manner as that of any other Building or Demolition Permit. If the HZC disapproves the Certificate of Appropriateness, the applicant shall be notified of the disapproval in writing by the Department of Building and Neighborhood Services.

(d) Step 4 – Final Building Permit Review

The Department of Building and Neighborhood Services shall review applications for Building Permits that have received written approval from the HZC in the form of a Certificate of Appropriateness, in the same manner as applications made outside of the HPO District, and final issuance or rejection shall be based upon adopted building codes.

(6) Approval Criteria

The HZC shall consider the following in evaluating an application for a Certificate of Appropriateness:

(a) Whether the proposed action is in harmony with the intent of the HPO District;

(b) Whether the proposed action would complement other structures within the HPO District;

(c) In the case of alterations to existing structures, whether the proposed action complies with the "Standards for Rehabilitation" and the applicable guidelines for exterior features promulgated by the Secretary of the Interior in the publication, "Standards for Rehabilitation", (Jan. 1980 rev.);

(d) In the case of new construction, whether the proposed action complies with the "Standards for Rehabilitation" and the applicable guidelines for new construction promulgated by the Secretary of the Interior in the publication, "Standards for Rehabilitation", (Jan. 1980 rev.);

(e) In the case of alterations of existing structures and new construction, whether the proposed action complies with the Franklin Historic District Design Guidelines, adopted by reference herein;

(f) In the case of removal or demolition, whether the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts;

(g) In the case of removal or demolition, whether the structure is without substantial historic or architectural significance;

(h) A Certificate of Appropriateness shall be granted:

(i) In the case of alterations to existing structures if the HZC answers (a), (b), (c), and (e) affirmatively;

(ii) In the case of new construction, if the HZC answers (a), (b), (d), and (e) affirmatively; and

(iii) In the case of removal or demolition, if the HZC answers (a), (b) and either (f) or (g) affirmatively. If the HZC does not answer the required questions affirmatively, then it shall either deny the Certificate of Appropriateness or grant it subject to the conditions as may be required in order to permit an affirmative answer to the required questions.

(7) Appeals

The HZC shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the HZC may have the order or judgment reviewed by the courts by the procedures set forth in Section 27-9-101 et seq. of the Tennessee Code, Annotated.

(8) Injunctive Powers and Penalties

Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this ordinance, then the City Attorney shall apply to an appropriate court for an injunction against a violation of this ordinance. If an order of the court enjoining or restraining the violation does not receive immediate compliance, then the City Attorney shall apply to an appropriate court to punish the violation pursuant to law.

2.4.10 Sign Permit

(1) Purpose and Scope

The purpose of this subsection is to provide for the review construction, alteration, or relocation of signs in the city pursuant to this subsection and Section 5.12, Signs.

(2) Applicability

(a) Unless otherwise exempted in Subsection 2.4.10(3), all construction, alteration, or relocation of a sign shall require issuance of a Sign Permit by the Department of Building and Neighborhood Services.

(b) In instances where a sign is proposed for construction, alteration, relocation, or demolition within the HPO, no Sign Permit shall be issued by the Department of Building and Neighborhood Services until the project has been submitted to, and received a written Certificate of Appropriateness from, the HZC. Signs exempted from the requirement to obtain a Sign Permit and located within the HPO shall receive a written Certificate of Appropriateness from the HZC prior to any construction, alteration, relocation, or demolition.

(c) In cases where an Electrical Permit is required, it shall be obtained at the same time as the Sign Permit.

(3) Exemption

(a) The following signs may be constructed, altered, relocated, or demolished without a Sign Permit, but shall be subject to all applicable requirements in Section 5.12, Signs:

(i) Convenience Signs;
(ii) Freestanding flags;
(iii) Freestanding signs serving public schools and governmental uses;
(iv) Public signs;
(v) Integral signs;
(vi) Attached Ballfield Fence signs;
(vii) Temporary and Development-in-Progress signs; and
(viii) Horizontal Directional signs on and flush with paved areas.

(b) The following activities may be conducted without obtaining a Sign Permit:

(i) Cleaning and other normal maintenance and repair of a sign or sign structure, unless a structural change is made.
(ii) Painting or repainting of a sign or sign structure, except that alterations in the paint color of a sign or sign structure within the HPO shall require prior receipt a written Certificate of Appropriateness from the HZC.
(iii) The changing of the advertising copy or message on an approved painted or printed sign which is specifically designed for the use of replaceable copy.
(iv) Replacement of the removable, plastic face of an existing wall or freestanding sign provided the size, shape, and location remains unchanged.

(4) Initiation

An application for a Sign Permit shall be initiated by the property owner or other person having authority to file an application pursuant to Subsection 2.3.1, Authority to File Applications.

(5) Procedure

(a) Step 1 – Application for a Sign Permit

(i) An application for a Sign Permit shall be made in accordance with application requirements established by the Department of Building and Neighborhood Services.

(ii) For signs within the HPO, the application for a Certificate of Appropriateness shall be made prior to the Department of Building and Neighborhood Services's review of the Sign Permit.

(b) Step 2 – Department of Building and Neighborhood Services Decision on Sign Permit

The Department of Building and Neighborhood Services shall review the application for a Sign Permit and make a decision within 30 days on whether to approve, approve with conditions, or disapprove the Sign Permit.

(6) Approval Criteria

The Department of Building and Neighborhood Services shall review an application for a Building Permit based on the standards set forth in Section 5.12, Signs.

(7) Time Limit

(a) Construction, alteration, relocation, or demolition of a sign or sign structure authorized by a Sign Permit shall be completed within a period of 180 days of the date of the Sign Permit approval.

(b) Upon written request, one extension of six months may be granted by the Department of Building and Neighborhood Services if the applicant can show good cause.

CHAPTER 3: ZONE DISTRICTS, USE TABLES, AND DIMENSIONAL STANDARDS

3.1 GENERAL PROVISIONS

3.1.1 Adoption of Zoning Map

The map entitled, Zoning Map of Franklin, Tennessee, dated July 1, 2008, hereinafter referred to as the "zoning map", and all explanatory matters thereon, are hereby adopted and made a part of this ordinance. In the case of a question concerning the designation of zoning districts, referred to as districts, thereon, or the boundaries of the districts, then the districts and their boundaries shall be delimited according to previously adopted ordinances delimiting those districts and boundaries, and those ordinances are of record in the office of the city recorder.

3.1.2 District Boundaries

(1) The boundaries of the districts are established as shown on the zoning map. Unless otherwise indicated on the zoning map, the district boundaries are parcel lines or the corporate limit lines, as they existed at the time of the enactment of this ordinance. Questions concerning the exact location of the district boundary lines shall be determined by the BZA at a regular public meeting.

(2) New base district lines or rezoning lines shall follow parcel lines.

3.1.3 Compliance with District Standards

No development shall occur except in accordance with the district regulations of this chapter, the use regulations of Chapter 4: Use Regulations, and all other applicable regulations of this ordinance. No land, building, structure, or premises shall be used for any purpose or in any manner other than that which is permitted in the district in which it is located.

3.1.4 Zoning Classifications for Newly Annexed Property

(1) After the effective date of this ordinance, parcels annexed into the city shall be rezoned to the Agricultural (AG) District in accordance with this ordinance and state law with the following exceptions:

- **(a)** If a specific district is required for the applicable special area in Section 3.5, Character Area Overlay Districts, a parcel may be zoned to that district.
- **(b)** Parcels annexed into the city that are part of a recorded subdivision shall be zoned to the district that most closely resembles the existing development in terms of uses and density.
- **(c)** Vacant parcels with a total area of less than 15 acres shall be rezoned to the Estate Residential (ER) District.

(2) After the effective date of this ordinance, parcels annexed into the city shall be rezoned to the applicable character area overlay district in accordance with the land use plan.

(3) Parcels may be rezoned to other districts, provided a Development Plan is submitted as part of a PUD pursuant to Subsection 2.4.2, Planned Unit Developments, following annexation. Final plats on record in the Williamson County Register's office shall serve as the Development Plan.

3.2 BASE DISTRICTS

3.2.1 Establishment of Base Districts

For the purpose of this ordinance, the city is hereby divided into the base districts listed in Table 3-1.

TABLE 3-1: BASE DISTRICTS

Abbreviation	District Name
AG	Agricultural District
ER	Estate Residential District
R-1	Low Residential District
R-2	Medium Residential District
R-3	High Residential District
R-6	Historic Core Residential District
RX	Residential Variety District
OR	Office Residential District
GO	General Office District
NC	Neighborhood Commercial District
CC	Central Commercial District
GC	General Commercial District
MN	Neighborhood Mixed-Use District
ML	Local Mixed-Use District
MX	Regional Mixed-Use District
LI	Light Industrial District
HI	Heavy Industrial District
CI	Civic and Institutional District

3.2.2 District Purpose Statements

(1) AG—Agricultural District

The purposes of the Agricultural (AG) District, hereinafter referred to as the "AG District", are to provide for:

(a) The production of agricultural products, such as field crops, fowl, livestock, and other conventional agricultural pursuits;

(b) Farming operations;

(c) The protection of these agricultural uses;

(d) Detached residential development on large lots;

(e) The protection of environmentally sensitive areas, such as floodplains and steep slopes; and

(f) Open space and clustered subdivisions to maintain the character of the rural areas.

To accomplish these purposes, there are a limited number of uses permitted in the AG District.

(2) ER—Estate Residential District

The purposes of the Estate Residential (ER) District, hereinafter referred to as the "ER District", are to:

(a) Provide for very low-density detached residential development on large lots;

(b) Protect environmentally sensitive areas, such as floodplains and steep slopes; and

(c) Provide for open space and conservation subdivisions to maintain the character of the rural areas.

(3) R-1—Low Residential District

The purposes of the Low Residential (R-1) District, hereinafter referred to as the "R-1 District", are to:

(a) Provide for low-density detached residential development;

(b) Protect environmentally sensitive areas, such as floodplains and steep slopes; and

(c) Provide conditions and standards to help ensure the compatibility of new development with surrounding large-lot neighborhoods.

(4) R-2—Medium Residential District

The purposes of the Medium Residential (R-2) District, hereinafter referred to as the "R-2 District", are to:

(a) Provide for moderate-density residential development;

(b) Protect environmentally sensitive areas, such as floodplains and steep slopes; and

(c) Provide conditions and standards to help ensure the compatibility of new development with surrounding neighborhoods.

(5) R-3—High Residential District

The purposes of the High Residential (R-3) District, hereinafter referred to as the "R-3 District", are to:

(a) Provide for detached residential dwellings;

(b) Protect environmentally sensitive areas, such as floodplains and steep slopes;

(c) Provide for compact development to protect open spaces; and

(d) Provide conditions and standards to help ensure the compatibility of new development with surrounding neighborhoods.

(6) R-6—Historic Core Residential District

The purposes of the Historic Core Residential (R-6) District, hereinafter referred to as the "R-6 District", are to:

(a) Provide for detached residential dwellings;

(b) Provide for higher density housing options within the city;

(c) Protect environmentally sensitive areas, such as floodplains and steep slopes;

(d) Provide for compact development to protect open spaces; and

(e) Provide conditions and standards to help ensure the compatibility of new development with surrounding neighborhoods.

(7) RX—Residential Variety District

The purposes of the Residential Variety (RX) District, hereinafter referred to as the "RX District", are to:

(a) Provide for both detached and attached residential dwellings;

(b) Provide for a variety of housing options and densities within the city;

(c) Protect environmentally sensitive areas, such as floodplains and steep slopes;

(d) Provide for compact development to protect open spaces; and

(e) Provide conditions and standards to help ensure the compatibility of new development with surrounding neighborhoods.

(8) OR—Office Residential District

The purposes of the Office Residential (OR) District, hereinafter referred to as the "OR District", are to:

(a) Promote quality office development;

(b) Provide for both detached and attached residential dwellings;

(c) Provide standards for office development so that the office uses may serve as a transition use between downtown and surrounding residential neighborhoods; and

(d) Protect adjacent residential neighborhoods through increased landscape and buffering standards.

(9) GO—General Office District

The purposes of the General Office (GO) District, hereinafter referred to as the "GO District", are to:

(a) Provide for quality office development;

(b) Promote economic development; and

(c) Protect adjacent residential neighborhoods through increased landscape and buffering standards.

(10) NC—Neighborhood Commercial District

The purposes of the Neighborhood Commercial (NC) District, hereinafter referred to as the "NC District", are to:

(a) Provide for the development of small-scale retail and personal service uses within or near residential neighborhoods;

(b) Create pedestrian-oriented development through the integration of convenience uses near homes; and

(c) Promote high-quality commercial design for those commercial uses located in or near residential neighborhoods.

(11) CC—Central Commercial District

The purposes of the Central Commercial (CC) District, hereinafter referred to as the "CC District", are to:

(a) Meet the need for professional services, specialty shops, public and semipublic uses, and attached and detached residential dwellings;

(b) Encourage compatible infill development with the existing character of downtown;

(c) Create pedestrian-oriented development through the integration of a mixture of uses including residential;

(d) Ensure neighborhood compatibility with surrounding neighborhoods; and

(e) Preserve the historic fabric of Franklin.

(12) GC—General Commercial District

The purposes of the General Commercial (GC) District, hereinafter referred to as the "GC District", are to:

(a) Promote economic development through a diverse mixture of business uses;

(b) Minimize conflicts between uses through landscape and buffering requirements;

(c) Promote high-quality commercial development; and

(d) Emphasize access control due to the high traffic generation created by general commercial uses, especially around the Interstate-65 corridor.

(13) Mixed-Use Districts

(a) The general purposes of the MN, ML, and MX Districts are to:

(i) Provide appropriate areas for and facilitate quality mixed-use development that is consistent with the land use plan;

(ii) Group and link places used for living, working, shopping, educating, and recreating, thereby reducing vehicle trips, relieving traffic congestion, and improving the overall quality of life in the city;

(iii) Provide a variety of residential housing types and densities to assure activity in the district, support a mix of uses, and enhance the housing choices of city residents; and

(iv) Integrate new mixed-use development with its surroundings by encouraging connections for pedestrians and vehicles and by assuring sensitive, compatible use, scale, and operational transitions to neighboring uses.

(b) In order to achieve the purposes and recommendations found in the land use plan, each of the three mixed-use districts has specific purposes, as follows:

(i) **MN—Neighborhood Mixed-Use District**

The Neighborhood Mixed-Use District, hereinafter referred to as the MN District", is intended to accommodate neighborhood uses that will serve the surrounding residents and neighborhoods with convenience retail and services, and to contain residential uses inside the MN District. The MN District is intended to accommodate some automotive-oriented uses, but an emphasis shall be placed on the pedestrian and walkability.

(ii) **ML—Local Mixed-Use District**

The Local Mixed-Use District, hereinafter referred to as the "ML District", is intended to serve a larger area than the MN District and includes a larger variety of uses, including a range of commercial, office, and residential uses. The ML District is intended to reflect a unified development with integrated uses, rather than as an area designed to serve the surrounding neighborhoods.

(iii) **MX—Regional Mixed-Use District**

The Regional Mixed-Use District, hereinafter referred to as the "MX District", is intended to include the broadest range of uses and serve as a regional activity and employment center. The MX District is designed for both the pedestrian and automobiles. This district is intended to include a mixture of commercial, office, and residential uses, with the possibility of incorporating large-scale commercial and office buildings or buildings with a mixture of uses under one roof.

(14) LI—Light Industrial District

The purpose of the Light Industrial (LI) District, hereinafter referred to as the "LI District", is to provide for industrial uses that have minimal exterior movement of vehicles and goods. Uses shall be restricted to activities that are safe and not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste, or other adverse effects on surrounding uses. The LI District shall provide open space, landscape, and buffering in order to achieve desirable site development.

(15) HI—Heavy Industrial District

The purpose of the Heavy Industrial (HI) District, hereinafter referred to as the "HI District", is to provide for industrial uses that have extensive exterior movement of vehicles and goods. The intensity of uses associated with the HI District requires imposing strict measures to control adverse environmental and visual impacts.

(16) CI—Civic and Institutional District

The purpose of the Civic and Institutional (CI) District, hereinafter referred to as the "CI District", is to:

(a) Accommodate civic, quasi-public, parks, recreational facilities, open space, and institutional uses that may have a substantial land use impact or traffic-generating potential;

(b) Preserve the character and quality of surrounding neighborhoods with development that is compatible in scale, appearance, and other relevant features, with surrounding development;

(c) Mitigate traffic impacts through traffic impact analyses and design to maintain or improve current level of services; and

(d) Locate civic and institutional uses in relation to any approved city plans and policies.

This district is not intended for civic and institutional uses customarily found within planned unit developments.

3.2.3 Use Table

Table 3-2 lists the principal uses allowed within the base districts.

(1) Explanation of Table of Permitted Uses

(a) Organization of Table

Table 3-2 organizes the principal uses by Use Classifications and Use Types.

(i) **Use Classifications**

The Use Classifications are: Agricultural Uses; Residential Uses; Civic and Institutional Uses; Office Uses; Commercial Uses; and Industrial Uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential and commercial uses). The Use Classifications then organize land uses and activities into specific "Use Types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

(ii) **Use Types**

The specific Use Types identify the specific uses that are considered to fall within characteristics identified in the Use Classifications. For example, detached dwellings, attached dwellings, and group homes are Use Types in the Residential Use Classification.

(b) Symbols in Table

The symbols used in the use table are defined as follows:

(i) **Permitted Uses (P)**

A "P" indicates that a use is permitted by right, subject to compliance with all other applicable provisions of this ordinance. Uses may be subject to special regulations as referenced in the "Additional Requirements" column.

(ii) **Prohibited Uses (Shaded Cells)**

A shaded cell indicates that the listed use is prohibited in the respective base district.

(iii) **Unlisted Uses**

If an application is submitted for a use that is not listed in Table 3-2, the Department of Building and Neighborhood Services is authorized to classify the new or unlisted use, in consultation with the Department of Planning and Sustainability, into an existing Use Type that most closely fits the new or unlisted use. If no similar use determination can be made, the Department of Building and Neighborhood Services shall refer the use to the Department of Planning and Sustainability, who may initiate an amendment to the text of this ordinance to clarify where and how the use should be permitted.

TABLE 3-2: PERMITTED USES

Use Types "P" = Permitted	Base Zoning Districts																		Additional Requirements
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	GO	NC	CC	GC	MN	ML	MX	LI	HI	CI	
AGRICULTURAL USES																			
Agricultural Uses	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	Sec. 3.2.4 (1)
RESIDENTIAL USES																			
Attached Dwellings							P	P			P		P	P	P				
Detached Dwellings	P	P	P	P	P	P	P	P			P		P	P	P				
Group Homes							P	P						P	P			P	
CIVIC AND INSTITUTIONAL USES																			
Active Park Facilities							P						P	P	P	P		P	Sec. 3.2.5 (1) and (2)
Assisted Living Facility							P		P			P		P	P			P	Sec. 3.2.5 (1)
Cemeteries																		P	Sec. 3.2.5 (1)
Charitable, Fraternal, or Social Organizations								P	P	P	P	P	P	P	P			P	Sec. 3.2.5 (1)
Clinics									P	P		P		P	P			P	Sec. 3.2.5 (1)
Correctional Facilities																		P	Sec. 3.2.5 (1)
Day Care Centers									P	P	P	P	P	P	P	P		P	Sec. 3.2.5 (1)
Educational Facilities									P	P	P		P	P	P	P		P	Sec. 3.2.5 (1)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.5 (1)
Hospitals																		P	Sec. 3.2.5 (1)
Nursing/Convalescent Home							P					P		P	P			P	Sec. 3.2.5 (1)
Passive Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.5 (1)
Public Buildings or Uses							P		P		P	P	P	P	P	P	P	P	Sec. 3.2.5 (1) and (3)
Rehabilitation Centers												P			P			P	Sec. 3.2.5 (1) and (4)
Place of Public Assembly							P		P			P	P	P	P	P	P	P	Sec. 3.2.5 (1)
OFFICE USES																			
Offices								P	P	P	P	P	P	P	P	P		P	Sec. 3.2.6
COMMERCIAL USES																			
Adult-Oriented Establishments																	P		Sec. 3.2.9
Automotive Body Shops												P				P	P		Sec. 3.2.7 (1) and (2)

TABLE 3-2: PERMITTED USES

Use Types "P" = Permitted	Base Zoning Districts																		Additional Requirements
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	GO	NC	CC	GC	MN	ML	MX	LI	HI	CI	
Automotive Fuel Sales										P		P	P	P	P	P			Sec. 3.2.7 (1) and (5)
Automotive Service Facilities												P		P	P	P	P		Sec. 3.2.7 (1) and (2)
Automotive Wash Facilities												P		P	P	P			Sec. 3.2.7 (1) and (2)
Bed and Breakfast Establishments	P	P	P	P	P	P	P	P			P		P	P	P				Sec. 3.2.7 (1) and (3)
Commercial Kennels	P															P			Sec. 3.2.7 (1) and (4)
Convenience Stores										P		P	P	P	P				Sec. 3.2.7 (1) and (5)
Extended Stay or All-Suite Hotels											P	P			P				Sec. 3.2.7 (1) and (6)
Full Service Hotels or Motels											P	P		P	P				Sec. 3.2.7 (1) and (7)
Funeral Homes												P		P	P	P		P	Sec. 3.2.7 (1) and (8)
Personal Services										P	P	P	P	P	P	P			Sec. 3.2.7 (1)
Recreational Facilities (Private)		P	P	P	P	P	P	P	P		P	P		P	P	P		P	Sec. 3.2.7 (1) and (9)
Recreational Facilities (Neighborhood)		P	P	P	P	P	P	P			P			P	P			P	Sec. 3.2.7 (1) and (9)
Restaurants										P	P	P	P	P	P	P			Sec. 3.2.7 (1)
Restaurants, Drive-In/Drive-Through												P		P	P	P			Sec. 3.2.7 (1)
Retail and Commercial Uses									P	P	P	P	P	P	P	P			Sec. 3.2.7 (1) (10) and (13)
Service Commercial Uses									P	P	P	P		P	P				Sec. 3.2.7 (1)
Telecommunication Towers and Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.10
Theaters											P	P		P	P				Sec. 3.2.7 (1)
Vehicle Sales and Rental												P				P	P		Sec. 3.2.7 (1) and (14)
Veterinary Facilities (Indoor)	P											P		P	P	P	P		Sec. 3.2.7 (1) and (11)
Veterinary Facilities (Neighborhood)										P			P	P	P				Sec 3.2.7 (12)

TABLE 3-2: PERMITTED USES																			
Use Types "P" = Permitted	**Base Zoning Districts**																		**Additional Requirements**
	AG	**ER**	**R-1**	**R-2**	**R-3**	**R-6**	**RX**	**OR**	**GO**	**NC**	**CC**	**GC**	**MN**	**ML**	**MX**	**LI**	**HI**	**CI**	
Veterinary Facilities (Outdoor)	P											P				P	P		Sec. 3.2.7 (1) and (4)
Wholesale Sales																P	P		Sec. 3.2.7 (13)
INDUSTRIAL USES																			
Engine and Motor Repair Facilities																P	P		Sec. 3.2.8 (1) and (2)
General Warehouses																P	P		Sec. 3.2.8 (1)
Heavy Industrial Uses																	P		Sec. 3.2.8 (1)
Industrial Services																P	P		Sec. 3.2.8 (1)
Light Industrial Uses															P	P	P		Sec. 3.2.8 (1) and (3)
Self-Storage Facilities																P	P		Sec. 3.2.8 (1) and (4)
Wrecker Service																	P		Sec. 3.2.7(1)

3.2.4 Regulations for Agricultural Uses

Retail or wholesale nurseries and facilities for processing or selling agricultural products are prohibited in the R-1, R-2, R-3, R-6, RX, OR, GO, NC, and MN Districts.

3.2.5 Regulations for Institutional Uses

(1) General Provisions

(a) See Subsection 2.4.2(3)(b) for the approval process for Civic and Institutional uses, regardless of zoning district.

(b) Civic and Institutional uses shall be prohibited on lots of less than two acres, however, no minimum lot size shall apply where the Civic and Institutional use is part of a PUD approved after July 1, 2008, or proposed on lots in the CI, NC, GC, GO, LI, or HI District. This shall not prohibit the use classification of Charitable, Fraternal, or Social Organizations from being allowed as a permitted-use in the Central Commercial (CC) or Office Residential (OR) Districts within all Central Franklin Character Area Overlay Districts, so long as the use is not located on the first floor of the building.

(c) Outdoor storage shall be regulated by Section 4.1, Accessory Uses and Structures.

(d) Institutional uses located in a residential district shall be designed to respect residential character by reflecting similar design elements of the surrounding residential uses including:

(i) Height of structures;

(ii) Rooflines;

(iii) Building materials;

(iv) Setbacks; and

(v) Building coverage.

(e) Outdoor playgrounds or play yards for children shall not be located between a street and building and shall be screened in accordance with Section 5.4, Landscape, Buffers, and Screening.

(f) The principal and accessory uses within a proposed development within the CI District shall be listed with the application. The principal use shall be declared, and the accessory use shall be listed with detailed information as to how the use will function as incidental and subordinate to the principal use of the development.

(g) Office uses in the CI District shall only be allowed as accessory uses to the principal civic and institutional uses.

(2) Active Park Facilities

Active park facilities in excess of two acres that are not a component of an approved PUD shall be required to be located in the CI District.

(3) Public Buildings or Uses

Public buildings of 12,000 square feet or less may be permitted in residential or mixed-use districts. Larger public buildings or uses shall be located in a nonresidential or CI District.

(4) Rehabilitation Center

In order to be classified as a rehabilitation center, the center shall be licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

3.2.6 Regulations for Office Uses

(1) Outdoor storage shall be prohibited.

(2) Buildings or structures with less than 51 percent of office space shall not be classified as an office use and shall be regulated by the other use of the structure.

3.2.7 Regulations for Commercial Uses

(1) General Regulations

Drive-through or drive-in facilities and service windows, whether a principal use of land or accessory to a principal use, are prohibited in the CC District, unless they are located internal to the block, do not face an arterial or collector street, and do not result in stacking of vehicles in a Public Right-of-Way.

(2) Automotive-Service Facilities, Automotive Body Shops, and Automotive Wash Facilities

(a) Vehicle service or washing bays shall be screened from view from residential uses, arterial and collector streets, Mack Hatcher Parkway, and Interstate 65 or by a site design that orients the bays away from the area to be screened.

(b) If such a design cannot be achieved, then berming, evergreen shrubs, evergreen trees, masonry walls, opaque wooden fencing, or any combination of these shall provide a barrier six feet high between the vehicle bays and the area to be screened.

(c) Within the following circumstances, with the exception of off-street parking or queuing, activities associated with this use shall take place within an enclosed structure:

(i) Within 500 feet of an attached or detached dwelling;

(ii) Within 500 feet of Mack Hatcher Parkway;

(iii) Within 500 feet of an arterial street as shown on the FMTP; and

(iv) Within 500 feet of Interstate 65.

Distances from streets shall be measured perpendicularly from the nearest lane of traffic.

(3) Bed and Breakfast

Bed and breakfast uses shall be established in accordance with the following standards, after notification to adjacent property owners within 500 feet pursuant to Subsection 2.3.8, Public Notification, and a neighborhood meeting held pursuant to Subsection 2.4.2(6)(c), Neighborhood Meeting, (regardless of whether the use is proposed as part of a PUD).

(a) Approval of a Site Plan by the FMPC and a business license by the appropriate city department.

(b) The bed and breakfast use shall be accessory to the structure's principal use as a dwelling, and the operators shall permanently reside on the premises.

(c) The structure shall maintain an exterior appearance that is in character with surrounding residential uses.

(d) A maximum of three sleeping rooms may be available for transient occupancy by up to six guests, and in no event shall a sleeping room be occupied by a guest for more than seven consecutive days.

(e) Cooking facilities shall not be permitted within individual sleeping rooms, and food may be served only to overnight guests.

(f) Occupancies shall comply with International Fire Code/Life Safety Code requirements, which may result in additional requirements.

(g) Common dining or gathering areas shall not be leased for social events.

(h) All off-street parking areas for the use shall be on the site, located within side or rear yard areas, screened in accordance with this ordinance, and shall not use commercial-style exterior lighting.

(4) Commercial Kennels and Veterinary Facilities (Outdoor)

Outdoor kennels and storage areas shall not be visible from streets or adjacent properties.

(5) Convenience Stores and Automotive Fuel Sales

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

(6) Extended Stay All-Suite Hotel/Motel

Unless designed in accordance with the standards in Subsection 3.2.7(7)(a-d), a minimum of 120 guest rooms per building is required.

(7) Full-Service Hotel/Motel

Hotels or motels shall include a minimum of 200 guest rooms per building unless they include the following:

(a) A full-service restaurant with the following characteristics:

(i) Meals offered three times daily to the general public and guests for compensation;

(ii) Direct access to the lobby or common area via an internal corridor (the restaurant may also have external accesses);

(iii) A full-service bar serving the full range of alcoholic beverages, open to the general public and guests for compensation (facilities serving just beer and wine shall not meet this standard);

(b) A minimum of 3,000 square feet of indoor common area open to guests and the general public, including lobbies, but excluding meeting rooms, swimming pools, guest room corridors, or health club facilities;

(c) A 24-hour front desk attendant, room service, laundry and dry cleaning services, and concierge/guest services; and

(d) Guest rooms accessible from an indoor corridor, lobby, or hallway, and not via an outdoor parking area.

(8) Funeral Homes

Funeral homes located on an arterial street shall include adequate on-site stacking spaces for funeral-procession preparations.

(9) Recreational Facilities

(a) This use is permitted in a residential district only as a component of an approved PUD.

(b) Commercial activities related to recreational facilities including, but not limited to, restaurants, banquet halls, food sales, pro-shops, or retail sales, shall be allowed in residential districts only as part of a PUD approval.

(10) Retail and Commercial Uses

A maximum of ten percent of the gross floor area of a structure in a GO District may be used for retail and service commercial uses.

(11) Veterinary Facilities (Indoor)

(a) Services shall be performed or provided indoors.

(b) Animals shall be kept indoors.

(12) Veterinary Facility (Neighborhood)

(a) Animals shall only be housed overnight if they are undergoing medical treatment or observation. Overnight boarding for non-medical reasons shall be prohibited.

(b) The site shall be designed to prevent animal waste from being exposed to stormwater or entering the stormwater system, streams, lakes, or conveyances. If an area is provided for animals walking, it shall not be exposed to stormwater and the waste shall immediately be picked up and disposed of properly.

(c) This use shall adhere to the provisions in Title 10, Animal Control, as well as Title 11, Chapter 4, Offenses Against the Peace and Quite, of the Municipal Code.

(d) Animals shall not be kept outdoors or allowed to remain outside unsupervised; however, screening in accordance with Section 5.6, Fences and Walls, may be provided for security purposes or to create a visual or sound barrier.

(13) Large-Scale Retail and Wholesale Uses

(a) Such uses shall comply with the standards for large-scale development in Subsection 5.3.6(11).

(b) Except for structures within 5,000 feet of the Interstate 65 right-of-way, single-tenant large-scale retail and wholesale uses of 50,000 gross square feet in size or more shall meet the following criteria:

(i) The use shall be comprised of two or more stories above the finished grade, with the first floor building footprint a maximum of 50,000 gross square feet.

(ii) No more than 50 percent of the provided off-street parking shall be surface parking, with the remainder provided by structured or on-street parking located within 1,320 linear feet of the building.

(iii) Surface parking lots shall be prohibited between the building façade and a public street, or at the intersection of two public streets, and shall be located to the side or rear of a building.

(14) Vehicle Sales and Rental

This use is not permitted adjacent to a residential zone or within 200 feet of the boundary of a residential property.

3.2.8 Regulations for Industrial Uses

(1) General Provisions

Warehousing shall not be permitted in any building over 35 feet in height.

(2) Engine and Motor Repair

(a) Engine and motor repair facilities are prohibited within 500 feet of the right-of-way of an arterial street.

(b) Repair activities shall take place within an enclosed structure if the facility is located within the LI District.

(3) Light Industrial Uses

Light industrial uses may be permitted in the MX District, provided that they comply with the following provisions:

(a) With the exception of off-street parking, activities shall take place within an enclosed structure;

(b) The uses shall not generate noise, odors, or vibrations that can be detected from the closest public right-of-way;

(c) The design of the structure shall reflect the character of the commercial structures in the mixed-use development through the similar treatment of windows, roofs, building style, and building materials.

(4) Self-Storage Facilities

(a) One on-site apartment, not to exceed 1,500 square feet, shall be permitted for security personnel and shall be attached to, and incorporated into, the self-storage facility.

(b) Outdoor storage facilities shall not be located within required setbacks; however, they shall be completely screened from public rights-of-way.

(c) Self-storage facilities are prohibited from locating within 500 feet of an arterial street right-of-way as shown on the FMTP. However, a self-storage facility may encroach into the 500-foot setback if a buildable lot exists between the proposed self-storage facility and the arterial street, or the self-storage facility site is designed as follows:

(i) An eight-foot-high masonry screen wall shall be constructed around the portion of the self-storage facility site located within 500 feet of the arterial street right-of-way. The wall shall have columns no farther apart than 50 feet on-center;

(ii) Within eight feet of the exterior of the masonry screen wall, canopy trees, a minimum of two inches in caliper, shall be planted every 40 to 50 feet on-center. If overhead utility lines exist, then understory trees, a minimum of 1.5 inches in caliper, shall be used with a spacing that shall be 30 to 40 feet on-center; and

(iii) Within eight feet of the exterior of the screen wall, evergreen or deciduous shrubs with a height of at least 30 inches at installation shall be planted no farther than five feet on-center.

3.2.9 Adult-Oriented Establishments

An adult-oriented establishment as used in this ordinance shall have the same meaning as the term "adult-oriented establishment" as used in T.C.A. Section 7-51-1102, and, in construing the term, the definitions contained in T.C.A. Sections 7-51-110(1) through (6) and (9) through (26), are likewise incorporated by reference into and made a part of this ordinance.

(1) Adult-oriented establishments shall be permitted only within the HI District and shall not be permitted on any property within 500 feet of the following:

(a) A place of public assembly used primarily for religious worship and related religious activities;

(b) A public or private child care or educational facility, including, but not limited to, day care facilities; continuing, elementary, high, intermediate, junior high, middle, nursery, secondary, special education, or vocational schools; kindergartens; preschools; private schools; post-secondary educational institutions, and the grounds of any such facility, provided that the requirement shall not apply to facilities used primarily for another purpose and only incidentally as a school;

(c) A boundary of any residential zoning district or the property line of a lot devoted to a residential use;

(d) A public park or recreational area that has been designated for park or recreational activities, including, but not limited to, an athletic field, basketball court, bicycle/pedestrian path, nature trail, park, playground, swimming pool, tennis court, wilderness areas, or similar public land that is under the control, management, or operation of any government park and recreation authority;

(e) An entertainment business that is oriented primarily towards entertainment for children or families;

(f) Any packaged liquor store; or

(g) A crematory, funeral home, or mortuary facility.

(2) Measurements related to this subsection shall be made in a straight line, without regard to intervening objects or structures, from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted to the nearest property line of the premises of a use listed in Subsection 3.2.9(1) above. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.

(3) An adult-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in Subsection (1) above within 500 feet of the adult-oriented establishment.

(4) No adult-oriented establishment may be established or operated within 500 feet of another adult-oriented establishment. This distance requirement shall be measured in a straight line, without regard to the intervening objects, political boundaries, or structures, from the closest exterior wall of the structure in which each business is located.

(5) If two or more adult-oriented establishments are within 500 feet of one another or area within the same structure or parcel, the adult-oriented establishment that was first established in an otherwise permissible location shall be considered to be a conforming use, and the later-established business shall be considered to be a nonconforming use.

(6) No adult-oriented establishment may be enlarged so as to violate the provisions of this ordinance.

3.2.10 Telecommunication Towers

(1) General Provisions

(a) New Towers and Antennas

New towers or antennas shall be subject to these regulations, except as provided in Subsections (b) and (c).

(b) Preexisting Towers or Antennas

Preexisting towers and antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Subsections 3.2.10(2)(f) and (g), and Subsection 3.2.10(7).

(c) AM Array

For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array (excluding guy anchors). Additional tower units may be added by right within the perimeter of the AM array.

(2) General Requirements

(a) Principal or Accessory Use

Towers and antennas may be considered to be either principal or accessory uses. Additional towers and antennas may be constructed on a lot with existing towers and antennas and its associated structures.

(b) Lot Size

For purposes of determining whether the installation of towers or antennas complies with the requirements of the zoning district in which they are to be located, and other requirements, the dimensions of the entire lot shall control, even though the towers or antennas may be located on leased parcels within such lot.

(c) Inventory of Existing Sites

An applicant for a tower and/or an antenna shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas that are within the city, and towers outside of the city which serve areas within the city, as well as within the coverage area of the proposed tower or antenna, whether within the city or outside its jurisdiction, including specific information about the design, height, and location of each tower. The Department of Planning and Sustainability may share this information, provided that the Department of Planning and Sustainability is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for tower or antenna construction.

(d) Aesthetics

Towers and antennas shall meet the following requirements:

(i) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color to reduce visual obtrusiveness.

(ii) The design of the buildings and related structures shall use colors, landscaping, materials, screening, and textures that will blend them into the natural setting and surrounding buildings.

(iii) If an antenna is installed on a structure other than a tower, then the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Lighting

Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, then the lighting alternatives and design chosen shall cause the least disturbance to surrounding views.

(f) Federal or State Requirements

Towers and antennas shall meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the federal or state government with the authority to regulate towers and antennas. If those standards and regulations are changed, then the owners of the towers and antennas shall bring them into compliance within the time mandated by the controlling federal or state agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.

(g) Building Codes and Safety Standards

To ensure the structural integrity of towers and antennas, owners shall ensure that they are maintained in compliance with standards contained in applicable state and/or local building codes and the applicable standards for towers and antennas that are published by the Electronic Industries Association, as may be revised. If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being given, the owner shall have 30 days to bring such tower or antenna into compliance. Failure to do so shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement

For purposes of measurement, tower and antenna setbacks and separation distances shall be calculated and applied to facilities located in the city, irrespective of municipal and county jurisdictional boundaries.

(i) Franchises

Owners or operators of towers and antennas shall certify that all franchises required by law for constructing or operating a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the city.

(j) Public Notice

Property-owner notification shall be in accordance with the requirements of Subsection 2.3.8, Public Notification.

(k) Signs

Signs on towers or antennas shall be prohibited, except for those required by regulatory agencies.

(l) Buildings and Support Equipment

Buildings and support equipment associated with towers or antennas shall comply with the requirements of Subsection 3.2.10(5), Buildings, Cabinets, or Equipment Storage Associated with Towers.

(m) Towers in the HPO District

Towers shall not be permitted within HPO Districts or on National Register Properties. However, concealed devices meeting the conditions of Subsection 3.2.10(3), Administratively Approved Uses, may be permitted within HPO Districts or on National Register Properties.

(3) Administratively Approved Uses

(a) The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(i) The codes director may administratively approve the uses listed in this subsection.

(ii) Applicants for administrative approval shall apply to the Department of Building and Neighborhood Services by providing the information as may be required in accordance with Subsection 2.3.3, Application Contents.

(iii) The Department of Building and Neighborhood Services shall review the application for administrative approval and determine if the proposed use complies with Subsections 3.2.9 (2), General Requirements; 3.2.10(4), Towers Subject to Site Plan Review; 3.2.10(5), Buildings, Cabinets, or Equipment Storage; and 3.2.10(6), Removal of Abandoned Towers and Antennas.

(iv) The Department of Building and Neighborhood Services shall respond within 30 days after receiving applications by either approving, approving with conditions, or disapproving the application.

(v) In order to encourage the use of monopoles, the Department of Building and Neighborhood Services may permit the reconstruction of an existing tower to monopole construction.

(vi) If an administrative approval is disapproved, then the applicant may file an application for an appeal to the FMPC.

(b) The following uses may be approved by the Department of Building and Neighborhood Services after conducting an administrative review.

(i) Locate antennas on existing structures or towers consistent with the terms of the following:

A.) Antennas on Existing Structures. An antenna not attached to a tower may be approved by the Department of Building and Neighborhood Services as an accessory use to any commercial, industrial, office, or attached residential structure of eight or more dwelling units, provided that the antenna extends no more than 30 feet above the highest point of the structure, it complies with applicable FAA and FCC regulations, and it complies with applicable building codes. Documentation shall be provided justifying why the antenna cannot be a concealed device.

B.) Antennas on Existing Towers. Antennas to be attached to an existing tower may be approved by the Department of Building and Neighborhood Services and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. A tower that is modified or reconstructed to accommodate the collocation of additional antennas shall be of the same tower type as the existing tower, unless the Department of Building and Neighborhood Services permits reconstruction as a monopole, or otherwise determines that a different tower type would enhance collocation possibilities.
2. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's original height, to accommodate the collocation of an additional antennae, provided that the additional height shall not require an additional distance separation as set forth in Subsection 3.2.10(4)(e). The tower's pre-modification height shall be used to calculate distance separations.
3. A tower that is being rebuilt to accommodate the collocation of an additional antenna may be moved within 50 feet of its existing location, or elsewhere on the site, in the reasonable discretion of the Department of Building and Neighborhood Services. After the tower

is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower shall in no way be deemed to cause a violation of Subsection 3.2.10 (4)(e).

(4) Towers Subject to Site Plan Review

(a) General

The following provisions shall govern the approval of Site Plans for towers or antennas approved by the FMPC.

(i) Except for telecommunications towers approved administratively in accordance with Subsection 3.2.10(3), all other towers or antennas shall obtain Site Plan approval.

(ii) Applications for Site Plan approval under this subsection shall be subject to the procedures and requirements of Subsection 2.4.3, Site Plan Review, except as modified in this subsection.

(iii) In granting site plan approval, the FMPC may impose conditions necessary to minimize adverse effects of proposed towers or antennas on adjoining properties.

(iv) Submitted information of an engineering nature, whether civil, electrical, or mechanical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(b) Factors Considered in Granting Site Plan Approval for Towers

The FMPC shall consider the following factors in approving applications for towers and antennas and may attach conditions consistent with these factors:

(i) Tower or antenna height;

(ii) Proximity of the tower or antenna to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vi) Tower or antenna design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(vii) Proposed ingress and egress; and

(viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

(c) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology

No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the Department of Planning and Sustainability, that no existing tower, structure, or alternative technology not requiring the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Department of Planning and Sustainability related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the proposed antenna shall include at least one of the following:

(i) No existing towers or structures are located within the geographic area that meets the applicant's engineering requirements;

(ii) Existing towers or structures are of insufficient height to meet the applicant's engineering requirements, or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;

(iii) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

(iv) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

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

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

(d) Setbacks

Towers shall be located so that there is sufficient radius of land around the tower so that its collapse will be contained on the property where located. A professional engineer licensed under the guidelines of the State of Tennessee shall certify technical documentation concerning the tower fall radius. Guys and accessory buildings shall satisfy minimum setback requirements of the applicable base district.

(e) Separation

The following separation requirements shall apply to towers for which a Site Plan is required:

(i) Tower separation shall be measured from the base of the tower to the lot line of off-site uses or designated areas as specified in Table 3-3, Separation Distances Between Towers and Off-Site Uses. Separation requirements shall comply with the minimum standards established in Table 3-3.

TABLE 3-3: SEPARATION DISTANCES BETWEEN TOWERS AND OFF-SITE USES	
Off-Site/Designated Area	**Separation Distance**
Detached residential dwelling units, or vacant detached residentially-zoned land that is either platted, has a Preliminary Subdivision Plat, Conservation Design Plan or Site Plan approval that has not expired [1]	200 feet or 300 percent of tower height, whichever is greater [2]
Existing attached residential units	200 feet or 200 percent of tower height, whichever is greater [2]
Nonresidentially-zoned land or nonresidential uses	None; only setbacks apply
Notes: [1] Includes modular homes and mobile homes used for living purposes. [2] Separation measured from base of tower to closest building setback line.	

(ii) Separation distances between towers shall be measured between the proposed tower and preexisting towers. Separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower. The separation distances (measured in linear feet) shall be as shown in Table 3-4.

TABLE 3-4: REQUIRED SEPARATION BETWEEN EXISTING TOWERS BY TYPE [1]				
Type	**Lattice**	**Guyed**	**Monopole Less Than 75 Feet in Height**	**Monopole 75 Feet in Height or Greater**
Lattice	5,000	5,000	750	1,500
Guyed	5,000	5,000	750	1,500
Monopole - Less Than 75 Feet in Height	750	750	750	750
Monopole - 75 Feet in Height or Greater	1,500	1,500	750	1,500
Notes: [1] Required separation distances are measured in linear feet from the base of the existing tower to the base of the proposed tower.				

(f) Security Fencing

Towers and related appurtenances such as guy wire anchors, shall be enclosed by security fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing devices.

(g) Landscape

The following requirements shall be in addition to required landscape:

(i) Tower facilities shall be landscaped with plant materials that effectively screen the view of the tower compound and ground-based equipment from property used for residences.

(ii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent practicable. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be accepted as effective screening.

(5) Buildings, Cabinets, or Equipment Storage Associated with Towers

(a) Buildings, equipment cabinets, or structures shall comply with applicable building codes.

(b) The design of buildings, equipment cabinets, or structures shall use colors, landscape, materials, screening, and textures that will blend into the natural setting and surrounding buildings.

(c) Rooftop equipment cabinets of structures shall be screened, by parapet walls or other structure, so as to not be visible from streets and/or adjacent properties.

(d) In locations where the visual impact of the buildings, equipment cabinets, or structures would be minimal as determined by the Department of Planning and Sustainability, the design standards and screening requirements may be reduced or waived.

(6) Removal of Abandoned Towers and Antennas

Any tower or antenna that is not operated for a continuous period of 12 months or more shall be considered to have been abandoned, and the owner shall remove the same within 90 days of receipt of notice from the Department of Building and Neighborhood Services notifying the owner of such abandonment. Failure to remove an abandoned tower or antenna within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower. The Department of Building and Neighborhood Services or the Department of Planning and Sustainability shall require that a Performance Agreement be established with appropriate financial security to defray the costs of removal.

(7) Nonconforming Towers

(a) Preexisting Towers

Preexisting towers shall be permitted to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted. New construction other than routine maintenance shall comply with the requirements of this ordinance.

(b) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas

Notwithstanding Subsection 3.2.10(6), Removal of Abandoned Towers and Antennas, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a Site Plan and without having to meet separation requirements. The height, location, and type of the tower on site shall be a maximum of the same type and intensity as the original facility approval. Building Permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if the permit expires, then the tower or antenna shall be deemed abandoned as specified in Subsection 3.2.10(6).

3.3 SITE DEVELOPMENT STANDARDS

3.3.1 Measurements, Computations, and Exceptions

(1) Distance Measurements

Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

(2) Lot-Area Measurements

(a) Lot-Area Measurements

The area of a lot includes the total horizontal surface area within the lot's boundaries.

(b) Reductions in Lot Area Prohibited

No lot shall be reduced in area so that lot area per dwelling unit, lot width, required yards, building area, setbacks, or other requirements of this ordinance are not maintained. Actions by governmental agencies, such as road widening, shall not be considered as reductions.

(3) Lot-Width Measurements

Lot width is the distance between the side lot lines measured at the point of the front building line.

(4) Setbacks and Yards

(a) Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in Subsection 3.3.1(4)(b), Permitted Encroachments into Required Setbacks.

(b) Permitted Encroachments into Required Setbacks

(i) The following features may be located within required setbacks to the extent indicated:

A.) Sidewalks and landscape;

B.) Accessory uses and structures as allowed in Section 4.1, Accessory Uses and Structures; and

C.) Fences and walls as allowed in Section 5.6, Fences and Walls.

(ii) Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

(c) Yards Required for Buildings

A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

(d) Front Yard Setback

(i) **Front Yard Setback and Streets**

The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback.

(ii) **Measurement**

The front yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line.

(iii) **Double Frontage Lot**

A double frontage lot shall provide a front yard setback on both streets. The remaining yards shall meet the side yard setback requirements.

(iv) **Corner Lot**

A corner lot shall provide a front yard setback on all streets. The remaining yards shall meet the side yard setback requirements.

(v) **Cul-de-Sac or Curved-Street Lot**

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.

(e) Side Yard Setback

The side yard setback shall extend from the required front yard setback line to the required rear yard setback line and shall be measured from the side lot line. If no street or rear yard setback is required, the setback shall extend the full depth of the lot.

(f) Rear Yard Setback

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

(g) Side Street Setback

The side street setback on a corner lot shall be measured from the edge of the right-of-way of the secondary street, or the street that does not face the primary entrance. The secondary street shall not be the street from which a structure derives its street address.

(h) Height Measurement

(i) Where specified in stories, building height shall be measured in the number of complete stories above the finished grade for any elevation fronting on a public street, including habitable attics, half-stories, mezzanines, and at-grade structured parking, but excluding:

A.) Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures; and

B.) Features that are more than one-half story below the finished grade.

(i) Height Limit Exceptions

(i) The maximum height of structures may be reduced pursuant to Subsection 5.3.4, Transitional Features.

(ii) Height limits shall not apply to belfries, chimneys, church roof structures not intended for human occupancy church spires, cupolas, domes, flag-poles, monuments, water towers, or similar structures, provided:

A.) The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

B.) The appurtenance does not extend more than 25 feet above the maximum permitted building height, except as allowed herein;

C.) The appurtenance does not exceed a maximum height of 200 feet above grade;

D.) The appurtenance is not constructed for the purpose of providing additional floor area in the building; and

E.) The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 5.3, Building and Site Design Standards.

3.3.2 Base District Density and Site Development Standards

Table 3-5 establishes the base district density and site developments standards.

TABLE 3-5: BASE DISTRICT DENSITY AND BUILDING HEIGHT [1], [2]

Standard	Base Zoning Districts																	
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CO	GO	NC	GC	MN	ML	MX	LI	HI	CI
Gross Residential Density (Max.) [3]	1 per 15 AC	0.5	1.0	2.0	3.0	6.0	[6]	6.0	6.0				[6]	[6]	[6]			
Building Height in Stories (Max.) [4]	3	3	3	3	3	3	3 [4]	3 [4]	3 [4]	3 [4]	3	3 [4]	3 [4]	3 [4]	3 [4]	3	3	3 [4]
Landscape Surface Ratio (LSR) (Min.)	.70	.60	.50	.40	.40	.30	.10	.40	.10	.30	.15	.30	.10	.20	.30	.20	.20	[5]

NOTES:

[1] For lots in recorded subdivisions or approved planned unit developments (PUDs), the maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved Development Plan shall govern.

[2] Shaded cells indicate that no requirement exists.

[3] In a Hamlet or a TOD, the total quantity of dwelling units and/or square feet of nonresidential buildings is limited. See Subsections 5.3.7 and 5.3.10.

[4] A maximum height of four (4) stories, not to exceed a total height of 56 feet, is permitted in PUDs if the building and site design comply with Section 5.3.4, Transitional Features. In addition, buildings within the MECO-4, MECO-5, MECO-9, GCCO-3, GCCO-4a, GCCO-4b, GCCO-4c, and GCCO-4d Character Area Overlay Districts may exceed three (3) stories, but shall not exceed six (6) stories (maximum of 84 feet in height). Buildings located within the HTO District are subject to the provisions of Section 3.4.6 of the Height Overlay District.

[5] Developments using Traditional Area standards shall maintain a minimum LSR of 0.10, and developments using the Conventional Area standards shall maintain a minimum LSR of 0.40.

[6] Approved densities shall be determined during the PUD review process and shall be based on the recommendations of the Land Use Plan.

3.3.3 Site Development Standards for Conventional Areas

(1) Tables 3-6 and 3-7 establish the site development standards, by building type, for development within conventional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished.

(2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]

Standard			AG	ER	R-1	R-2	R-3	RX
Residential Detached (Street Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	30
		Collector	150	100	90	75	60	40
		Arterial/ Mack Hatcher	225	150	125	100	80	50
	Side Yard Setback (feet) [6] [11]		50	35	25	[7]	[8]	[8]
	Rear Yard Setback (feet)[6]		100	65	50	40	30	30
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	5,000
	Minimum Lot Width		200	150	100	75	60	50
Residential Detached (Alley Loaded)	Front Yard and Side Street Setback (feet) [4] [5]	Local	100	75	60	40	25	30
		Collector	150	100	90	75	60	40
		Arterial/ Mack Hatcher	225	150	125	100	80	50
	Side Yard Setback (feet) [6]		50	35	25	[7]	[8]	[8]
	Rear Yard Setback (feet) [6]		100	65	50	40	30	30
	Minimum Lot Size (square feet)		1 per 15 acres	45,000	30,000	15,000	9,000	4,000
	Minimum Lot Width		200	150	100	75	60	40
Residential Attached	Front Yard and Side Street Setback (feet) [4] [5]	Local						30
		Collector						40
		Arterial/ Mack Hatcher						50
	Side Yard Setback (feet)							10
	Rear Yard/Alley Setback (feet)							30 [9]

NOTES:

[1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the Final Plat or approved PUD shall govern.

[2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements along the outer boundaries of the development shall be retained as specified in this table.

[3] Shaded cells indicate that no requirement exists.

[4] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yard, the minimum front yard shall instead be within 25 percent of the average front yard for existing buildings on the same block face.

[5] In cases where a transitional feature is required, the minimum setback shall be in accordance with

TABLE 3-6: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2], [3], [10]

Standard	AG	ER	R-1	R-2	R-3	RX

Subsection 5.3.4, Transitional Features.

[6] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.

[7] Minimum of eight feet each side, minimum of 20 feet between dwellings.

[8] Minimum of five feet each side, minimum 12 feet between dwellings.

[9] Larger or smaller setbacks and lot sizes are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback subject to Subsection 2.4.2, Planned Unit Developments.

[10] Standards for the R-6 District are included in Table 3-8: Site Development Standards for Traditional Areas.

[11] Appurtenances may encroach into a side-yard provided they maintain a minimum setback of five feet from the property line and ten feet from principal structures on adjacent lots.

TABLE 3-7: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL BUILDING TYPES IN CONVENTIONAL AREAS [1], [2]

Standard		Base Zoning Districts											
		AG	ER	R-1	R-2	R-3	RX	GO	NC	GC	LI	HI	CI
Front Yard and Side Street Setback (feet) [3] [4]	Local	100	75	60	40	25	30	50	20	30	75	30	20
	Collector	150	100	90	75	60	40						
	Arterial/ Mack Hatcher	225	150	125	100	80	50						
Side Yard Setback (feet) [5] [8]		50	35	35	[6]	[7]	[7]	25	10	15	25	15	10
Rear Yard Setback (feet) [5]		100	65	50	40	30	30	40	25	25	25	25	25

NOTES:

[1] For lots in recorded subdivisions or approved PUDs, the setbacks, lot sizes, and maximum densities shown in this table shall not apply, and the requirements shown on the final plat and/or approved PUD shall govern.

[2] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries along the development shall be retained as specified in this table.

[3] Where the average front yard for existing buildings on the same block face is more than or less than the minimum required front yards, the minimum front yard shall instead be within 25 percent of the average setbacks for existing buildings on the same block face.

[4] In cases where a transitional feature is required, the minimum setback shall be in accordance with Subsection 5.3.4, Transitional Features.

[5] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building.

[6] Minimum of eight feet each side, minimum of 20 feet between dwellings.

[7] Minimum of five feet each side, minimum 12 feet between dwellings.

[8] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

3.3.4 Site Development Standards for Traditional Areas

(1) Table 3-8 establishes the site developments standards, by building type, for development within traditional areas established pursuant to Section 5.1, Traditional and Conventional Area Standards Distinguished, and for development within the MN, ML, MX, R-6, OR, and CC Districts.

(2) All applicable development shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

TABLE 3-8 SITE DEVELOPMENT STANDARDS FOR TRADITIONAL AREAS [1], [2], [3]

Standard	Residential Detached (Street Loaded)	Residential Detached (Alley Loaded)	Residential Attached	Mixed-Use	Nonresidential
Front Yard and Side Street Setback [4] [5] [6] [7]	10-30 feet	10-30 feet	0 or 5-25 feet	0–15 feet	0-20 feet
Side Yard Setback [8] [12]	5 feet	5 feet	[10]	0-5 feet	0 feet
Rear Yard Setback [8]	5 feet	5 feet	5 feet	0 feet	0 feet
Main Body/Primary Facade Width (Maximum) [10]	50 feet	50 feet			
Minimum Lot Size	4,000 square feet	2,100 square feet			
Lot Width [5] [6] [11]	40-85 feet	30-70 feet			

NOTES:

[1] For lots in recorded subdivisions or approved PUDs, the setbacks and lot sizes, maximum densities, and primary façade widths shown in this table shall not apply, and the requirements shown on the final plat, the approved PUD, or conditions on existing lots shall govern.

[2] Numbers shown as a range indicate a minimum and maximum (Example: 10-30). Shaded cells indicate that no requirement exists.

[3] Unified developments may establish interior lot lines as necessary, provided that the bulk requirements of the outer boundaries of the development shall be retained as specified in this table.

[4] For mixed-use and single-use nonresidential building types developed according to the traditional standards, the front building setback shall be measured from the back edge of the sidewalk, not the right-of-way line.

[5] Larger or smaller setbacks and lot sizes, beyond the range presented in this table, are permitted in cases where topographical or natural constraints exist, or where a particular design approach warrants a different setback, subject to Subsection 2.4.2, Planned Unit Developments.

[6] In cases where a transitional feature is required, the minimum setback and lot width shall be in accordance with Subsection 5.3.4, Transitional Features.

[7] The minimum setback from Mack Hatcher Parkway shall be 80 feet, and the minimum setback from Interstate 65 shall be 100 feet.

[8] Where an immediately adjacent existing building is set back less than the minimum required side or rear yard, the minimum side or rear yard requirement shall instead be the same as the immediately adjacent developed building, but not less than five feet. Buildings shall maintain a minimum spacing of ten feet.

[9] Minimum of zero feet each side, minimum ten feet between buildings.

[10] Side or rear wings designed in accordance with Subsection 5.3.9 are exempt from the maximum width.

[11] Corner lots may be up to 15 feet wider to accommodate porches or other architectural feature facing street, and the maximum lot size shall not apply.

[12] Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet and within side yards up to five feet from the property line provided a minimum of ten feet between buildings is maintained.

3.3.5 Site Development Requirements for the Mixed-Use Districts

All development within a MN, ML, or MX District shall comply with the standards established within this subsection unless otherwise expressly stated, or unless a different standard is required by an applicable overlay district.

(1) Permitted Uses

Table 3-9, Required Mixture of Uses, lists the uses permitted within each of the mixed-use districts.

(2) Required Mixture of Uses

To ensure a balance between housing, retail, office, and other uses within the mixed-use districts, the following provisions shall apply to the mixture of uses:

TABLE 3-9: REQUIRED MIXTURE OF USES

Standard	MN	ML	MX
Minimum Number of Principal Use Types [1] [2]	2	3	3
Minimum Percentage of Total District-Wide Acreage for Residential Uses	10%	10%	20%
Maximum Percentage of Total District-Wide Acreage Occupied by a Single Use Type [3]	90%	80%	80%

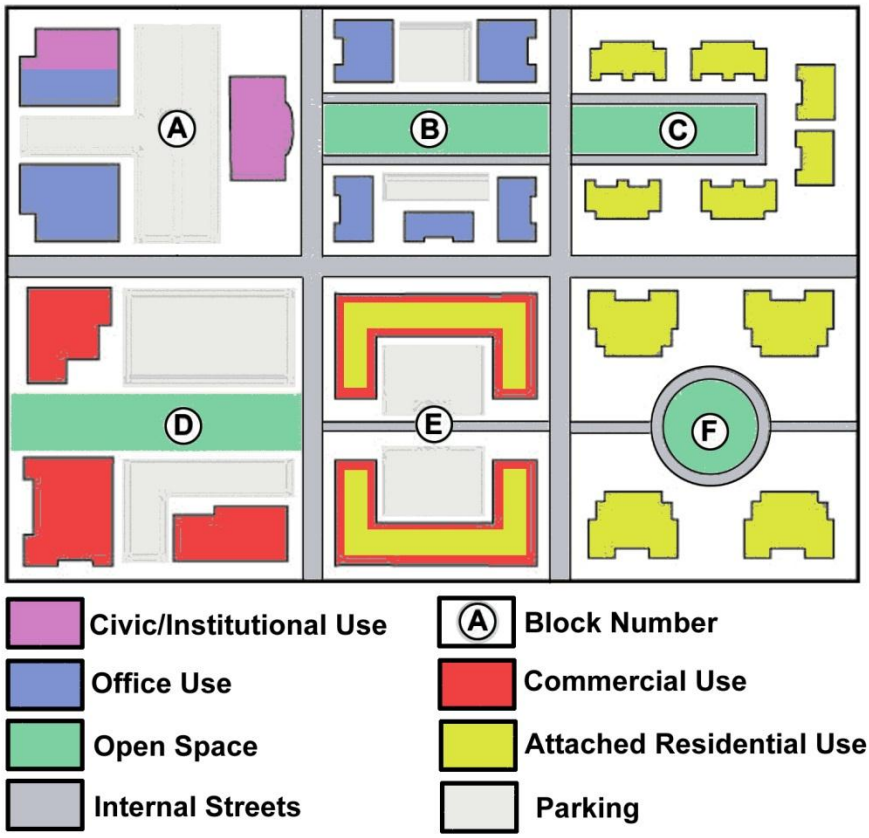
NOTES:

[1] Different principal use types include the uses listed under each Use Classification (i.e., Agricultural, Residential, Civic and Institutional, Office, Commercial, or Industrial) in Table 3-2, Permitted Uses.

[2] A Mixed-Use Building Type and developments in the MN, ML, and MX Districts shall provide residential uses as at least one of the principal uses.

[3] The total site acreage comprised of mixed-use building types containing dwelling units above the first floor shall be credited toward meeting this minimum percentage standard.

HYPOTHETICAL 100 ACRE MR DISTRICT



AREA	SIZE (acres)	USE TYPES
Block A	14.0	6.5 acres – Civic/Institutional 7.5 acres – Office
Block B	11.5	2.5 acres – Open Space 9.5 acres – Office
Block C	14.5	2.0 acres – Open Space 12.5 acres – Attached Residential
Block D	18.0	3.0 acres Open Space 15.0 acres Commercial
Block E	14.0	14.0 acres – Commercial (1st Floor) & 14.0 acres Attached Residential (2nd Floor)
Block F	18.0	2.0 acres Open Space 16.0 acres Attached Residential

SUMMARY

District Size:	**100 Acres**	
Internal Streets:	**10 Acres**	
Use Area:	**90 Acres**	
Institutional:	**6.5 Acres**	**7.2% of total**
Open Space:	**9.5 Acres**	**10.5% of total**
Office:	**17 Acres**	**18.8% of total**
Commercial:	**29 Acres**	**21% of total**
Residential:	**42.5 Acres**	**47.2% of total**

Figure 3-1. This diagram depicts how to measure the minimum required mixture of uses for a hypothetical 100 acre MX District.

3.4 OVERLAY DISTRICTS

3.4.1 Establishment of Overlay Districts

The city is hereby divided into the overlay districts listed in Table 3-10, Overlay Districts. Other overlay districts may be designated from time-to-time by the BOMA pursuant to the procedures in this ordinance.

TABLE 3-10: OVERLAY DISTRICTS

Abbreviation	District Name
HPO	Historic Preservation Overlay District
NCO	Neighborhood Conservation Overlay District
FWO	Floodway Overlay District
FFO	Floodway Fringe Overlay District
HTO	Height Overlay District
CAO	Columbia Avenue Overlay District
HHO	Hillside/Hillcrest Overlay District
SRO	Scientific Research Overlay District

3.4.2 HPO—Historic Preservation Overlay District

(1) Character

The character of the Historic Preservation Overlay District, referred to as the "HPO District", is defined as that which is intended to protect and preserve the heritage and historic sites of the city. The HPO District embodies important elements of social, economic, cultural, political or architectural history. It will create an aesthetic atmosphere and foster civic beauty, stabilize and enhance property values, stimulate business and tourism, and promote the education and heritage of present and future citizens.

(2) Purposes

The HPO District is established for the purposes of protecting and preserving the heritage and historic sites of the city; safeguarding the character and heritage of the HPO District by preserving the district as a whole and individual property therein that embodies important elements of its social, economic, cultural, political or architectural history; promoting conserving the HPO District for the education, pleasure and enrichment of residents of the HPO District and of the city, Williamson County, and the State of Tennessee as a whole; creating an aesthetic atmosphere and fostering civic beauty; stabilizing and enhancing property values throughout the HPO District as a whole; enhancing attraction of the city to tourists and visitors, thereby supporting and stimulating business and industry; and promoting the education and patriotic heritage of the present and future citizens of the city, all of which purposes contribute to the improvement and the general health and welfare of the city and the residents of the HPO District. The regulations within the HPO District are provided for the purposes of preserving and protecting the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of historic areas.

(3) Uses Permitted

(a) The uses permitted in an underlying base district shall be permitted in the HPO District.

(b) The HPO District classification may be superimposed in addition to existing zoning classifications on properties where the following criteria are determined to exist by the HZC:

(i) The quality of significance in American history, architecture, archaeology, and culture is present;

(ii) Sites, buildings, and structures possess integrity of location, design, setting, materials, workmanship, feeling, and association with events that have made a significant contribution to the broad patterns of history, or with the lives of persons significant in the past;

(iii) Sites, buildings, and structures embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(iv) Sites, buildings, and structures have yielded, or may be likely to yield, archaeological information; or

(v) It is listed in the National Register of Historic Places.

(4) Certificate of Appropriateness Required

No construction, alteration, or rehabilitation, moving, or demolition to be conducted within the HPO District or on any other structure subject to the HZC Design Guidelines shall be performed until the project has been reviewed and received a Certificate of Appropriateness pursuant to Subsection 2.4.9, Certificate of Appropriateness in an HPO District.

(5) Signs

Signs erected within the HPO District shall be reviewed and approved by the HZC, which shall formulate written sign guidelines to be used in its review and approval process, and the HZC may amend these guidelines at any time. However, no guidelines or amendments may be implemented by the HZC until they have been approved by the BOMA.

(6) Right of Entry Upon Land

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

(7) Maintenance and Repair of Improvements

Property owners in the HPO District shall maintain the exterior portions of their improvements in conformity with the building code adopted by the city.

(8) Remedying of Dangerous Conditions

(a) City enforcement agencies may make a determination, in consultation with, at a minimum, the Department of Planning and Sustainability, that the condition of a property is determined to be dangerous to life, health, or property.

(b) Upon making such a determination, when a city enforcement agency orders or directs the construction, removal, alteration, or demolition of an improvement in the HPO District for the purpose of remedying conditions determined to be dangerous to life, health, or property, then nothing contained in this subsection shall be construed as making it unlawful for a person, without prior issuance of a Certificate of Appropriateness pursuant to this ordinance, to comply with the order or direction. However, where practicable, the enforcement agency shall give the HZC notice of the proposed order or direction, which affects, or may affect, the exterior appearance of a structure or site in the HPO District. The HZC shall have adequate opportunity to review and provide written comments upon the action proposed by an enforcement agency within the HPO District prior to the initiation of an action.

(9) Application for HPO Designation

Properties proposed to be overlaid with an HPO District shall be represented by an applicant, which may be:

(a) An individual property owner for property he or she owns;

(b) One person, acting as a representative for more than one property owner; or

(c) The BOMA or the HZC.

The overlay request shall indicate the map, group, and parcel numbers of the properties proposed for rezoning. Where applicable, a written application for an overlay district designation shall be signed by owners of the affected properties.

(10) Notice of Nomination

Upon receipt of a nomination, the Historic Preservation Officer or a designee shall prepare a notice of nomination, which shall be mailed by certified mail, return receipt requested, to the affected owner or owners of the property(ies), and postmarked at least 15 days prior to the FMPC meeting on the item. The most recently approved municipal tax roll showing the name and address of the owner shall be used for this purpose, and proof of mailing to such addresses shall be deemed sufficient notice for the purpose of this section. The notice of nomination shall include the following information:

(a) A description of the structure or site proposed for nomination;

(b) A description of the benefits, restrictions, and other terms of the proposed designation;

(c) The time, place, and date of the public meeting by the FMPC to consider such designation;

(d) A statement of the stay of actions after nomination provided for in Subsection (11) below; and

(e) A form on which the owner may explain the reasons why the nomination should be approved or denied.

Applications for HPO designation shall not be required to comply with signage or other requirements of Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.

(11) Interim Controls

(a) After BOMA has considered an ordinance to modify an HPO District at first reading, the interim controls described in this subsection shall be in effect.

(b) The interim controls require all permits for construction, repairs, alterations, additions, stabilization, restoration, rehabilitation, demolition or relocation of any building, object or structure on the property shall be subject to the Certificate of Appropriateness requirements in Subsection 2.4.9, Certificate of Appropriateness in an HPO District, unless the proposed designation is denied by the BOMA.

3.4.3 NCO—Neighborhood Conservation Overlay District

(1) Purpose

The purpose of the Neighborhood Conservation Overlay District, hereinafter referred to as the "NCO District", is to provide for the conservation of older neighborhoods or areas where, due to unique characteristics as provided for in paragraph (2) below, the neighborhood or area is determined to be of particular value to the city, such that the character of the neighborhood or area merits special protection, even though such neighborhood or area is not designated as a historic district.

(2) Designation Criteria

To be designated as an NCO District, the area shall meet the following criteria:

(a) Contain a minimum of one block face (all the lots on one side of a block);

(b) At least 75 percent of the land area in the proposed district is improved or developed; and

(c) Possess one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:

(i) Scale, size, type of construction, or distinctive building materials;

(ii) Lot layouts, setbacks, street layouts, alleys, or sidewalks;

(iii) Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;

(iv) Land use patterns, including mixed or unique uses or activities; or

(v) Abuts or links designated historic landmarks and/or districts.

(3) Zoning Designation

(a) Separate ordinances are required to designate each district. Ordinances designating each NCO District shall identify the designated district boundaries and specify the individual purposes and standards for that individual district.

(b) The zoning designation for property located within an NCO District shall consist of the base district symbol and the overlay district symbol (NCO) as a suffix. NCO Districts shall be numbered sequentially to distinguish among different districts (e.g., GR (NCO-1), R-2 (NCO-2), etc.).

(c) Except as modified by this subsection, the procedures for zoning changes set forth in Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendment, shall otherwise apply to the designation of an area as an NCO District.

(4) Application Procedures

(a) A proposal to designate an area as an NCO District may be initiated pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendment, or at the request of property owners representing at least 51 percent of the total number of parcels or lots within the proposed district.

(b) Following the initiation of the NCO District designation, the Department of Planning and Sustainability shall develop maps, descriptive materials, and development standards for the proposed district that include:

(i) Maps indicating the boundaries, age of structures, and existing land use;

(ii) Maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district; and

(iii) Development standards for new construction, additions, or alterations to the street façades of existing buildings or structures within the proposed district.

(c) The development standards shall be approved with a zoning map and zoning text amendment ordinance creating the NCO District.

(5) Development Standards

(a) The NCO District development standards approved as part of the zoning ordinance creating an NCO District may include development standards that supersede or augment the dimensional standards of this chapter and the development standards of Chapter 5: Development Standards.

(b) The NCO District development standards shall not apply to those activities that constitute ordinary repair and maintenance.

(c) The NCO District development standards may restrict or expand any of the use regulations of this chapter, Chapter 4: Use Regulations, or Chapter 5: Development Standards.

(6) Administration of the NCO Ordinance

No Building Permit shall be issued for new construction, expansion, or alteration of a structure within an NCO District unless the proposed plan complies with the development standards adopted as part of the NCO District ordinance as determined by the Department of Building and Neighborhood Services.

3.4.4 FWO—Floodway Overlay District

(1) Purpose

The purpose of the Floodway Overlay District, hereinafter referred to as the "FWO District", is defined as that which is intended to meet the needs of the Harpeth River and its tributaries to carry abnormal flows of water in times of flood. Encroachments into the FWO District, which would increase flood height that may result in the loss of life or property damage, that would impede the flow of water or which would block, endanger, or obstruct water flow, are prohibited.

(2) Permitted Uses

(a) The following shall be permitted new uses/encroachments:

(i) Passive parks, golf courses, and open space;

(ii) Temporary uses, as regulated by Section 4.2, that do not include permanent structures; and

(iii) Public and private infrastructure, as defined in Chapter 8 of the ordinance and in accordance with the Stormwater Management Ordinance.

(b) The following uses, lawfully established prior to July 1, 2008, shall be allowed to continue under the following provisions:

(i) Historic structures within the HPO that are either contributing to or determined eligible for the National Register of Historic Places shall be

allowed to enlarge, expand, alter, or perform major repairs, subject to the provisions of Section 5.8.5 and subject to review by the Historic Zoning Commission. In addition to the FWO permitted uses /encroachments in Section 3.4.4(2)(a), these structures may be used in accordance with the permitted uses of their base zoning districts. Whether or not a structure is either contributing or eligible for the National Register of Historic Places shall be determined by the State Historic Preservation Office.

(3) Prohibited Uses

The development of uses, except those permitted in Subsection 3.4.4(2) above, shall be prohibited.

(4) Undesignated Tributaries and Drainage Areas Within or Affecting the City

The FWO District shall coincide with floodways designated in the Flood Insurance Studies or on the National Flood Insurance Program Flood Insurance Rate Maps, hereinafter referred to as FIRMs, effective September 29, 2006, or as subsequently amended by either a Letter of Map Amendment or a Letter of Map Revision. The FWO District width for tributaries and drainage areas within or affecting the city that do not have designated floodways depicted on the zoning map or are not delimited in the Flood Insurance Studies or FIRMs shall be established in accordance with the stormwater management ordinance.

(5) Lots Created After Effective Date

Buildable lots subdivided or established after July 1, 2008, shall not be located within or contain any portion of the FWO District. Any portion of a subdivision within the FWO shall remain as open space or shall be noted on the plat as non-buildable land.

3.4.5 FFO—Floodway Fringe Overlay District

(1) Purpose

The purpose of the Floodway Fringe Overlay District, hereinafter referred to as the “FFO District”, is defined as that which is intended to preserve the holding capacity of the floodplain. Encroachments into the FFO District that would impede the holding capacity of the floodplain shall be strictly limited, as follows.

(2) Permitted Uses

All uses shall also comply with the requirements of the Stormwater Management Ordinance.

(a) The following shall be permitted new uses/encroachments:

(i) Passive parks, golf courses, and open space;

(ii) Active recreation features provided that all fencing, walls, or permanent buildings be located outside the ten-year flood zone;

(iii) Temporary uses, as regulated by Section 4.2, that do not include permanent structures;

(iv) Public and private infrastructure, as defined in Chapter 8 of the ordinance and in accordance with the Stormwater Management Ordinance;

(v) Floodplain alteration conducted in accordance with the city’s Stormwater Management Ordinance; and

(vi) Parking lots, completely constructed of pervious pavers, pervious asphalt, or pervious concrete.

(b) The following uses, lawfully established prior to July 1, 2008, shall be allowed to continue under the following provisions:

(i) Industrial, commercial, or other business shall be allowed to enlarge, expand, alter, or perform major repairs, subject to provisions of Section 4.3 Nonconformities;

(ii) Residential structures and accessory structures shall be allowed to repair, rebuild, or expand, subject to the provisions of 5.8.5(4)(b)(1) Residential Structures;

(iii) Residential uses shall be allowed to construct new accessory structures, subject to the provisions of Section 4.1 and 5.8.5(4)(b); and

(iv) Historic structures within the HPO that are either contributing to or determined eligible for the National Register of Historic Places shall be allowed to enlarge, expand, alter, or perform major repairs, subject to the provisions of Section 5.8.5 and subject to review by the Historic Zoning Commission. In addition to the FFO permitted uses/ encroachments in Section 3.4.5(2)(a), these structures may be used in accordance with the permitted uses of their base zoning districts. Whether or not a structure is either contributing or eligible for the National Register of Historic Places shall be determined by the State Historic Preservation Office.

(3) Prohibited Uses

The development of uses, except those permitted in Subsection 3.4.5(2) above, shall be prohibited.

(4) Construction Standards for Any Development or Redevelopment within the FFO shall follow the requirements in Section 5.8.5

(5) Undesignated Tributaries and Drainage Areas Within or Affecting the City

The FFO District shall coincide with the 100-year floodplain or floodway fringe boundary as designated in the Flood Insurance Studies or on the FIRMs, effective September 29, 2006, or as subsequently amended by either a Letter of Map Amendment or a Letter of Map Revision. The FFO District width for tributaries and drainage areas within or affecting the city that do not have designated floodway fringe areas depicted on the zoning map or are not delimited in the Flood Insurance Studies or FIRMs shall be established in accordance with the stormwater management ordinance.

(6) Lots Created After Effective Date

Buildable lots subdivided or established after July 1, 2008, shall not be located within or contain any portion of the FFO District. Any portion of a subdivision within the FFO shall remain as open space or shall be noted on the plat as non-buildable land.

3.4.6 HTO—Height Overlay District

(1) Purpose

The purpose of the Height Overlay District, hereinafter referred to as the “HTO District”, is to allow for buildings with building heights that exceed 75 feet in specific areas, such as along the Interstate-65 corridor, where such heights create a unique development form but allow for special review to ensure proper fire protection for tall buildings where there may be a high concentration of residents or employees. The HTO shall be limited to the following character area overlay districts:

(a) MECO-4;
(b) MECO-5;
(c) MECO-9;
(d) GCCO-3;
(e) GCCO-4a;
(f) GCCO-4b;
(g) GCCO-4c; and
(h) GCCO-4d.

(2) Special Standards for High-Rise Buildings

The provisions of this subsection shall apply to buildings in excess of 75 feet in height, or buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access. These buildings shall:

(a) Comply with International Building Code; and
(b) Not exceed 12 stories in height.

3.4.7 CAO—Columbia Avenue Overlay District

(1) Purpose

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.

CAO 1—Urban Commercial

CAO 3—Commercial Transition

CAO 2 – Historic Residential

CAO 4 – Suburban Commercial/Industrial

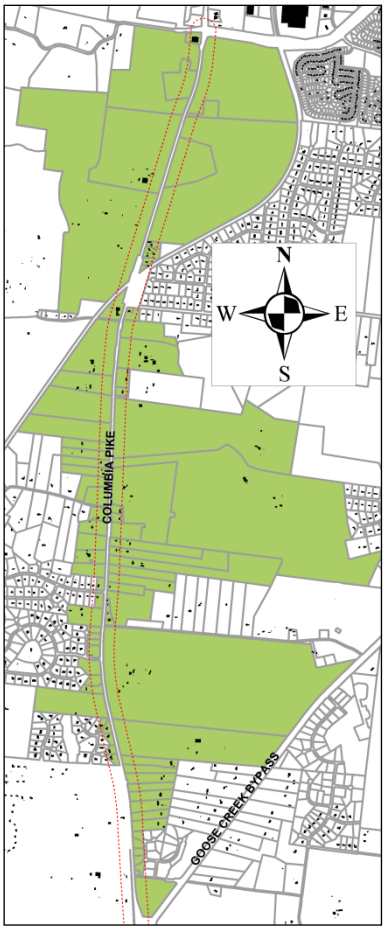
(3) General Development Standards

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.



CAO 5 – Rural Gateway

(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.

(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 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;

(ii) A wide range of materials, including brick, aluminum siding, vinyl siding, and wood siding;

(iii) Variation in front and side building setbacks;

(iv) A streetscape with narrow sidewalks, frequent curb cuts, and a lack of landscaping;

(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. However, institutional uses are permitted to have a variable front building setback from zero 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 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.

(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.

(v) To better replicate the historic urban fabric of Columbia Avenue, new buildings in this sub-district 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; 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.

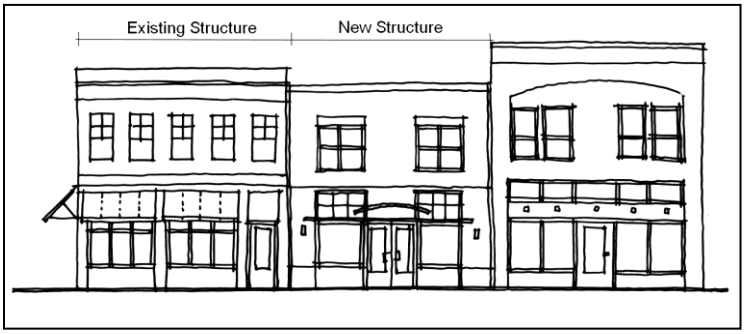


Figure 3-2: Example of buildings having a different façade treatment every 100 feet or less to replicate the historic character of other buildings in the area.

(d) Roofs

(i) For commercial-type buildings, 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: 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.

(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.

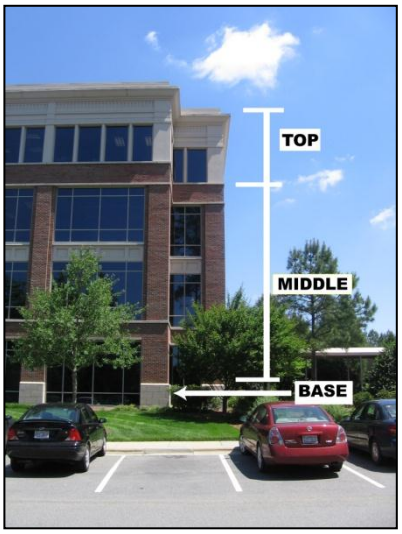


Figure 3-4: Example of with a building with a discernible base and cap.

(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 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) 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. 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) Front building setbacks 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: 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: 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 may be set back from between 15 to 50 feet from the back of the sidewalk. 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.

(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: 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: 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) 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, 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 any public street.

(ii) 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 three and one-half-inch caliper and 14 to16 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 can be built to the back of the sidewalk but may have a variable front building setback of zero to 40 feet from the back of 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. 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 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 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) A maximum of 25 percent of the parking spaces may be located along the side of the building.

(iii) 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.

(iv) 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, 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 three and one-half-inch caliper and 14 to 16 feet in height at installation.

(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 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.

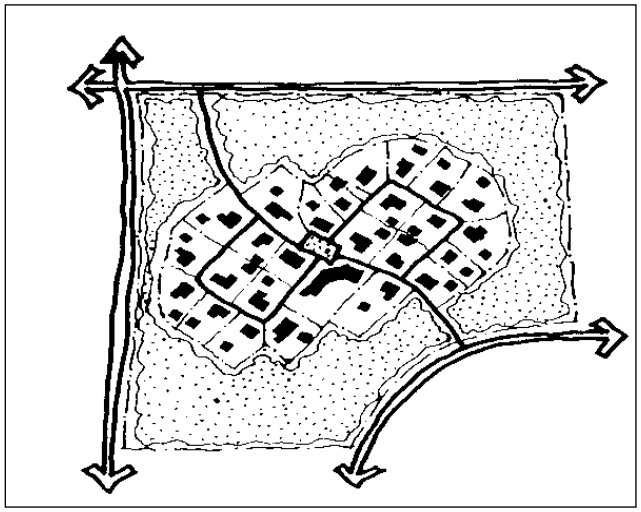


Figure 3-9: Appropriate Development Example—Buildable lots located within the interior of a development shall be set back from the Columbia Avenue right-of-way in accordance with Subsection 3.4.7(8).

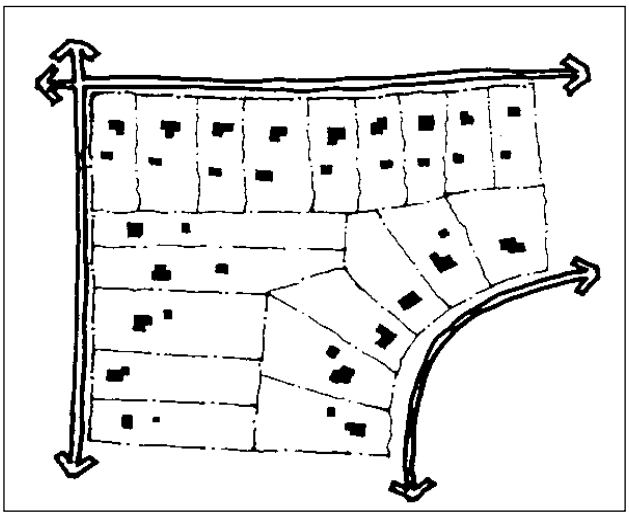


Figure 3-10: Inappropriate Development Example—New development is prohibited from being located within 250 feet of the Columbia Avenue right-of-way unless otherwise exempted or buffered according to the standards this subsection.

(d) Streetscape

To maintain the sub-district's rural character, sidewalks and street trees shall not be required.

(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.

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

Figure 3-12: Stone walls are allowed in CAO 5.

(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.

(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.

(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 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 of the building, provided that it complies with the landscaping and screening standards of Chapter 5: Development Standards.

3.4.8 HHO— Hillside/Hillcrest Overlay District

(1) Purpose

The purpose of this overlay district is to protect the city's hillsides and hillcrests through the prohibition or restriction of development in a manner that will ensure that any development will protect the hillside's natural and topographic character and identity, environmental sensitivities, aesthetic qualities, and the public health, safety, and general welfare. This protection is obtained by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, severe cutting, or scarring. It is the intent of these regulations to encourage a sensitive form of development while still allowing for some restricted uses which complement the natural and visual character of the city and its hillsides.

(2) Permitted Uses

(a) Passive parks and open space;

(b) Infrastructure, including streets and public utilities;

(c) Telecommunication towers and antennas; and

(d) Allowable nonconforming uses.

(3) Prohibited Uses and Development Activity

(a) The development of uses, except those permitted in Subsection 3.4.8(2) above, shall be prohibited.

(b) Grading, except as it relates to development permitted in Section 4.3, Nonconformities, shall be prohibited.

(c) A Tree Removal Permit shall not be issued within the HHO District except as permitted by Subsection 2.4.8(2)(b).

(4) Nonconforming Lots, Uses, and Structures

(a) There exist lots of record, uses of land, and structures within the HHO District that were lawfully established before this ordinance was adopted or amended, that now do not conform to its terms and requirements. Section 4.3, Nonconformities, regulates the continued existence of those uses and structures.

(b) Construction on a lot in a subdivision recorded before the effective date of this ordinance shall be pursuant to Subsection 5.8.1, Hillside Development.

(5) Designation of the Area to be Preserved

For new developments approved after the adoption of this ordinance, the portion of a lot within a HHO District shall be identified for protection in a form acceptable to the City Attorney (e.g., open space lot, a platted lot subject to a deed restriction, a conservation easement, or dedication to the city). The area to be preserved shall be depicted on the Preliminary Plat, Final Plat, Site Plan, or Development Plan, whichever is appropriate.

(6) HHO District Boundaries

Questions concerning the exact location of the HHO District boundary lines shall be determined by the BZA. Applicants may also apply for an amendment to the zoning map pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments. Reasons for removing a property from the HHO District may include demonstration by the applicant that:

(a) The site is not visible from arterial streets, Mack Hatcher Parkway, or Interstate 65, and contains natural slopes less than 20 percent; or

(b) The extension of collector streets, arterial streets, or Mack Hatcher Parkway has diminished the significance of the hill as being prominent and worthy of protection.

(7) Special Standards for Hillside Development

(a) Where permitted by this section, new structures (except for telecommunication towers and antennas) within the HHO District shall be designed in accordance with the standards in Subsection 5.3.5, Residential Development, or Subsection 5.3.6, Nonresidential and Mixed-Use Development.

(b) Subsection 5.8.1, Hillside Development, establishes the special standards for development on a legally nonconforming lot within a Hillside/Hillcrest Overlay (HHO) District and for development on steep slopes outside of the HHO District.

3.4.9 SRO— Scientific Research Overlay

(1) Purpose

The purpose of the Scientific Research Overlay (SRO) is to allow areas for the concentration of scientific research facilities and related uses in a campus-like setting to enable the provision of a wide range of scientific services to enhance the public's health, safety and general welfare. The overlay is intended to provide sites for the location of such enterprises in an attractive, master planned setting. It is the intent of the provisions of this section to establish an overlay district in which scientific research facilities, pilot and prototype production facilities, or other operations requiring a high degree of scientific input will be permitted.

The SRO shall be limited to the Civic and Institutional (CI) and Light Industrial (LI) Zoning Districts.

(2) Permitted-uses

(a) Hospitals, Rehabilitation Centers, research laboratories, essential services, passive parks, clinics, open space, and accessory-uses, as defined by Section 4.1.

(b) Office, as described in 3.2.5(1)(g), and educational facilities shall be permitted only as accessory uses and only if directly related to the scientific research primary use.

(3) Prohibited-uses

The development of uses within the SRO, except those permitted in Subsection 3.4.9(2)(a) and 3.4.9(2)(b) above, shall be prohibited.

3.5 CHARACTER AREA OVERLAY DISTRICTS

3.5.1 Establishment of Overlay Districts

For the purpose of this ordinance and for the purpose of implementing the land use plan, the city is hereby divided into the character area overlay districts listed in Table 3-11.

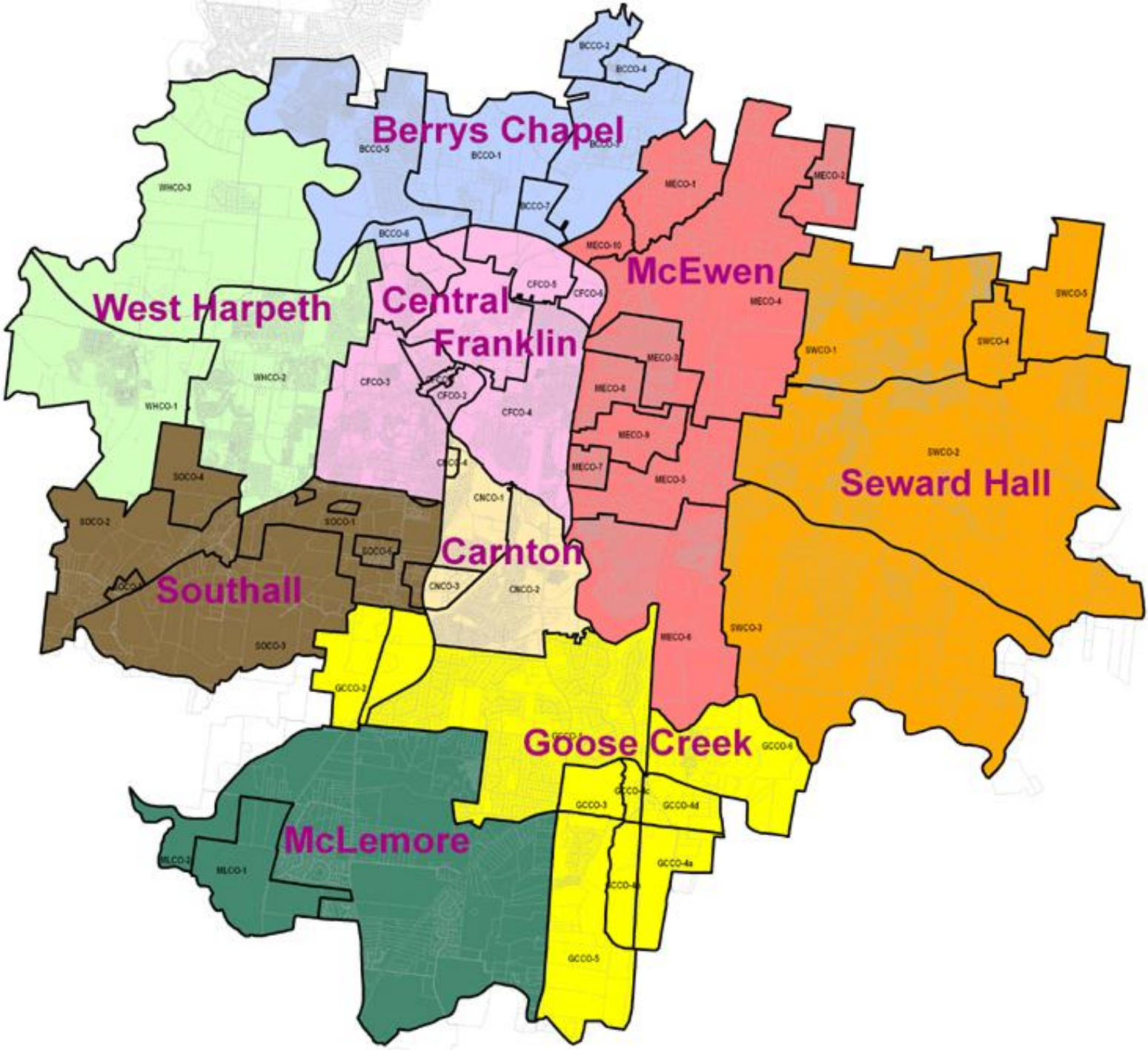
TABLE 3-11: CHARACTER AREA OVERLAY DISTRICTS

Abbreviation	District Name
BCCO	Berrys Chapel Character Area Overlay District
CNCO	Carnton Character Area Overlay District
CFCO	Central Franklin Character Area Overlay District
GCCO	Goose Creek Character Area Overlay District
MECO	McEwen Character Area Overlay District
MLCO	McLemore Character Area Overlay District
SWCO	Seward Hall Character Area Overlay District
SOCO	Southall Character Area Overlay District
WHCO	West Harpeth Character Area Overlay District

3.5.2 Map of Character Area Overlay Districts

The following map depicts the approximate location of the various character area overlay districts. This information is 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.

Figure 3-13: Character Area Overlay Districts.



3.5.3 Use of the Character Area Overlay Districts

(1) General Background

(a) The character area overlay districts are the same as those developed in the land use plan and are divided into "special areas" as illustrated on the zoning map.

(b) In addition to all other applicable provisions of this ordinance, the character area overlay districts may establish additional regulations for each of the special areas.

(2) Application and Submittal Process

Prior to initiation of the development review procedure established in Chapter 2, Development Approval Authority and Procedures, an applicant shall determine the applicable character area overlay district and related special area for the subject parcels.

(3) Special Area Compliance

(a) Unless otherwise stated in this subsection, compliance with the special area standards shall be required.

(b) In the event that a special area describes a use, building, or site design standard that is not permitted by a parcel's current base district, before an applicant can develop in accordance with those regulations, the parcel shall be rezoned to a base district that will permit the use(s), building, or site development standard.

(c) In the event that a special area describes a base district that is different than the parcel's current base district, before an applicant can develop in accordance with those regulations, the parcel shall be rezoned to the base district described by the special area before any uses or development standards will be permitted or required.

(d) BOMA is not obligated to rezone a parcel to a base district based on what is described in the special area standards.

(4) Designated Gateways

The land use plan and the character area overlay districts designate specific gateways as illustrated in the land use plan. Applications for development of property adjacent to a designated gateway shall be required to submit a gateway plan as part of the review process. The gateway plan shall propose a special treatment of the site or structures that will reflect the gateway and will be tailored to the scale and type of corridor, the unique qualities of the character area, and the functional and engineering requirements of the corridor.

3.5.4 BCCO—Berrys Chapel Character Area Overlay District

(1) Purpose and Vision

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

(2) Special Areas

(a) Establishment of Special Areas

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

(b) BCCO-1 Standards

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

(ii) Development shall be restricted to detached residential dwellings and agricultural uses or limited civic and institutional uses along Ernest Rice Lane.

(iii) Development with lot frontage on Berrys Chapel Road shall have a lot area equal to the average lot size of properties with lot frontage on Berrys Chapel Road within 500 feet of the subject lot.

(iv) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.

(v) The maximum gross density of new development shall be one unit per acre.

(c) BCCO-2 Standards

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

(ii) Development shall be restricted to detached residential dwellings.

(iii) The informal open space requirements of Chapter 5: Development Standards, shall be met through the preservation of the hillsides and hillcrests.

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

(d) BCCO-3 Standards

(i) Development shall be restricted to attached and detached residential, with limited civic and institutional uses.

(ii) Development with lot frontage on Franklin Road shall have a front setback equal to the average front setback of properties along Franklin Road between Country and Mallory Station Roads.

(iii) New development shall reflect the use, lot area, setbacks, and scale of surrounding development within this area.

(e) BCCO-4 Standards

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

(ii) Commercial uses are anticipated to be dependent on vehicular traffic; therefore, provisions shall be made for efficient and controlled access and traffic circulation.

(iii) PUDs shall provide for a transition of land-use intensities south along Franklin Road to match the rural character of Franklin Road to the south.

(iv) New development on the east side of Franklin Road shall be designed with similar setbacks, massing, architecture, materials and scale to the development on the west side of Franklin Road.

(f) BCCO-5 Standards

(i) Development shall be restricted to attached and detached residential.

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

(g) BCCO-6 Standards

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

(ii) Buildings shall be oriented toward the street.

(iii) The maximum height of structures shall be three stories.

(iv) Development shall include planned open spaces and pedestrian connections to the surrounding conservation areas.

(h) BCCO-7 Standards

(i) The requirements for Central Franklin Character Overlay Special Area Five (CFCO-5) shall also apply within this special area.

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

(iii) Development shall be restricted to attached and detached residential, with limited civic and institutional uses appropriate in places other than Hamlets if designed in keeping with the character of the area. Commercial uses shall not be considered.

(iv) Building scale shall be limited to 1-2 stories with the exception of Civic and Institutional buildings, which are subject to the PUD review process during which an alternative maximum height may be established.

(v) Attached residential is appropriate if it has the massing and scale of detached residential.

(vi) There shall be a restriction on over-lot grading techniques that dramatically alter site vegetation and topography. Development shall use the natural, existing topography.

(i) BCCO-8 Standards

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

3.5.5 CNCO—Carnton Character Area Overlay District

(1) Purpose and Vision

The Carnton Character Area Overlay District, hereinafter referred to as the "CNCO District", is an established community that seeks to preserve its neighborhoods, historical significance, and natural environment. The area will be a community united by a safe and effective multi-modal transportation network that connects significant destinations and areas of open space, while protecting natural and environmentally sensitive areas.

(2) Special Areas

(a) Establishment of Special Areas

The CNCO District is hereby divided into four special areas as illustrated on the zoning map.

(b) CNCO-1 Standards

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

(ii) Development shall be restricted to detached residential dwellings.

(c) CNCO-2 Standards

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

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

(iii) Attached residential dwellings are prohibited from being located on lots with frontage on Lewisburg Avenue.

(iv) The density of residential uses in this area shall provide a transition to the larger lots in the Gardner Drive subdivision.

(d) CNCO-3 Standards

The GO, NC, LI, and CI Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's policies for this special area.

(e) CNCO-4 Standards

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

(ii) Development shall comply with Subsection 5.3.9, Traditional Neighborhood Development.

(iii) At the option of the applicant, development in compliance with Subsection 5.3.10, Transit Oriented Development, may be permitted when mass transit service is provided.

(iv) Attached residential dwellings are allowed as the predominant use, with detached residential dwellings allowed along the boundaries to provide a transition between surrounding uses.

3.5.6 CFCO—Central Franklin Character Area Overlay District

(1) Purpose and Vision

The Central Franklin Character Area, hereinafter referred to as the "CFCO District", is the urban core of the city, which is distinct from the surrounding development both in development form and character. This area will continue to serve as that central core with a unique quality that capitalizes on the history of the area and the diversity of the land uses. The focus of these standards shall be on the interrelated nature of Central Franklin's diverse neighborhoods and its historic commercial core for its long term success and vitality, concentrating on its small town identity, historic buildings and battlefields, residential infill, neighborhood preservation and protection, gateways and corridors, and the Harpeth River.

(2) Special Areas

(a) Establishment of Special Areas

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

(b) CFCO-1 Standards

(i) **Applicability**

To better address context and the emphasis on design, Special Area 1 is defined as the core properties surrounding Main Street. The development standards established in Chapter 5: Development Standards, and this subsection shall apply. In cases of conflict between this subsection and Chapter 5, the regulations of this subsection shall apply.

(ii) **Uses**

This special area allows for a diverse mix of uses, including detached and attached residential dwellings, accessory units, neighborhood and local commercial and office uses, civic uses and vertical mixed-uses. Such uses shall be permitted in compliance with the land use plan.

(iii) **Minimum Front Yard Setback**

A.) There is a front build-to line instead of a building setback. Sidewalks of at least eight feet of unobstructed width shall abut the street, and buildings shall be built to the back edge of the sidewalk. The front façade plane shall be set back a maximum of zero feet from the back of the sidewalk, or right-of-way line, whichever yields a wider sidewalk.

B.) The entire front property line of the lot shall be occupied by the primary building wall.

C.) On corner lots, the primary building wall shall occupy a minimum of 80 percent of the side street facing the property line.

(iv) **Minimum Side Yard Setback**

None.

(v) **Minimum Rear Yard Setback**

There shall be a minimum rear yard setback of 20 feet. However, where an immediately adjacent existing building has less than the required minimum yard setback, the rear yard setback requirement shall be the same as the immediately adjacent building. No building shall be set back less than five feet from a property line, and there shall be a minimum 10 feet between buildings.

(vi) **Maximum Building Height**

Buildings shall not exceed three stories or a total height of 42 feet. A maximum height limit of four stories, or a total height of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.

(vii) **Maximum Building Coverage**

There shall be a maximum building coverage of 80 percent including accessory buildings.

(viii) **Sidewalks**

Sidewalks of at least eight feet in width, unobstructed by street trees, light poles, or similar features, shall be provided by the applicant. Where such features block the sidewalk, sidewalk widths of 11 feet or greater shall be required.

(ix) **Off-Street Parking**

The following off-street parking standards shall apply. See Section 5.9, Off-Street Parking and Loading, for additional regulations.

A.) General Provisions

1. No existing building shall be demolished for the purpose of providing off-street surface parking to serve a land use in the urban area.
2. An applicant may be credited with one or more legally permitted on-street parking spaces located on a public right-of-way immediately adjacent to the subject lot's street frontage toward the required minimum off-street parking. The location and number of on-street parking spaces shall be identified on Site Plans.

B.) Location of Off-Street Parking

1. On-site, off-street surface parking lots shall be located behind the primary building and in the rear yard.
2. The Department of Planning and Sustainability may permit off-site parking according to the standards stated in this subsection and in accordance with Section 5.9, Off-Street Parking and Loading.
3. Surface parking shall not be the principal use on any parcel.

C.) Valet Parking

Valet parking is permitted as a means to satisfy all or some of the otherwise applicable off-street parking requirement if adequate assurances are submitted by the applicant that such parking will be

available on a long term basis and such assurances are approved by the Department of Planning and Sustainability. Off-site parking spaces accessed by valet parking services may be credited toward the minimum amount of required parking for the subject use, but only if the valet parking spaces are located in an off-street parking lot or parking structure and only if the lot or structure is located within Special Areas 1, 2, or 3 of the CFCO District.

D.) Shared Parking

The Department of Building and Neighborhood Services, with advice from the city traffic engineer, may approve a proposal for shared parking for mixed-use developments on the same site or for uses that are located near one another, subject to the following conditions:

1. The land uses sharing the parking and the shared off-street parking spaces shall be located within Special Areas 1, 2, or 3 of the CFCO District.
2. A proposal for shared parking shall be supported by a parking demand study, prepared by a qualified professional, that clearly evidences the feasibility of shared parking based on different peak parking demands or operating hours for the different uses. The study shall address, at a minimum, the size and type of proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for the uses that will be sharing the parking spaces.
3. The maximum reduction in the minimum amount of off-street parking otherwise required shall be 30 percent, unless the Department of Building and Neighborhood Services makes a finding based on the parking demand study that a greater reduction is warranted.
4. A shared parking plan shall be enforced through written agreement among the owners of record. The parties to a shared parking agreement may revoke the agreement only if off-street parking is provided according to the minimum requirements per this subsection, or another alternative parking plan is approved.

E.) Perimeter Buffer Landscape

The following standards shall apply to surface off-street parking lots established after July 1, 2008. Any boundary of a surface parking lot that abuts a public street or alley, or that abuts a lot used for detached residential dwellings, shall be landscaped according to this subsection.

1. For corner-lot buildings with rear yard parking, the boundary between the parking lot and the street facing side property line shall be landscaped or screened according to one of the following options:
   a. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern; or
   b. A minimum two-foot-wide planting strip containing an ornamental metal fence or masonry wall, with a minimum height of three and one-half feet and a maximum height of four feet, combined with a

single row of evergreen shrubs planted a minimum of three feet on-center.

2. For all other parking lot boundaries, the boundary shall be landscaped or screened by a minimum two-foot-wide planting strip containing a single row of shrubs planted a minimum of three feet on-center combined with a minimum four-foot-high solid (opaque) fence or wall. In the place of shrubs, deciduous shade trees may be planted a minimum of 20 feet on-center along the common boundary line.
3. As applicable, landscaping materials shall be planted on the side of the fence/wall closest to the street, alley, or residential property.

F.) Above Grade Parking Structures

Above grade parking structures shall comply with the following standards:

1. Blank walls facing a public right-of-way, other than an alley, shall be prohibited. Parking structures shall be visually similar in character and scale to adjacent buildings in the district.
2. Except on the sides abutting an alley, the floors above the ground floor shall have articulated façades designed to screen the public view of parked cars.
3. Primary vehicle access shall be located to minimize potential conflicts with pedestrian circulation.
4. Structures providing commercial or public parking or integrated into a building containing primarily nonresidential uses shall comply with the following ground floor use and design standards for the first 12 vertical feet:
   a. At least 80 percent of the ground floor of any side of the structure adjacent to a public street (except an alley or adjacent to a formal open space, such as a plaza) shall be constructed to a minimum depth of 25 feet to accommodate a commercial or other non-parking principal use permitted in the district;
   b. Façade articulation and modulation through changes in vertical wall plane or a change in building material;
   c. The use of windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing; and
   d. The integration of multiple building entrances.

(x) **Building Façade Design**

A.) The design of building façades facing Main Street shall reinforce the historic pattern of building front widths or spacing of façade bays typically found along the street. At a minimum, commercial retail and office buildings shall differentiate their Main Street façades every 25 feet of linear frontage to preserve the historic “rhythm” of building frontage along the street.

B.) The primary entrance of buildings shall be oriented toward Main Street, except that a building sited on a corner lot may orient its primary entrance towards the corner for emphasis.

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

D.) For commercial, office, and mixed-use buildings two stories or greater, 65 to 85 percent of the first floor shall be glazed, while 35 to 65 percent of the facade 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 facade shall be glazed, exclusive of the parapet wall. Reflective or tinted glass shall be prohibited.

(xi) **Landscape**

A.) Street trees shall be provided per the standards established in Chapter 5: Development Standards.

B.) Front yard landscape is not required. See Subsection 5.4.6, Vehicular Use Area Landscape, for applicable interior and perimeter parking lot landscape requirements.

(xii) **Utilities**

Utility meter boxes, wiring, and other appurtenances that cannot be buried underground shall be fully enclosed in boxes, conduits, or similar enclosures that shall be painted the same color as the building façade upon which they are mounted.

(xiii) **Service Equipment, Areas, and Facilities**

A.) Mechanical equipment, outdoor trash receptacles, trash collection areas, and other outdoor service areas or facilities shall be screened from public view.

B.) Screening shall be accomplished by enclosure with an opaque, solid fence or wall. Except for dumpster screening walls, which are regulated by Section 5.4, Landscape, Buffers, and Screening, screening fences or walls shall not exceed the greater of four feet, or six inches higher than the equipment, facility or service area being screened.

C.) The screening fence or wall shall be constructed of similar materials as the primary building's exterior materials or materials otherwise compatible with the primary building in terms of color.

(xiv) **Fences and Walls**

Fences and walls shall be prohibited in the front or side yard, except when required to screen an off-street surface parking lot per this subsection, or except when installed to screen an off-street surface parking lot existing prior to July 1, 2008 that is located in the front or side yard. When used to screen a nonconforming off-street parking lot, such fence or wall shall comply with the fence and wall requirements stated in the perimeter parking lot landscaping provisions.

(c) CFCO-2 Standards

(i) **Applicability**

To better address context and the emphasis on design, Special Area 2 is bisected by Main Street and bounded by Seventh Avenue and the Harpeth River. The development standards established in Chapter 5: Development Standards, and this subsection shall apply. In cases of conflict between this subsection and Chapter 5, the regulations of this subsection shall apply.

(ii) **Uses**

This special area allows for a diverse mix of uses, including detached and attached residential dwellings, accessory units, neighborhood and local commercial and office uses, civic uses and vertical mixed-uses. Such uses shall be permitted in compliance with the land use plan.

(iii) **Minimum Front Yard Setback**

When a proposed development is located adjacent to two existing buildings, the front yard setback shall be equal to the lesser of the adjacent existing front yard setbacks. In all other cases, the front yard setback shall be a minimum of 20 feet and a maximum of 40 feet.

(iv) **Minimum Side Yard Setback**

There shall be a minimum side yard setback of five feet. However, where an immediately adjacent existing building has less than the required minimum yard setback, the side-yard setback requirement shall be the same as the immediately adjacent building.

(v) **Minimum Rear Yard Setback**

There shall be a minimum rear yard setback of 30 feet. However, where an immediately adjacent existing building has less than the required minimum yard setback, the rear yard setback requirement shall be the same as the immediately adjacent building. No building shall be set back less than five feet from a property line, and there shall be a minimum 10 feet between buildings.

(vi) **Maximum Building Height**

Buildings shall not exceed three stories or a total of 42 feet. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features..

(vii) **Maximum Building Coverage**

A.) There shall be a maximum building coverage of 50 percent, including accessory buildings.

B.) No rear yard shall be covered in excess of 50 percent by accessory structures, parking, or other impervious material.

(viii) See the development standards for the applicable base district regulations regarding building height, placement, setbacks, and maximum lot coverage.

(ix) **Off-Street Parking**

The following off-street parking standards shall apply. See Section 5.9, Off-Street Parking and Loading, for additional regulations.

A.) General Provisions

1. No existing building designated as historic or eligible for historic designation on any local, state or national register shall be demolished for the purpose of providing surface off-street parking. The establishment of surface off-street parking as the primary use of a parcel within one year after demolition of an existing building on the same parcel shall be presumed to be in violation of this standard.
2. An applicant may be credited with one or more legally permitted on-street parking spaces located on public right-of-way immediately adjacent to the subject lot's street frontage toward the minimum off-street parking required by this ordinance. Applicants seeking to apply this credit shall identify the location and number of the on-street parking spaces on Site Plans.
3. An applicant may be credited with one or more parking spaces in a municipal parking garage, subject to approval by the Department of Building and Neighborhood Services based upon remaining capacity identified in the latest parking study for Central Franklin.

B.) Location of Off-Street Parking:

1. On-site, off-street surface parking lots shall be located behind the primary building and within the rear yard. Off-street parking allowed on or within a permitted driveway shall be set back a minimum of 30 feet from the street and screened per the requirements established in Chapter 5: Development Standards.
2. The Department of Planning and Sustainability may permit off-site parking in accordance with Section 5.9, Off-Street Parking and Loading.

C.) Valet Parking

Valet parking is permitted as a means to satisfy all or some of the otherwise applicable off-street parking requirement if adequate assurances are submitted by the applicant that such parking will be available on a long term basis and such assurances are approved by the Department of Planning and Sustainability. Off-site parking spaces accessed by valet parking services may be credited toward the minimum required parking for the subject use, but only if the valet parking spaces are located in an off-street parking lot or parking structure and only if the lot or structure is located within Special Areas 1 or 2 of the CFCO District.

D.) Shared Parking

The Department of Building and Neighborhood Services, with advice from the city traffic engineer, may approve a proposal for shared parking for mixed-use developments on the same site or for uses that are located near one another, subject to all of the following conditions:

1. The land uses sharing the parking and the shared off-street parking spaces shall be located within Special Areas 1, 2, or 3 of the CFCO District.
2. A proposal for shared parking shall be supported by a parking demand study, prepared by a qualified professional, that clearly evidences the feasibility of shared parking based on different peak

parking demands or operating hours for the different uses. The study shall address, at a minimum, the size and type of proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for the uses that will be sharing the parking spaces.

3. The maximum reduction in the minimum amount of off-street parking otherwise required shall be 30 percent, unless the codes director makes a finding based on the parking demand study that a greater reduction is warranted.
4. A shared parking plan shall be enforced through written agreement among the owners of record. The parties to a shared parking agreement may revoke the agreement only if off-street parking is provided according to the minimum requirements under this subsection, or another alternative parking plan is approved.

E.) Driveway Access to Off-Street Parking

1. Driveways shall not exceed 12 feet in width for at least the first 30 feet of driveway length, measured from the back edge of the public right-of-way from which driveway access is taken. No parking is allowed within this same first 30 feet of driveway length. If a driveway is used for off-street parking, a landscape screen shall be installed in the front yard adjacent to the off-street parking to reduce the public's visibility of such parking. The landscape screen shall be a minimum of five feet wide and four feet deep and shall be comprised of an opaque evergreen screen or a solid masonry wall at least three and one-half feet high.
2. Applicants shall use shared driveways between adjacent land uses to access rear yard parking. Shared driveways shall be subject to the same width and landscape requirements stated in this subsection.

F.) Perimeter Buffer Landscape

Any boundary of a surface parking lot that abuts a public street or alley, or that abuts a lot used for dwellings, shall be landscaped according to this subsection.

1. For corner-lot buildings with rear yard parking, the boundary between the parking lot and the street facing side property line shall be landscaped or screened according to one of the following options:
   a. A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern; or
   b. A minimum two-foot-wide planting strip containing an ornamental metal fence or masonry wall, with a minimum height of three and one-half feet and a maximum height of four feet, combined with a single row of evergreen shrubs planted a minimum of three feet on-center.
2. For all other parking-lot boundaries, the boundary shall be landscaped or screened by a minimum two-foot-wide planting strip containing a single row of shrubs planted a minimum of three feet on-center combined with a minimum four-foot-high solid (opaque) fence

or wall. In the place of shrubs, deciduous shade trees may be planted a minimum of 20 feet on-center along the common boundary line.

3. As applicable, landscape materials shall be planted on the side of the fence or wall closest to the street, alley, or residential property.

G.) Above Grade Parking Structures

Above grade parking structures shall comply with the following standards:

1. Blank walls facing a public right-of-way, other than an alley, shall be prohibited. Parking structures shall be visually similar in character and scale to adjacent buildings in the district.
2. Except on the sides abutting an alley, the floors above the ground floor shall have articulated façades designed to screen the public view of parked cars.
3. Primary vehicular access shall be located to minimize potential conflicts with pedestrian circulation.
4. Structures providing commercial or public parking or integrated into a building containing primarily nonresidential uses shall comply with the following ground floor use and design standards for the first 12 vertical feet:
   a. At least 80 percent of the ground floor of any side of the structure adjacent to a public street (except an alley or adjacent to a formal open space, such as a plaza) shall be constructed to a minimum depth of 25 feet to accommodate a commercial or other non-parking principal use permitted in the district;
   b. Façade articulation and modulation through changes in vertical wall plane or a change in building material;
   c. The use of windows with glazing that may be translucent, but shall not include black or mirrored glass or similar opaque glazing; and
   d. The integration of multiple building entrances.

(x) **Building Façade Design**

A.) The primary entrance of buildings shall be oriented toward the street, except that a building sited on a corner lot may orient its primary entry towards the corner for emphasis.

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

(xi) **Landscape**

A.) New development shall install a minimum four-foot-wide planting strip between the edge of the public sidewalk and adjacent public right-of-way. However, where a sidewalk and planting strip exist on adjacent property, the new sidewalk and planting strip shall match the adjacent sidewalk and planting strip in configuration and alignment unless the Department of Planning and Sustainability determines that, for the convenience of the public, a new configuration and alignment are preferable.

B.) In addition to the landscaping standards stated in this subsection, see Subsection 5.4.6, Vehicular Use Area Landscape, for applicable interior and perimeter parking lot landscape requirements.

(xii) **Utilities**

Utility meter boxes, wiring, and other appurtenances that cannot be buried underground, and which will be visible from a public right-of-way, public park, or open space, shall be fully enclosed in boxes, conduits, or similar enclosures that shall be painted the same color as the building façade upon which they are mounted.

(xiii) **Service Equipment, Areas, and Facilities**

A.) Mechanical equipment, outdoor trash receptacles, trash collection areas, and other outdoor service areas or facilities shall be screened from public view.

B.) Screening shall be accomplished by enclosure with an opaque, solid fence or wall. Except for dumpster screening walls, which are regulated by Section 5.4, Landscape, Buffers, and Screening, screening fences or walls shall not exceed the greater of four feet, or six inches higher than the equipment, facility, or service area being screened.

C.) The screening fence or wall shall be constructed of similar materials as the primary building's exterior materials or materials otherwise compatible with the primary building in terms of color.

(xiv) **Front Yard Fences and Walls**

A.) Front yard fences and walls shall be at least 50 percent transparent. Solid, opaque, and chain-link and similar woven metal fences or walls are prohibited.

B.) The maximum height of front yard fences shall be three and one-half feet, except that the maximum height of a fence or wall erected on the side property line and located within ten feet of the front property line shall be five feet.

(d) CFCO-3 Standards

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

(ii) New residential development shall match the existing character of traditional areas, including architecture, materials, scale, and setbacks.

(iii) All sides of a nonresidential building open to view by the public and adjoining neighborhoods shall display a similar level of architectural quality that is appropriate and proportioned using features such as windows, entrances, arcades, awnings or similar features.

(iv) Street and trail/sidewalk systems shall have multiple interconnections. Streets shall be designed for slower speeds to allow for mixing of vehicular and pedestrian traffic.

(v) Buildings shall not exceed three stories or a total of 42 feet. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.

(e) CFCO-4 Standards

(i) New street systems shall have multiple interconnections and connectivity between subdivisions where street stubs exist.

(ii) Buildings shall not exceed three stories or a total of 42 feet. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.

(f) CFCO-5 Standards

(i) Detached residential uses are appropriate. Attached residential uses are appropriate if designed according to the requirements of this subsection.

(ii) Commercial uses shall not be permitted.

(iii) Developments shall be designed in accordance with the standards in Subsection 5.3.8, Conservation Subdivision.

(iv) Attached residential uses shall employ similar massing and scale of detached residential, such as the “Big House” or “Farmstead Compound” concept, including multiple townhouse or flat units.

Figure 3-14: The image on the left depicts the Farmstead Compound concept. The image on the right demonstrates the Big House concept.

(v) The style and architecture of structures shall draw from the surrounding area and historically significant buildings utilizing Federal or Greek Revival architecture.

(vi) Common design elements, such as fieldstone walls and wood-plank fencing, shall be used to create and to maintain a community identity. Fences and walls shall be constructed of durable and natural materials to allow for natural weathering 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, and constructed of wood. (See Figure 3.11.) Vinyl fencing is prohibited. The Department of Planning and Sustainability may approve other colors or types of fences, such as picket, split rail, wrought iron, or brick walls, if the applicant demonstrates that such a fence or wall is more appropriate based on fencing in surrounding developments, historical antecedents, and similar considerations. 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.

(vii) As a means of achieving optimal placement of clustered development in each quadrant and preserving scenic views and important natural features, building setbacks from Mack Hatcher Parkway and Franklin Road shall be a minimum of 150 feet. Streets shall not be aligned parallel to Mack Hatcher Parkway or Franklin Road within the setback. A viewshed study shall be submitted by the applicant with any request to modify the minimum 150-foot setback.

(viii) Reverse frontage shall be prohibited along Mack Hatcher Parkway and Franklin Road.

(ix) Legends Club Lane shall be the only vehicular access on Franklin Road for future development in the northeast quadrant of the intersection. If the northwest quadrant develops, then access shall be coordinated to create a four-way intersection with signalization, subject to TDOT approval.

(x) Future development in the northwest quadrant shall have a street network that connects to Ernest Rice Lane.

(xi) A left turn lane shall be installed for Legends Club Lane in conjunction with development in the northeast quadrant, subject to Tennessee Department of Transportation (TDOT) approval.

(xii) Daniel McMahon Lane shall be the closest access on Franklin Road from Mack Hatcher Parkway in the southwest quadrant, but may be relocated due to environmental constraints.

(xiii) Spencer Creek Road shall be extended into the southwest quadrant, subject to TDOT approval.

(xiv) Developments shall include an internal pedestrian circulation system (e.g., sidewalks or paths) that provides access to Franklin Road. The developer shall connect the internal system across Franklin Road and provide a sidewalk stub on the opposite side of Franklin Road from the property subject to review.

(xv) A greenway system and wildlife corridor, including, but not limited to, a pedestrian trail along Spencer Creek, shall be provided through this area to connect Aspen Grove Park, Harlinsdale Park, and Bicentennial Park with downtown Franklin.

(xvi) Development shall use the natural, existing topography and minimize grading. Mass grading techniques that dramatically alter site vegetation and topography shall be prohibited.

(g) CFCO-6 Standards

(i) Appropriate building scale is 1-3 stories in height. A maximum height limit of four stories, or a total of 56 feet, is permitted in PUDs if the building and site design complies with Subsection 5.3.4, Transitional Features.

(ii) New street systems shall have multiple interconnections, through streets, and connectivity between subdivisions where street stubs exist.

(iii) Structured parking, if provided shall be screened from view and should not have a presence along the streetscape. Structured parking may be allowed on the outside of the block if it maintains active ground floor uses.

(h) CFCO-7 Standards

Structured parking, if provided shall be screened from view and should not have a presence along the streetscape. Structured parking may be allowed on the outside of the block if it maintains active ground floor uses.

(i) CFCO-8 Standards

Buildings shall not exceed 2 stories in height.

(j) CFCO-9 Standards

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

3.5.7 GCCO—Goose Creek Overlay District

(1) Purpose and Vision

The Goose Creek Character Area Overlay District, hereinafter referred to as the "GCCO District", will be a major economic development engine for the city, with quality development whose impact is minimized on residential neighborhoods. It will maintain the existing character by accommodating a mixture of housing options within traditional style, master planned neighborhoods that are well integrated with pedestrian and vehicular connections. The natural and historic resources of this area will contribute to the livable quality of the community.

(2) Special Areas

(a) Establishment of Special Areas

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

(b) GCCO-1 Standards

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

(ii) New development shall be restricted to detached residential dwellings.

(iii) New development shall be designed to complete the street network connections to surrounding development.

(c) GCCO-2 Standards

(i) Development to the east of Columbia Avenue shall comply with Subsection 5.3.9, Traditional Neighborhood Development.

(ii) At the option of the applicant, development in compliance with Subsection 5.3.10, Transit Oriented Development, may be permitted to the east of Columbia Avenue when mass transit service is provided.

(iii) At the option of the applicant, development to the west of Columbia Avenue shall comply with either Subsection 5.3.7, Hamlet, or Subsection 5.3.8, Conservation Subdivision.

(iv) Development to the west of Columbia Avenue shall be designed to respect and protect the historic sites of the area to the maximum extent practicable.

(d) GCCO-3 Standards

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

(ii) Single tenant retail uses shall not exceed 60,000 square feet in floor area.

(iii) Historic structures, sites, and their view sheds shall be protected to the maximum extent practicable.

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

(e) GCCO-4a Standards

(i) More intensive, regional commercial center uses are allowed, with attached dwelling allowed as a transition to the surrounding area.

(ii) New development shall have comprehensively designed development, including uses, connecting street networks and shared access.

(iii) The historic cemetery shall be preserved through sensitive site design.

(iv) Hillsides and hillcrests shall be preserved through sensitive site design and the standards of the HHO District.

(v) Any I-65 crossing design shall be integrated into a street network for optimum coordination and connectivity.

(f) GCCO-4b

(i) Business parks and local commercial center uses are allowed to the north, transitioning to less intensive office, civic, neighborhood commercial, attached, and detached dwellings to the south.

(ii) Any I-65 crossing design shall be integrated into a street network for optimum coordination and connectivity.

(iii) A transition shall be provided to the detached residential subdivision to the west, using the floodplain as a buffer.

(iv) The stream and floodplain shall be preserved and enhanced as a community amenity.

(g) GCCO-4c

(i) Business park uses are allowed with a transition to the detached residential to the north in Special Area 1.

(ii) Coordinated access shall be provided through Special Area 3, Old Peytonsville Road, and any I-65 crossing.

(iii) Five Mile Creek and its floodplain shall be preserved and enhanced as an amenity.

(iv) New development shall be consistent with the high quality and design envisioned for the area and this gateway into the city.

(v) The viewshed to the historic Berry site in Special Area 3 shall be preserved and protected.

(h) GCCO-4d

(i) Negative environmental impacts from existing uses shall be mitigated as redevelopment occurs.

(ii) Redevelopment and new development shall include significant improvements to landscaping and other beautification techniques.

(iii) There shall be coordinated access for all forms of vehicular traffic.

(iv) Any I-65 crossing design shall be integrated into a street network for optimum coordination and connectivity.

(v) Hillsides and hillcrests shall be preserved through sensitive site design, and the standards in the HHO District.

(i) GCCO-5

(i) At the option of the applicant, development may comply with Subsection 5.3.9, Traditional Neighborhood Development, including a mixture of attached and detached residential dwellings.

(ii) Along the Goose Creek Bypass with a buffer between the uses and the Goose Creek Estates Subdivision, the GO, MN, and NC Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.

(iii) Any I-65 crossing shall be integrated into a street network for optimum coordination and connectivity.

(iv) Access to GCCO-4b shall be through GCCO-5.

(v) Appropriate transitions shall be provided to Goose Creek Estates Subdivision and to the land to the west of Lewisburg Pike.

(vi) Smaller lots shall not be located on the exterior of a proposed development adjacent to, or across the street from, larger lots of an existing platted development of ten lots or more. An applicant may propose smaller lots along the perimeter if it can be demonstrated that a sufficient buffer will be provided between the two developments or another method of mitigating potential conflicts will be provided. Such alternative shall require approval during the Development Plan approval process.

(j) GCCO-6 Standards

(i) Both attached and detached residential dwellings are allowed along I-65.

(ii) Any I-65 or Harpeth River crossings shall be integrated into a street network to promote interconnectivity.

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

3.5.8 MECO—McEwen Character Area Overlay District

(1) Purpose and Vision

The McEwen Character Area Overlay District, hereinafter referred to as the "MECO District", will continue to be the major economic driver for the city. However, economically productive development shall respect nearby residential neighborhoods. Murfreesboro Road will be a quality gateway from Interstate 65. High quality design and people friendly environments will be encouraged through heightened standards and site design to reinforce the small town appeal of Franklin.

(2) Special Areas

(a) Establishment of Special Areas

The MECO District is hereby divided into ten special areas as illustrated on the zoning map.

(b) MECO-1 Standards

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

(c) MECO-2 Standards

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

(ii) Attached and detached residential dwellings are allowed.

(d) MECO-3 Standards

Transitional office uses are allowed on the four lots that comprise the southeast corner of this special area along London Lane and North Royal Oaks Boulevard but only if North Royal Oaks Boulevard is widened.

(e) MECO-4 Standards

(i) The ML, MX, and GC Districts and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area; however, the MN, NC, and GO districts should serve as a transition between the large scale retail in this area and the surrounding residential neighborhoods.

(ii) Retail commercial uses, service commercial uses, and hotels should be of a higher intensity along Interstate 65 and transition to less intensive uses further away from the interstate.

(iii) Attached residential dwellings are allowed as a transitional land use.

(iv) Retail commercial uses in excess of 100,000 square feet shall be located west of Interstate 65.

(f) MECO-5 Standards

Attached and detached residential dwellings along with the uses and development standards associated with the MN and ML Districts are appropriate in the southwest corner of MECO-5 if the intersection of South Royal Oaks Boulevard and Mark Hatcher Parkway are improved.

(g) MECO-6 Standards

New development shall reflect the lot area, setbacks, and scale of existing development.

(h) MECO-7 Standards

New development shall reflect the lot area, setbacks, and scale of surrounding development.

(i) Special Area 8 Standards

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

(ii) New development shall be restricted to detached residential dwellings.

(j) MECO-9 Standards

New development shall comply with the applicable standards or recommendations based on an adopted comprehensive land use and economic strategy for the Murfreesboro Road corridor.

(k) MECO-10 Standards

New development shall reflect the lot area, setbacks, and scale of surrounding development.

3.5.9 MLCO—McLemore Character Area Overlay District

(1) Purpose and Vision

The McLemore Character Area Overlay District, hereinafter referred to as the "MLCO District", is the rural gateway into the city. Its appealing rural and agrarian character should be maintained. Future development will take the form of hamlets and conservation subdivisions to create integrated neighborhoods that have a strong sense of place.

(2) Special Areas

(a) Establishment of Special Areas

The MLCO District is hereby divided into two special areas as illustrated on the zoning map.

(b) MLCO-1 Standards

(i) The most appropriate base zoning district for accomplishing the land use plan's goals for this special area is the AG District unless assemblages of at least 40 acres or more are created, and a plan is submitted pursuant to the PUD process.

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

(iii) At the option of the applicant, development may comply with Subsection 5.3.9, Traditional Neighborhood Development.

(iv) At the option of the applicant, development may comply with Subsection 5.3.10, Transit Oriented Development, when mass transit service is provided.

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

(vi) The uses and development standards associated with the MN District are appropriate only when incorporated within the interior of a traditional neighborhood development and are not located along an arterial street.

(vii) A mixture of attached and detached residential dwellings is allowed.

(c) MLCO-2 Standards

(i) The most appropriate base zoning district for accomplishing the land use plan's goals is the AG District unless assemblages of at least 40 acres or more are created, and a plan is submitted pursuant to the PUD process.

(ii) At the option of the applicant, development may comply with Subsection 5.3.7, Hamlet, or with Subsection 5.3.8, Conservation Subdivision. If such standards are used, there shall be a maximum gross density of one unit per acre for the entire development.

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

(iv) Development along the Goose Creek Bypass shall be set back a minimum of 250 feet from the public right-of-way.

(v) The MN District, and its associated uses and development standards, is appropriate only when incorporated within the interior of a traditional neighborhood development and not along an arterial street.

(vi) Property within the gateway area at the intersection of Columbia Pike and the Goose Creek Bypass shall be designed as a park or other institutional or civic use to the maximum extent practicable.

(vii) A mixture of attached and detached residential dwellings is allowed.

3.5.10 SWCO—Seward Hall Character Area Overlay District

(1) Purpose and Vision

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

(2) Special Areas

(a) Establishment of Special Areas

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

(b) SWCO-1 Standards

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

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

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

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

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

(c) SWCO-2 Standards

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

(ii) At the option of the applicant, development may comply with Subsection 5.3.9, Traditional Neighborhood Development.

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

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

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

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

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

(d) SWCO-3 Standards

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

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

(iii) New development shall be restricted to detached residential dwellings on lots with a minimum lot area of one to five acres.

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

(v) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity pursuant to the standards within this SWCO special area.

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

(e) SWCO-4 Standards

(i) The ER and R-1 Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.

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

(iii) Common design elements, such as fieldstone walls and black wood-plank fencing, shall be used to create and to maintain a community identity pursuant to the standards within this SWCO special area.

(f) SWCO-5 Standards

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

(g) SWCO-6 Standards

The ML District, and its associated uses and development standards, are the most appropriate district for accomplishing the Land Use Plan's goals for this special area.

(h) SWCO-7

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

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

3.5.11 SOCO—Southall Character Area Overlay District

(1) Purpose and Vision

The Southall Character Area Overlay District, hereinafter referred to as the "SOCO District", shall remain semi-rural with strong preservation of natural features, particularly of hillsides and hillcrests. Development will respect and enhance the character of the area while creating neighborhoods and preserving natural features, such as steep slopes, hillcrests, and floodplains.

(2) Special Areas

(a) Establishment of Special Areas

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

(b) SOCO-1 Standards

The LI and GC Districts, and their associated uses and development standards, are the most appropriate districts for accomplishing the land use plan's goals for this special area.

(c) SOCO-2 Standards

The minimum lot size shall be five acres, and uses shall be limited to detached residential dwellings.

(d) SOCO-3 Standards

(i) Developments shall be designed around small neighborhoods consisting of approximately 150 dwelling units.

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

(iii) Within a quarter mile distance from the intersection, the MN District, its uses and development standards, is the most appropriate district for accomplishing the land use plan's goals for this special area. Such nonresidential development shall be permitted only as part of a Hamlet.

(e) SOCO-4 Standards

(i) Development shall comply with Subsection 5.3.9, Traditional Neighborhood Development.

(ii) This area shall include vehicular and pedestrian connections to Westhaven and Willow Springs Subdivisions.

(f) SOCO-5 Standards

As the Southall Character Area develops, the MN District, its uses and development standards, is the most appropriate district for accomplishing the land use plan's goals for this special area.

(g) SOCO-6 Standards

The LI and HI Districts, their uses and development standards, are appropriate in this special area.

3.5.12 WHCO—West Harpeth Character Area Overlay District

(1) Purpose and Vision

The West Harpeth Character Area Overlay District, hereinafter referred to as the "WHCO District", is intended to be an exemplary model for the way in which new development can be accommodated while preserving open space, sensitive environmental features, and historic farmsteads. It will be an area of high quality guided by design standards and mixed-use developments.

(2) Special Areas

(a) Establishment of Special Areas

The WHCO District is hereby divided into three special areas as illustrated on the zoning map.

(b) WHCO-1 Standards

(i) New development shall reflect adopted plans and standards approved for the Westhaven development.

(ii) Development shall comply with Subsection 5.3.9, Traditional Neighborhood Development.

(c) WHCO-2 Standards

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

(ii) At the option of the applicant, development may comply with Subsection 5.3.9, Traditional Neighborhood Development.

(iii) The MN District, its associated uses and development standards, is appropriate at the southeast quadrant of Horton Lane and Willow Springs Boulevard, but only in conjunction with residential uses.

(iv) Nonresidential uses shall have buildings that are set close to the street with the parking located on the side and rear of the building. Such uses shall be located so as to promote pedestrian access from surrounding neighborhoods.

(d) WHCO-3 Standards

(i) At the option of the applicant, development may comply with Subsection 5.3.7, Hamlet, Subsection 5.3.8, Conservation Subdivision, or Subsection 5.3.9, Traditional Neighborhood Development, provided at least 50 percent of the proposed development preserved as permanent open space, which shall be targeted towards environmentally sensitive or scenic areas and vista.

(ii) Development shall be set back a minimum of 300 feet along the north side of new Highway 96 West.

(iii) Commercial, office, or retail uses shall not front along new Highway 96 West.

CHAPTER 4: USE REGULATIONS

4.1 ACCESSORY USES AND STRUCTURES

4.1.1 Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, they comply with the standards set forth in this section, and they do not create adverse impacts on surrounding lots or sites.

4.1.2 General Standards and Limitations for Accessory Uses

Except for accessory structures exempted in Subsection 4.1.3, Exemptions for Accessory Uses in the AG District, accessory uses or structures shall:

(1) Directly serve the principal use or structure;

(2) Be accessory and clearly incidental to the principal use or structure;

(3) Be clearly subordinate in area, extent, and purpose to the principal use or structure;

(4) Be owned or operated by the same person as the principal use or structure;

(5) Be located on the same lot as the principal use or structure or on a contiguous lot;

(6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls) on adjacent properties; the required separation from structures on the same property shall be governed by the applicable building code;

(7) Not take place within required front or side yards or project beyond the front building line of the principal structure (except fences or walls); however, accessory structures may encroach into a side-street setback in Traditional Areas;

(8) Be limited to a maximum of one accessory building on lots in residential districts, (except the AG District);

(9) Not be located within platted or recorded easements or over underground utilities;

(10) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure;

(11) Be subject to the design and development standards in Chapter 5;

(12) Not exceed the height of the principal structure, except for those structures exempt from the height requirements of this ordinance;

(13) Not be constructed or established prior to the time the principal use or structure is constructed or established; and

(14) Not constitute a combination of two principal uses; combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use.

4.1.3 Exemptions for Accessory Structures in the AG District

Accessory structures in the AG District shall be exempt from:

(1) The location standards in Subsections 4.1.2(6) and (7);

(2) The maximum number of structures standards in Subsection 4.1.2(8);

(3) The maximum height standards in Subsection 4.1.2(12); and

(4) The canopy prohibition standards in Subsection 4.1.2(13).

4.1.4 Table of Permitted Accessory Uses

(1) Listed Accessory Uses

Table 4-1 lists the allowed types of accessory uses and structures. If a specific accessory use is allowed in a district, the column underneath the district is marked with a "P." If the accessory use or structure is not allowed in a district, the column is shaded. If there is a reference contained in the column entitled "Addt'l Req.", refer to the cited section(s) for additional standards that apply to the specific accessory use.

TABLE 4-1: PERMITTED ACCESSORY USES

P = Permitted Shaded Cell = Prohibited

Accessory Use or Structure	Base Zoning Districts [1]																		Addt'l Req.
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CI	GO	NC	CC	GC	MN	ML	MX	LI	HI	
Automated Teller Machines/Kiosk (ATM)								P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(1)
Canopies	P							P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(2)
Communication Towers or Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.10
Fences or Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.6
Home Occupations	P	P	P	P	P	P	P	P				P		P	P	P			Sec. 4.1.6(5)
Indoor Food Sales								P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(6)
Outdoor Sales/ Storage (as an accessory use)	P									P	P	P	P	P	P	P	P	P	Sec. 4.1.6(7)
Produce Stands	P								P		P	P	P	P	P	P			Sec. 4.1.6(8)
Recreational Facilities, (including playground equipment & non-illuminated athletic fields)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Drop-Off Stations	P							P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(9)
Retail Sales of Goods (as part of a freight or warehouse use)																	P	P	Sec. 4.1.6(10)
Satellite Dish Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(11)
Security or Caretaker Quarters	P									P	P	P	P	P	P	P	P	P	Sec. 4.1.6(12)
Stand-Alone Drive-Through Uses									P	P	P	P	P		P	P	P	P	Sec. 4.1.6(13)
Storage or Parking of Heavy Trucks or Trailers										P	P		P		P	P	P	P	Sec. 4.1.6(14)

TABLE 4-1: PERMITTED ACCESSORY USES

P = Permitted Shaded Cell = Prohibited

Accessory Use or Structure	Base Zoning Districts [1]																		Addt'l Req.
	AG	ER	R-1	R-2	R-3	R-6	RX	OR	CI	GO	NC	CC	GC	MN	ML	MX	LI	HI	
Storage or Parking of Major Recreational Equipment	P	P	P	P					P										
Storage Buildings or Equipment Sheds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

NOTES:
[1] Lots within an overlay district are subject to the district-specific standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, that may prohibit an accessory use otherwise allowed in a base district.

(2) Interpretation of Unidentified Accessory Uses

The Department of Building and Neighborhood Services shall evaluate applications for accessory uses that are not identified in Table 4-1 on a case-by-case basis, based on the following standards:

(a) The definition of "accessory use" in Chapter 8: Definitions, and the general accessory use standards and limitations established in Subsection 4.1.2;

(b) The additional standards for accessory uses, if applicable, established in Subsection 4.1.6;

(c) The purpose and intent of the base and overlay districts in which the accessory use is located;

(d) Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and

(e) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

4.1.5 Procedure

Accessory uses or structures may be reviewed as part of or subsequent to the review of an associated principal use, in accordance with the following standards:

(1) In Residential Districts

Accessory structures on lots in residential districts shall be reviewed by the Department of Building and Neighborhood Services and shall not be required to obtain Site Plan approval.

(2) In Nonresidential and Mixed-Use Districts

Accessory structures on lots in nonresidential and mixed-use districts shall be reviewed in accordance with the following requirements:

(a) Less than 1,000 Square Feet

Accessory structures smaller than 1,000 square feet shall be reviewed by the Department of Building and Neighborhood Services and shall not be required to obtain Site Plan approval.

(b) 1,000 Square Feet or Larger

Accessory structures that are 1,000 square feet or larger shall be subject to Subsection 2.4.3, Site Plan Review.

4.1.6 Additional Standards for Certain Accessory Uses

(1) Automated Teller Machines/Kiosks

(a) Structures accommodating stand-alone automated teller machines or kiosks that are not inside or attached to a principal structure shall meet the design standards applied to the principal structure and shall use the same exterior materials, colors, and architectural style as the principal structure.

(b) Drive-up or drive-through automated teller machines shall be prohibited in Special Areas 1,2, and 3 of the CFCO District unless they are located internal to the block and do not result in stacking of vehicles in a public right-of-way.

(2) Canopies

(a) Canopies shall be attached to a principal structure and shall not be freestanding or attached to an accessory structure unless located to the rear of the principal structure or includes functional equipment for the generation of energy by solar power, such as solar-assisted charging station. In no instance shall the location of a canopy result in the stacking of vehicles in a public right-of-way.

(b) Canopies covering a drive-through shall use a similar roof form, pitch, and materials in order to appear as an extension of the roof covering the principal structure.

(c) Canopies shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy.

(d) The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.

(e) Canopies covering fuel pumps shall only include signage or advertising for the name of the business or petroleum product being sold.

(f) In addition to meeting the standards in Section 5.11, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

(3) Communication Towers and Antennas

Communication towers and antennas serving as accessory uses shall be subject to the review procedures and use-specific standards for such uses in Subsection 3.2.10, Telecommunication Towers.

(4) Fences and Walls

Fences and walls shall comply with the standards in Section 5.6, Fences and Walls.

(5) Home Occupations

A home occupation shall be permitted as accessory to a principal residential dwelling unit in accordance with the following standards:

(a) Prohibited Uses

Examples of the types of uses that are prohibited as home occupations include, but are not limited to:

(i) Barbershop;
(ii) Beauty shop;
(iii) Gift shop;
(iv) Gun sales;
(v) Florist shop; or
(vi) Similar Personal Services with more than one (1) customer or client at a time or any business that includes retail sales.

(b) Allowable Uses

Examples of the types of uses allowable as a home occupation include, but are not limited to:

(i) Accountant;
(ii) Architect;
(iii) Artist;
(iv) Author;
(v) Catering;
(vi) Contractor (office only);
(vii) Consulting Services (including such uses as Designer, Draftsman, Graphic Artist, Information Technology Consultant, Management or Financial Consultant, Real Estate Agent, or like profession);
(viii) Counseling Services;
(ix) Data Entry;
(x) Office for Direct Sales (customer contact is via phone/internet or off-site of the Home Occupation);
(xi) Engineer;
(xii) Insurance Agent;
(xiii) Lawyer;
(xiv) Manufacturer's Representative;
(xv) Office for Mobile Service Provider;
(xvi) Planner;
(xvii) Real Estate Agent;
(xviii) Small-scale Child Care;
(xix) Sculptor;
(xx) Songwriter;
(xxi) Teacher in such areas as tutoring tutoring in art, dance, and music or other like disciplines; and
(xxii) Traveling Salesperson.

(c) Standards

Home occupations shall:

(i) Receive approval from the Department of Building and Neighborhood Services prior to commencement;
(ii) Be located entirely within the principal structure and not exceed 25 percent of the total floor area of the principal structure;
(iii) Be owned and operated by the person residing in the principal structure;
(iv) Employ no more than one person who does not reside on the premises;

(v) Not consist of storage for another agricultural or nonresidential business occurring elsewhere;

(vi) Not provide instruction or counseling services to more than two pupils or clients at a time, however, this shall not preclude a family counseling session, provided that all other provisions of this subsection are followed;

(vii) Not store material, equipment, or other articles associated with the home occupation outside the primary structure or in a location visible from a public street;

(viii) Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;

(ix) Cause no change in the external appearance of the existing dwelling or other structures on the premises;

(x) Not include more than one vehicle not customarily found in a residential district parked on the premises overnight;

(xi) Not include signs or other means of advertising on the property; and

(xii) Provide care for no more than four (4) children, not related to the resident who is operating the business, in a small-scale child care. In no case shall the operation of a small-scale child care exceed the standards for a Family Child Care Home, as regulated by the State of Tennessee Department of Human Services.

(6) Indoor Food Sales

Indoor food sales occurring as an accessory use shall comply with the following standards:

(a) Size

The square footage used by food sales operations, including preparation, sales, and storage, but not including dining, shall not exceed 30 percent of the principal use.

(b) Location

To the maximum extent practicable, food sales areas shall be internal to the principal use they serve.

(c) Entrances

Entrance to the food sales area shall be via the principal use it serves and shall not have dedicated off-street parking areas or signage.

(7) Outdoor Sales/Storage Areas

Except where exempted by Subsection 4.1.6(7)(a), storage shall be located inside a building and shall comply with the following standards:

(a) Exemptions

(i) The following forms of outdoor storage located outside of a building are not required to be fully covered or screened:

A.) Outdoor sales areas pursuant to Subsection 4.1.6(7)(f);

B.) Vehicles or farm equipment for sale or lease; and

C.) The storage of live vegetation provided the location and extent of the area used for such storage is indicated on the Site Plan.

(ii) The following form of outdoor storage located outside of a building is not required to be fully covered, but shall be fully screened:

A.) Storage of equipment or materials related to Local, State, or Federal government facilities.

(b) Location

(i) Except where exempted by Subsection 4.1.6(7)(a), or within the LI or HI Districts, storage shall be located inside of a building or fully covered by a canopy, shed, awning, or similar structure.

(ii) Outdoor storage areas shall be prohibited in front yards, required parking spaces, fire lanes, traffic aisles, or areas intended for pedestrian circulation.

(iii) Except for vehicles or farm equipment for sale or leased, and outdoor storage associated with a self-storage use, outdoor storage activities shall not take place within required setbacks.

(c) Screening Required

Except where exempted by Subsection 4.1.6(7)(a), or where located completely inside a building, outdoor storage areas shall be screened from view in accordance with Section 5.4, Landscape, Buffers, and Screening.

(d) Prohibited Storage

The following forms of outdoor storage shall be prohibited:

(i) Storage truck, trailer, covered container, or similar container, whether on wheels or stationary except during construction of a project;

(ii) Outdoor storage of trash or other debris;

(iii) Outdoor storage of wood or other attractive nuisances; and

(iv) The outdoor storage of unlicensed vehicles, whether operable or otherwise.

(e) Flammable Liquid or Gas

Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

(f) Outdoor Sales Area

Outdoor sales areas associated with retail or commercial uses, shall:

(i) Be depicted on any required application forms or other supporting material in the format required by the Department of Building and Neighborhood Services;

(ii) Be located immediately adjacent to the front building façade;

(iii) Be limited to no more than one-half of the length of the front building façade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the storefront associated with the display area;

(iv) Not encroach into areas used for ingress and egress into the structure;

(v) Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and

(vi) Take place only on an improved surface such as the sidewalk or pavement.

(8) Produce Stand

A produce stand shall:

(a) Be limited to the retail sale of agriculture and horticulture products;

(b) Not exceed 750 square feet in area;

(c) Provide adequate ingress, egress, and off-street parking areas; and

(d) Be subject to the sign standards in Section 5.12, Signs.

(9) Recycling Drop-Off Stations

Recycling drop-off stations shall:

(a) Be screened by a fence or wall in accordance with Section 5.6, Fences and Walls;

(b) Not be located within a front yard;

(c) Be kept free of litter, debris, and residue;

(d) Be limited to one on-premise freestanding sign no more than four feet high and 16 square feet in area that displays the name and telephone number of a party responsible for management and maintenance of the station.

(e) Be located no closer than 50 feet to a dwelling;

(f) Occupy no more than 750 square feet; and

(g) Not occupy or block access to parking spaces or parking lot aisles.

(10) Retail Sales of Goods (as part of Freight or Warehouse Use)

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

(a) Be conducted within the same structure housing the principal warehouse or freight use, and no outdoor retail sales activity shall be allowed;

(b) Limit hours of operation to between 8:00 A.M. and 9:00 P.M., or to the operating hours of the principal use, whichever is more restrictive;

(c) Include no additional advertising for the retail sales operation;

(d) Include only sales items manufactured by the principal use or part of the principal warehouse's stock;

(e) Be limited to either ten percent of the total gross floor area of the principal use or 5,000 square feet, whichever is less; and

(f) Provide off-street parking in accordance with Table 5-9, Minimum Off-Street Parking Standards.

(11) Satellite Dish Antennas

Satellite dish antennas measuring one meter (39 inches) or larger in diameter that are visible from adjacent streets shall be prohibited on lots in the HPO District, and shall be:

(a) Located to the rear of the principal building, but not within five feet of any side or rear property line or in any required landscape area, and not within ten feet of any property line adjoining a street;

(b) Screened so that no more than 40 percent of the area of the satellite dish antenna is visible from public rights-of-way. The screen may consist of, but is not limited to, fencing, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure; and

(c) Erected in a secure, wind-resistant manner.

(12) Security or Caretaker Quarters

A dwelling unit for security or caretaker quarters shall:

(a) Be limited to one such dwelling unit per allowed principal use.

(b) Be inside the principal building (detached dwelling units or mobile homes are prohibited);

(c) Not exceed 1,500 square feet of gross floor area;

(d) Provide at least one off-street parking space for each bedroom, in addition to the required parking for the principal use or business.

(e) Be occupied only by the owner, operator, caretaker, or an employee of the principal building, plus that person's immediate family.

(13) Stand-Alone Drive-Through

Stand-alone drive-through structures not attached to a principal structure shall:

(a) Be prohibited within Special Areas 1, 2, and 3 of the CFCO District unless they are placed internal to the block and do not cause stacking of vehicles in a public right-of-way;

(b) Be a permanent structure with a fixed foundation;

(c) Be limited in size to 30 percent of floor area of the principal structure or 600 square feet, whichever is less;

(d) Use the same exterior materials, colors, and building style as the principal use;

(e) Be oriented so that stacking lanes do not extend into primary drive aisles;

(f) Not be located in primary drive aisles, landscaping areas, required yards, or setbacks; and

(g) Not use freestanding signs.

(14) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

(a) Intent

It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on public streets and within yards adjacent to public streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(b) Applicability

The standards in this subsection apply to heavy trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(c) Standards

(i) **Parking on Public Right-of-Way in Residential Districts Prohibited**

Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential district for longer than four days within a one-year period.

(ii) **Yard Adjacent to Street in Residential Districts**

No heavy truck, trailer, other major recreational equipment shall be parked or stored for longer than four days in any front yard or side yard immediately adjacent to a public street in a residential district.

(iii) **Agricultural and Other Districts**

The limitations in subsections (i) and (ii) above shall not apply to public streets or lots within the AG District.

4.2 TEMPORARY USES

4.2.1 Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

4.2.2 Table of Allowed Temporary Uses and Structures

Table 4-2 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TABLE 4-2: TEMPORARY USES AND STRUCTURES

Temporary Use or Structure	Allowable Duration (per site)	Permit Required [2]	Additional Requirements
TEMPORARY STRUCTURE			
Construction Dumpster	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(2)
Construction Trailer	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(3)
Real Estate Sales Office/Model Sales Home	Until 85% occupancy of the phase is reached	Building Permit	Sec. 4.2.4(4)
Temporary Housing	90 days per calendar year	Building Permit	Sec. 4.2.4(5)
Temporary Field Office	Sec. 4.2.4(10)(c)	Building Permit	Sec. 4.2.4(10)
Temporary Place of Business	6 months (extension possible)	Building Permit	Sec. 4.2.4(11)
Temporary Storage in a Portable Container	30 days over a five-year period	None [2]	Sec. 4.2.4(6)
Temporary Structure (as part of an educational facility or institutional use)	3 years (extension possible)	Building Permit	Sec. 4.2.4(7)
Tent	30 over a one-year period	None [2]	Sec. 4.2.4(1)
TEMPORARY SALE [1]			
Garage/Yard Sales	2 days per event; 8 total days per calendar year	Garage Sale Permit	Sec. 4.2.4(8)
Seasonal Agricultural Sales	120 total days per calendar year	None [2]	Sec. 4.2.4(9)
NOTES:			

TABLE 4-2: TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	**Allowable Duration (per site)**	**Permit Required [2]**	**Additional Requirements**

[1] The sale of products or services from a vehicle shall be subject to the requirements for a Peddler's Permit (See Section 9-201 of the Municipal Code.) issued by the Business License Division.

[2] Temporary uses and structures not required to obtain a Building Permit may be required to obtain other permits from other city departments in accordance with the Franklin Municipal Code.

4.2.3 General Standards for Temporary Uses and Structures

Temporary uses, structures, or events shall:

(1) Obtain the appropriate permit from the Department of Building and Neighborhood Services or other city agency (as required);

(2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

(3) Be compatible with the principal uses taking place on the site;

(4) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;

(5) Not include permanent alterations to the site;

(6) Not maintain temporary signs associated with the use or structure after the activity ends;

(7) Not violate the applicable conditions of approval that apply to a site or use on the site;

(8) Not interfere with the normal operations of any permanent use located on the property; and

(9) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

4.2.4 Specific Regulations for Certain Temporary Uses and Structures

(1) Tents

Except for tents used exclusively for camping purposes, tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall:

(a) Obtain a permit from the Fire Marshal;

(b) Maintain a minimum clearance of 20 feet from all other structures and tents;

(c) Not exceed more than two tents on a single parcel that is less than 12 acres in size (the Department of Building and Neighborhood Services may approve more than two tents as a part of a special event on a single parcel of 20 or more acres in size);

(d) Not remain in place for more than a total of 30 days within a one-year period;

(e) Be limited to a maximum of three occurrences per parcel per year;

(f) Not be placed within required landscape areas;

(g) Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation; and

(h) The lot or site shall be restored to its original condition within two days of removal of the tent.

(2) Construction Dumpster

(a) The placement of a temporary construction dumpster or other trash receptacle within a public right-of-way or other site owned by the city shall be subject to the standards in the Franklin Municipal Code.

(b) Temporary trash receptacles or dumpsters located outside public rights-of-way are not required to obtain a separate permit, but shall comply with the following standards:

(i) Be located to the side or the rear of the site, to the maximum extent practicable;

(ii) Be located as far as possible from lots containing existing development;

(iii) Not be located within a floodplain or otherwise obstruct drainage flow;

(iv) Not be placed within five feet of a fire hydrant or within a required landscaping area; and

(v) Be located outside of tree protection fencing and the dripline of existing trees.

(3) Construction Trailer

Construction trailers may be permitted on a construction site without Site Plan approval, provided that the trailer is:

(a) Approved by the Department of Building and Neighborhood Services;

(b) Located on the same site or in the same development as the related construction;

(c) Not located within a required open space set-aside or landscape area; and

(d) Be associated with development for which a valid Building Permit has been or will be issued.

(4) Real Estate Sales Office/Model Sales Home

One temporary real estate sales office or model sales home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

(a) Is approved by the Department of Building and Neighborhood Services;

(b) Is located on a lot approved as part of a development;

(c) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;

(d) Complies with the applicable standards in the Development Plan (if applicable);

(e) Is operated by a developer or builder active in the same phase or section where the use is located; and

(f) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

(5) Temporary Housing

Temporary housing, in the form of a mobile or modular home, may be placed upon a site previously occupied by a detached dwelling without obtaining Site Plan approval provided that:

(a) The detached dwelling is destroyed or rendered uninhabitable;

(b) The method of temporary housing is approved by the Department of Building and Neighborhood Services;

(c) The temporary housing is located in accordance with the minimum setbacks and required yards to the maximum extent practicable;

(d) The temporary housing remains in place for three months or less; and

(e) The duration of placement may be extended for an additional three-month period only by approval of the Department of Building and Neighborhood Services.

(6) Temporary Storage in a Portable Shipping Container

Temporary storage in a portable shipping container shall be permitted to serve an existing use, subject to the following standards. A portable shipping container shall not be located:

(a) On a lot without prior approval from the Department of Building and Neighborhood Services.

(b) In the front yard;

(c) Within ten feet of any lot line or structure;

(d) In a manner that impedes ingress, egress, or emergency access; and

(e) On an individual parcel or site for more than 30 total days over any five-year period.

(7) Temporary Structures (as part of Institutional Uses)

Temporary structures serving institutional uses shall comply with the following standards:

(a) Location

(i) Be located to the side or rear of the principal structure(s) and at least five feet from any other structure.

(ii) Be permitted within the building envelope but not within required off-street parking, open space set-aside, or required landscaping areas.

(b) Standards

(i) Use under skirting or other methods to prevent unauthorized access underneath the structure(s).

(ii) Incorporate evergreen shrubs planted around the base of the structure, each located at least five feet on-center, when visible from other developed lots or public rights-of-way.

(iii) Comply with the parking standards for the corresponding use type in Table 5-9, Minimum Off-Street Parking Standards.

(iv) Not be required to be compatible with the existing principal structure exterior colors or materials.

(c) Approval and Duration

(i) This use is permitted if approved by the Department of Building and Neighborhood Services, and may remain on the site for no more than three years. This three-year period may be renewed for up to two additional one-year periods, for good cause shown, upon approval of a written request, submitted to the Department of Building and Neighborhood Services at least 30 days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

(ii) Following removal of a temporary structure, the area shall be restored to its original condition, including required trees and shrubs, unless the area is intended to accommodate new construction.

(d) Performance Agreement

(i) A Performance Agreement may be required pursuant to Chapter 6, Performance Agreements, for any required screening or to guarantee that the site is restored to its original condition.

(8) Garage/Yard Sales

(a) Garage or yard sales shall not be required to obtain Site Plan approval, but shall obtain the appropriate permit from the city recorder's office, and shall:

(i) Be limited to a maximum of four per dwelling per year. Members of more than one dwelling may join in obtaining a permit for a sale to be conducted at the dwelling of one of the persons indicated on the permit.

(ii) Not exceed a maximum duration of two consecutive days per sale;

(iii) Occur only between the hours of 7:00 A.M. and 9:00 P.M.;

(iv) Post the permit in a location that is visible from the public right-of-way during the sale;

(v) Not take place on lots beyond the property(ies) specified in the permit;

(vi) Not place signs or other advertising within the public right-of-way or impede the passage of traffic on streets in the area of the sale;

(vii) Conduct vehicle parking in accordance with the standards in this ordinance and any other applicable city requirements;

(viii) Not negatively affect neighboring properties in terms of noise, trash, parking, or impede the flow of traffic on nearby streets;

(ix) Not permit loud or boisterous conduct on the premises; and

(x) Not allow unsold items or other sale-related materials to remain in public view following conclusion of the sale (trash must be placed in receptacles in accordance with solid waste regulations).

(b) The applicant to whom a permit is issued, and the owner or tenant of the premises on which a sale is conducted, shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the hours of the sale.

(c) A police officer or other city official responsible for enforcing this or other city ordinances shall have the right of entry onto the premises showing evidence of a sale for the purpose of enforcement or inspection and may close the premises from the sale or arrest any individual who violates the provisions of this ordinance.

(d) The police department may enforce temporary controls in order to alleviate special hazards and/or congestion created by a sale.

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

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

(g) The sale of goods by a lawfully established business or as part of an order from a court of competent jurisdiction shall be exempt from this subsection.

(9) Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(a) Location

(i) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.

(ii) The sale of goods shall not occur within the public right-of-way or within 200 feet of a dwelling.

(iii) A minimum pedestrian walkway of at least five feet in width along the front of the display shall be maintained.

(b) Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pinestraw; bees and beekeeping products; seafood; and dairy products. For the purposes of this subsection, processed or prepared food products of any kind shall not be considered to be agricultural products.

(c) Sales From a Vehicle

Sale of products that do not involve the display or short-term storage of products on site for a period of two days or longer or which are accomplished solely from a vehicle, shall not be considered to be seasonal agricultural sales. Such vehicular-based sales shall be subject to the requirements associated with a peddler's permit.

(d) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 7:00 A.M. to no later than 9:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

(e) Duration

Seasonal sales shall be allowed on an individual lot for no more than 120 days per calendar year.

(10) Temporary Field Office

This temporary use is intended for businesses that wish to substantially redevelop their property while operating on-site during the construction period, and may be permitted in accordance with the following:

(a) Temporary Field Office uses shall be limited to office and administrative uses and do not involve the interior stocking or interior display of merchandise for immediate sale;

(b) A Temporary Field Office requires administrative Site Plan Review and the applicant shall provide the characteristics of the use, location of the temporary structure, temporary signage, parking, sanitation, landscaping, safety, etc. and shall include a definitive timeframe and construction schedule for the permanent building, along with proof of necessity for the temporary field office;

(c) Upon Site Plan approval, the Director of the Building and Neighborhood Services Department or their designee may issue a Building Permit for the Temporary Field Office to coincide with the construction of the principal structure for a period not to exceed sixty (60) days preceding the start of construction of the principal structure and thirty (30) days beyond the issuance of a Certificate of Occupancy for the principal structure or it shall expire with the Building Permit expiration for the principal structure, whichever is sooner, but in no case shall the period exceed two (2) years, unless approved by the BOMA;

(d) Prior to issuance of a Building Permit, a Lot Bond shall be established for the removal of the Temporary Field Office if the structure exceeds the timeframe permitted in Section 4.2.4(10)(c);

(e) Temporary Field Offices shall be an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect and shall comply with the City's adopted building and fire codes;

(f) The temporary use shall not be contrary to the public interest and will promote the public health, safety, morals, aesthetics and general welfare of the citizens of Franklin.

(11) Temporary Place of Business

A Temporary Place of Business may be placed upon a site previously occupied by a business without obtaining Site Plan approval provided that:

(a) The previous permanent place of business was destroyed or deemed unsafe for human occupancy by natural disaster or other natural hazard;

(b) The form shall be of an approved manufactured structure or a structure designed by a State of Tennessee Licensed Professional Engineer or Architect;

(c) The Temporary Place of Business is located in accordance with the minimum setbacks and required yards to the maximum extent practicable;

(d) The Temporary Place of Business remains in place for six months or less; and

(e) The duration of placement may be extended for an additional three-month period only by approval of the Department of Building and Neighborhood Services.

4.3 NONCONFORMITIES

4.3.1 Overview

(1) Purpose

In the provisions established by this ordinance, there exist uses of land, structures, lots of record, towers, and signs that were lawfully established before this ordinance was adopted or amended, that now do not conform to its terms and requirements. The purpose and intent of this section is to regulate the continued existence of those uses, structures, lots of record, towers, and signs that do not conform to the provisions of this ordinance, or any amendments thereto.

(2) Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this section.

(3) Authority to Expand and Reconstruct

Nonconformities that have been in continuous use are allowed to expand, demolish, and reconstruct in accordance with the requirements of Subsection 4.3.2, Enlargement, Expansion, Alteration, or Major Repair, provided such activities do not increase the degree of nonconformity or pose a public health hazard. In no instance shall a nonconformity acquire additional land beyond that in use by the nonconformity on the effective date of this ordinance.

(4) Change in Use Prohibited

Nonconforming uses shall not be replaced with another use unless that use conforms to the requirements of this ordinance.

(5) Determination of Nonconformity Status

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

(6) Exception Due to Variance or Other Modification

The requirements of this section shall not apply to a development standard or feature that is the subject of an approved Variance or modification of standards in a PUD. Where a Variance or other modification has been granted for a development standard or feature that does not otherwise conform to the requirements of this ordinance, that development standard or feature shall be deemed conforming.

(7) Minor Repairs and Normal Maintenance

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, towers, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, lot of record, tower, or sign. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:

(a) Maintenance of Safe Condition

Repairs necessary to maintain a nonconforming use, structure, lot of record, tower, or sign in a safe condition;

(b) Correction of Damage or Deterioration

Repairs necessary to correct any damage or deterioration to the structural soundness or interior appearance of a structure without altering the structure; and

(c) Maintenance of Land for Safety

Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses.

(8) Change of Tenancy or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted but shall continue to be subject to the requirements of this subsection.

4.3.2 Enlargement, Expansion, Alteration, or Major Repair

In addition to the ability to continue, undertake minor repairs, or perform routine maintenance, nonconforming uses or structures may also add additional facilities, expand existing building footprints, or destroy and reconstruct all or a portion of the nonconformity in accordance with this subsection.

(1) Applicability

(a) Applications for enlargement, expansion, alteration, or major repair of a nonconforming use or a structure housing a nonconforming use shall be reviewed and approved in accordance with the standards in Subsection 2.4.3, Site Plan Review, Subsection 4.3.3, Nonconforming Uses, and this subsection.

(b) Enlargement, expansion, alteration, or major repair of a nonconformity located within the FWO or FFO Districts shall be completed in accordance with the standards in Section 5.8.5, in addition to the standards of this subsection.

(c) Nonconforming signs shall be controlled by the standards in Subsection 4.3.6, Nonconforming Signs.

(d) Nonconforming towers shall be controlled by the standards in Subsection 4.3.7, Nonconforming Towers.

(2) Approval Criteria

The Department of Building and Neighborhood Services shall not approve the proposed activity unless it finds that the proposed enlargement, expansion, alteration, conversion, or major repair meets the following standards:

(a) The nonconforming use has remained in continuous operation and has not been abandoned;

(b) The nonconforming use is not changing to another nonconforming use;

(c) The nonconformity is not expanding through the acquisition of additional land;

(d) The enlarged, expanded, altered, or converted portion of the nonconformity complies with the dimensional requirements in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, or has obtained the necessary Variances;

(e) Ingress and egress to the nonconformity will be adequate with respect to automotive and pedestrian safety, traffic flow, and access in the case of fire or other emergency;

(f) Off-street loading, refuse collection, and other service areas will be located and appropriately screened to minimize negative impacts on adjoining lots;

(g) The type, size, and intensity of the proposed nonconformity, including such considerations as the size of the site, the location of the nonconformity upon it, the hours of operation, the amount of noise generated, and the number of people who are likely to patronize the use will be adequate with respect to minimizing any negative impacts on adjoining lots; and

(h) Surface drainage will be adequate with respect to on-site and off-site erosion, siltation, pollution, flooding, or other detrimental effects.

4.3.3 Nonconforming Uses

(1) Change of Use

A nonconforming use may be changed to a conforming use in accordance with the requirements in this ordinance, but in no event shall a nonconforming use be converted to another nonconforming use or replace an abandoned or discontinued nonconforming use.

(2) Expansion and Enlargement of Nonconforming Use

A nonconforming use or structure housing a nonconforming use shall not be expanded in area, extended, enlarged, or altered unless it conforms to the requirements of this subsection and Subsection 4.3.2, Enlargement, Expansion, Alteration, or Major Repair.

(3) Discontinuance or Abandonment

(a) If a nonconforming industrial, commercial, or other business use is abandoned or discontinued for a continuous period of 30 months or more, or is changed to or replaced by a conforming use, it shall lose its nonconforming status.

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

(4) Accessory Uses

A nonconforming use that is accessory to a principal use shall not make the principal use nonconforming.

(5) Continuation of Nonconforming Use After Casualty Damage

A nonconforming use damaged by casualty may be continued provided that the use has not been discontinued or abandoned. A structure housing a nonconforming use damaged by casualty shall be governed by Subsection 4.3.4(6).

(6) Nonconforming Use of Part of a Structure

A nonconforming use in one part of a structure shall not affect the status of conforming uses in other parts of the same structure.

(7) Nonconforming Mobile Homes

(a) General

A mobile home may be approved by the Department of Building and Neighborhood Services without a Site Plan, provided that it is underpinned, screened from adjacent properties, and has a defined and improved driveway for ingress and egress.

(b) Abandonment

A lot containing no more than one singlewide mobile home, that is removed from that lot, shall not be permitted to have a singlewide mobile home replaced on that lot if the lot has been vacant for a period of 90 consecutive days or longer.

4.3.4 Nonconforming Structures

(1) Relationship with Nonconforming Uses

Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.

(2) Continuation

A nonconforming structure may continue as it existed when it became nonconforming, as long as it is maintained in its then-structural condition.

(3) Enlargement

Nonconforming structures housing a nonconforming use, and nonconforming structures housing a conforming use, may be expanded or redeveloped in accordance with the standards in Subsection 4.3.2, Enlargement, Expansion, Alteration, or Major Repair, but in no event shall a nonconforming structure be enlarged, expanded, or altered in a way that increases the degree of nonconformity. (For example, a structure that has a five-foot side yard setback where the ordinance requires a ten-foot side yard setback cannot be enlarged so as to further encroach into the side yard setback.)

(4) Governmental Acquisition of a Portion of a Lot

Governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, shall not render the structure nonconforming.

(5) Conversion to Another Use

The use of a structure that is nonconforming due to its failure to comply with minimum standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards (e.g. height, setbacks, lot area) may be changed to a use that is permitted in the district if there is no further violation of the minimum standards.

(6) Reconstruction After Casualty Damage

A nonconforming structure damaged by casualty shall not be restored to its condition prior to casualty, and shall meet all provisions of this ordinance, unless the necessary Variances or modification of standards are obtained.

4.3.5 Nonconforming Lots

(1) Development Prohibited

No use or structure shall be established on a lot of record that does not conform to the standards established in this ordinance, except in accordance with this subsection.

(2) Unimproved Nonconforming Lot of Record

If a nonconforming unimproved lot of record was part of a subdivision or other division of land evidenced by plat or deed, or both, recorded prior to July 1, 2008, any use allowed in the district may be developed on the lot, even though the lot does not meet the minimum lot area, minimum lot width, or required yard standards established in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, provided that the development conforms to all other requirements of this ordinance.

(3) Development on a Lot of Record with Insufficient Land

Where a legally established lot of record existing as of July 1, 2008, does not have sufficient area to conform to the yard or other requirements of this ordinance, then the lot may be used as a building site, provided that the yard and other requirements of the district in which the lot is located are met as closely as is possible.

(4) Nonconforming Approved Lot

Lots in subdivisions with a final plat approved prior to July 1, 2008, shall be permitted to retain their approved minimum lot area, minimum lot width, minimum required yards, and minimum required open space.

(5) Governmental Acquisition of a Portion of a Lot

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, shall not render the lot nonconforming.

(6) Residential Buildings on Residential Lots

On a lot of record to be used for a dwelling, except lots located in PUDs, only one principal building and its customary accessory building shall be permitted. However, the use of more than one existing building shall be permitted to continue, provided that such use lawfully existed prior to July 1, 2008, for a dwelling on a lot of record.

4.3.6 Nonconforming Signs

(1) Purpose and Intent

This subsection recognizes the eventual removal, as expeditiously and as fairly as possible, of nonconforming signs and is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. It is also the intent of this ordinance that the removal of nonconforming signs shall be effected so as to avoid the unreasonable invasion of established property rights.

(2) Expansion or Extension

A nonconforming sign shall not be enlarged, expanded, extended, or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity. This subsection shall not be construed to prohibit the changing of the copy area, provided that there is no increase in the copy area or height, or change in the sign area enclosing members, and provided that no portion of the sign is located within the right-of-way or under any electrical line.

(3) Removal, Replacement, Reconstruction, or Relocation

No nonconforming sign shall be removed, replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other lot unless the replaced, reconstructed, or relocated sign conforms to the provisions of this ordinance.

(4) Damage or Destruction

In the event that a nonconforming sign is destroyed or is allowed to become dilapidated to the extent of 50 percent or more of the current cost to replace the sign, including labor and materials, the sign shall not be reconstructed or repaired, and the owner of the sign shall be required to remove the sign, regardless of other provisions contained in this ordinance, unless the reconstructed or repaired sign conforms to the provisions of this ordinance.

(5) Abandonment

Abandoning a sign shall terminate the right to maintain the sign, and the sign owner shall be required to remove the sign. A nonconforming sign shall be considered to be abandoned in the following situations, regardless of reservation of an intent not to abandon, or of an intent to reserve the right to use the sign:

(a) A sign displaying no message for a period of 90 days; and

(b) Signs on property where an activity, business product, or service which has not been produced, conducted, sold, or performed for a period of 90 days on the premises where the sign is located.

(6) Notice to Remove Abandoned Signs

If the Department of Building and Neighborhood Services finds that an abandoned sign has not been removed within 90 days from the cessation of a particular use, then it shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within 30 days after receipt of the notice from the Department of Building and Neighborhood Services. If the sign is not removed after 30 days, then the Department of Building and Neighborhood Services is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(7) Illegal Nonconforming Signs

In no event shall a sign, deemed by the Department of Building and Neighborhood Services to be illegal prior to July 1, 2008, be considered a legally nonconforming sign.

4.3.7 Nonconforming Towers

(1) Preexisting Towers

Pre-existing towers approved prior to the effective date of this ordinance shall be permitted to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted. New construction other than routine maintenance shall comply with the requirements of this ordinance.

(2) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas

Notwithstanding Subsection 3.2.10(6), Removal of Abandoned Towers, nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a Site Plan and without having to meet separation requirements. The height, location, and type of tower on site shall be a maximum of the same type and intensity as the original facility approval. Building Permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if the permit expires, then the tower or antenna shall be deemed abandoned.

4.4 SPECIAL PERMITS

4.4.1 Purpose

Special Permit uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on a given site. They are uses that are listed as permitted uses within the applicable Zoning District and restricted to Planned Unit Developments (PUD) but may be appropriate in a particular location depending on weighing, in each case, the public need and benefit against the local impact and effect. Typically, Special Permits are considered for uses in areas of transition and on previously developed properties where the site and/or structures were designed and constructed for a different type of use and not developed as a planned unit development. The Special Permit shall be considered apart from the Planned Unit Development (PUD) process. The Special Permit may be applied for in lieu of an application for a Planned Unit Development (PUD) for those uses which are only otherwise permitted in a Planned Unit Development (PUD).

4.4.2 Authority

The Board of Mayor and Aldermen by ordinance, in accordance with the procedures and standards set out in this Section and upon receiving a recommendation from the Franklin Municipal Planning Commission, may grant Special Permits authorizing the uses listed as permitted uses in the applicable zoning district in which the subject property is located.

4.4.3 Parties Entitled to Seek Special Permits

An application for a Special Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.

4.4.4 Procedure

(1) Application

A formal application for a Special Permit shall be filed in accordance with the requirements provided in Chapter 2, Section 2.4.2; however, the application for a Special Permit shall not be for a Planned Unit Development (PUD). The review procedures for the Special Permit and a Planned Unit Development (PUD) shall follow the same process, as established in Chapter 2, Section 2.4.2.

(2) Required Public Meetings

In accordance with Chapter 2, section 2.4.2(6), applicants seeking a Special Permit shall present their proposal during the following public meetings:

(a) BOMA/FMPC Conceptual Workshop

(b) Neighborhood Meeting

(c) Franklin Municipal Planning Commission

(d) Franklin Board of Mayor and Aldermen

(3) Formal Consideration

Within thirty (30) days following the receipt of the recommendation of the Franklin Municipal Planning Commission the Board of Mayor and Aldermen shall either deny the application or, by ordinance duly adopted (three readings), shall grant the Special Permit, with or without modifications or conditions.

4.4.5 Standards for Special Permits

(1) General Standards

No Special Permit shall be recommended or granted pursuant to this Section unless the applicant establishes that:

(a) Plan Purposes

The proposed use will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the Zoning District in question were established and with the general purpose and intent of the Franklin Land Use Plan.

(b) No Undue Adverse Impact

The proposed use will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.

(c) No Interference with Surrounding Development

The proposed use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

(d) Adequate Public Facilities

The proposed use will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

(e) No Traffic Congestion

The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(f) No Destruction of Significant Features

The proposed use will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance.

(g) Compliance with Standards

The proposed use complies with all additional standards imposed on it by the particular provision of this Ordinance authorizing such use.

4.4.6 Considerations

In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Franklin Municipal Planning Commission and Board of Mayor and Aldermen shall consider:

(1) Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community; and

(2) Mitigation of Adverse Impacts. Whether, and to what extent, all necessary steps have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.

4.4.7 Conditions; Periodic Review; Term.

(1) Conditions on Special Permits

In order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, substantial or undue or upon public facilities and services, the Franklin Municipal Planning Commission may recommend, and the Board of Mayor and Aldermen may impose, and expressly include in the ordinance granting a Special Permit, conditions and limitations upon the premises benefited by a Special Permit. Such conditions, restrictions, and limitations may include, without limitation, the following:

(a) Limitations and restrictions on the use of the subject property;

(b) Restrictions on construction activity that will occur on and around the subject property;

(c) Conditions concerning the character and design of the proposed use and development;

(d) The location of the use within the subject property;

(e) The provision of landscaping and screening, with specificity as to design, quantity, quality, size and location;

(f) Restrictions on the hours of operation of the use;

(g) A requirement that the subject property be developed and used in strict accordance with a site plan that is attached to the ordinance granting the Special Permit; and

(2) Violation of Conditions

Violation of any of the conditions imposed pursuant to the Special Permit shall be a violation of this Ordinance and shall constitute grounds for revocation of the Special Permit.

(3) Periodic Review

The Franklin Municipal Planning Commission may recommend, and the Board of Mayor and Aldermen may impose, a requirement that the Special Permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the Special Permit. In every instance, such procedures shall provide the applicant with advance notice of, and an opportunity to be heard at, such periodic review.

(4) Term of Special Permit

Special Permits are granted to the operator and expire when the operator changes or operation ceases for ninety (90) consecutive days. Additionally, because of the unique operational nature, and potential unknown adverse impacts, of certain Special Permit uses, the Franklin Municipal Planning Commission may recommend, and the Board of Mayor and Aldermen may impose, a term limitation on the duration of certain special permit uses. Such term limitation may (a) be set forth in the ordinance granting the Special Permit and (b) may or may not be subject to renewal.

(5) Effect of Issuance of a Special Permit

The granting of a Special Permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes and Ordinances of the city, including but not limited to, a Building Permit and Certificate of Occupancy.

(6) Amendments to Special Permits

A Special Permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance.

4.4.8 Revocation or Suspension of Special Permit and Appeals Procedure

The Director of the Department of Building and Neighborhood Services may suspend or revoke any special permit issued under this section for non-compliance with the conditions or any other state, county, or local law. The following procedure shall be followed in the suspension or revocation of any special permit issued under this section:

(1) A decision by the Director of the Department of Building and Neighborhood Services to suspend or revoke a special permit shall be in writing and shall state, with specificity, the reasons for the decision and shall state any and all applicable conditions, ordinances, rules, regulations, or orders that may have been violated. The Director of the Department of Building and Neighborhood Services shall send to the operator or special permit applicant a copy of the written decision by certified mail or by personal service. A notice sent by certified mail or by personal service to the names and addresses provided on the most recent application shall be deemed sufficient notification and service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(2) An operator or special permit applicant aggrieved by a decision of the Director of the Department of Building and Neighborhood Services to suspend or revoke a special permit must send a written Notice of Appeal to the Director of the Department of Building and Neighborhood Services within five (5) working days of receipt of the notice of the Director of the Department of Building and Neighborhood Services decision. The Notice of Appeal shall state the grounds upon which the licensee or applicant contends that the decision should be reversed or modified. The Notice of Appeal shall temporarily reinstate the suspended or revoked special permit until a hearing before the Board of Zoning Appeals has been scheduled and conducted.

(3) An operator or Special Permit applicant shall be provided a hearing on the administrative review of the Director of the Department of Building and Neighborhood Services at the next available Board of Zoning Appeals meeting after delivery of receipt of the Notice of Appeal.

(4) The hearing shall be conducted before the City of Franklin Board of Zoning Appeals and a determination to re-instate Special Permit or uphold the decision of the Director of the Department of Building and Neighborhood Services shall be made by a majority of the board members present.

CHAPTER 5: DEVELOPMENT STANDARDS

5.1 TRADITIONAL AND CONVENTIONAL AREA STANDARDS DISTINGUISHED

5.1.1 Purpose and Intent

For the purposes of implementing the goals and objectives in the land use plan, the city has traditional and conventional areas. Where indicated, the design and development standards in this chapter establish different standards for new development or redevelopment in either traditional areas or conventional areas. Different standards are established in recognition of the need to:

(1) Distinguish between portions of the city that have developed or will develop more in keeping with conventional or traditional neighborhood development principles;

(2) Preserve and enhance the character of the downtown and established surrounding neighborhoods;

(3) Establish standards for new development on lots located in portions of the city that are not intended for development at high density or scale; and

(4) Provide development standards that are more reflective of the city's existing or planned character.

5.1.2 General Characteristics of Traditional and Conventional Areas

Unless otherwise stated or modified through Subsection 2.4.2, Planned Unit Developments, new development occurring within the city shall be compatible with the general characteristics of the area in which it is located.

(1) Traditional Areas

Portions of the city designated as traditional areas typically include development with the following characteristics:

(a) A modified grid street system with a prevalent use of alleys and use of cul-de-sac streets only where topography or other natural constraints exist;

(b) Lots with variable sizes, widths, and orientations in proximity to one another along with the provision of formal open spaces;

(c) Human-scaled buildings with high quality exterior materials located within proximity or adjacent to the primary streets they front;

(d) Pedestrian and transit orientation, with widespread provision of on-street parking and off-street surface parking areas located beside or behind buildings; and

(e) Integrated residential and nonresidential land uses located in the same building or in proximity to one another without extensive buffering.

(2) Conventional Areas

Portions of the city designated as conventional areas typically include development with the following characteristics:

(a) Curvilinear streets with cul-de-sacs and some alleys serving narrow lots or areas subject to environmental constraints;

(b) Lots with relatively uniform widths and sizes along with formal and informal open space areas;

(c) Both pedestrian and automobile-oriented streetscapes including some lots fronted by surface parking lots located between the street and the building they serve;

(d) Nonresidential developments typically set back from the streets they front and extended in strip form along streets; and

(e) Segregation of different land uses into groups of similar type separated from other types by buffering and location.

5.1.3 Location

(1) The geographic extents of traditional and conventional areas shall be depicted on the zoning map or other map incorporated by reference. Some lots may be indicated as being appropriate for either designation but the standards shall not be mixed within a single lot or development. All lots in the city shall have a traditional or conventional area designation.

(2) The BOMA shall designate newly-annexed lands as conventional or traditional as a part of the zone district classification procedure. (See Subsection 2.4.1.)

(3) Applicants considering new development or redevelopment should consult the Department of Planning and Sustainability to determine the applicability of traditional or conventional standards.

5.1.4 Applicability

(1) Lots that are located within a traditional area designated on the zoning map shall be subject to the traditional standards of this chapter.

(2) Lots located within a conventional area designated on the zoning map shall be subject to the conventional standards of this chapter.

(3) Development on lots or sites designated as either traditional or conventional shall use either the traditional or conventional standards, and shall not mix the two. All applications, Development Plans, Preliminary Plats, Final Plats, or Site Plans (as appropriate) shall indicate the applicable standard being used.

(4) Development within a Hamlet, Traditional Neighborhood Development (TND), or Transit Oriented Development (TOD) shall be subject to the traditional standards in this chapter regardless of a lot or site's location in a conventional or traditional area.

(5) Development within a CC, R-6, OR, MN, ML, or MX District shall be subject to the traditional standards in this chapter.

(6) Development within a Conservation Subdivision shall, at the applicant's discretion, be subject to either the traditional standards or the conventional standards in this chapter, but shall not mix both sets of standards.

(7) In cases where a development or design standard in this chapter does not indicate its applicability to lots in a conventional or traditional area, then that standard shall apply to lots in both areas.

5.2 TREE PROTECTION

5.2.1 Purpose

The purpose for this section is to establish a series of standards and measures necessary to retain and protect portions of the existing tree canopy cover and other significant trees, in order to:

(1) Prevent clear cutting;
(2) Protect existing tree canopy on developing sites;
(3) Maintain a minimum level of tree canopy cover on developed sites larger than one acre;
(4) Preserve specimen trees;
(5) Maintain and enhance the quality of life in the city;
(6) Ameliorate the impact of incompatible land uses;
(7) Reduce glare, heat, and noise;
(8) Preserve and enhance air and water quality;
(9) Prevent soil erosion; and
(10) Minimize flooding.

5.2.2 Applicability

(1) General

Unless exempted in accordance with Subsection 5.2.3, Exemptions, the standards in this section are applicable to all lots or sites and types of development in the city. Table 5-1, Tree Protection Applicability, summarizes how the standards in this section shall be applied.

TABLE 5-1: TREE PROTECTION APPLICABILITY
"X" = associated standards apply; Shaded cell = standards do not apply

Type of Lot	Tree Canopy Retention Requirements (Sec. 5.2.4)	Tree Removal on Existing Lots (Sec. 5.2.5)	Protection of Specimen Trees (Sec. 5.2.6)
Platted Residential Lot of one acre or less (with or without an existing use)			
Platted Residential Lot Larger than 1 Acre (with or without an existing use)		X	X
Vacant Nonresidential Lot of Any Size	X		X
Nonresidential Lot of Any Size with Existing Use			X
Lots within Special Areas 1 and 2 of CFCO District (with or without existing use)		X	X
Unplatted Residential or Nonresidential Lands (without existing use)	X		X
Approved Silviculture Use		X	X

(2) Tree Removal Permit Required

No removal or disturbance of existing trees on a parcel or development site shall occur prior to approval of a Tree Removal Permit, Building Permit, or Grading Permit, which shall be approved only in accordance with the standards in this section.

(3) Review for Compliance

The standards in this section shall apply at the time of Tree Removal Permit review (See Subsection 2.4.8), and shall also be considered during the review of a Development Plan, Preliminary Plat, Final Plat, Site Plan, Building Permit, or Grading Permit (if applicable).

(4) Removal Without a Permit

Removal of any trees without a Tree Removal or Grading Permit shall be subject to the mitigation and/or replacement standards as per 5.2.4(7).

5.2.3 Exemptions

The following tree removal activities are exempt from the standards of this section:

(1) Tree removal activities not requiring a Tree Removal Permit as specified in Subsection 2.4.8, Tree Removal Permits;

(2) Removal of trees that are determined to be unhealthy by the Department of Building and Neighborhood Services (in consultation with the Department of Planning and Sustainability or with written verification of the tree's condition as dead or dying as prepared by a qualified arborist);

(3) Removal of trees that are determined by the Department of Building and Neighborhood Services (in consultation with the Department of Planning and Sustainability) to be nuisance trees or a threat to an existing structure, underground utility, or to the public health, safety, or welfare;

(4) Removal of trees listed in the current edition of *Invasive Exotic Pest Plants*, published by the Tennessee Exotic Pest Plant Council; and

(5) Removal, by the city or its authorized agent, of trees on city owned land and within public rights-of-way.

5.2.4 Tree Canopy Retention

(1) Where Required

Except where exempted by Subsection 5.2.3, the standards in this section shall apply to any Preliminary Plat, Development Plan, Site Plan, or approved use.

(2) Tree Inventory

Prior to the issuance of a Tree Removal Permit, the applicant shall submit an aerial photograph, tree inventory, or professionally prepared tree survey (as appropriate) that clearly depicts the:

(a) Lot lines of the parcel(s) involved;

(b) Location and extent of the existing on-site tree canopy, including an estimate of the total percentage of the parcel(s) covered by the existing on-site tree canopy; and

(c) The exact location, health, and size of all specimen trees located on the parcel(s) involved; however, the Department of Planning and Sustainability may accept an approximation of the location, health, and size of specimen trees if the trees are not being counted towards the landscape requirements of this chapter, or if the trees are located within a designated Tree Protection Zone.

(3) Existing Tree Canopy Retention Standards

(a) A percentage of the existing tree canopy shall be retained on a site or parcel in accordance with the Table 5-2, Tree Canopy Retention Standards.

TABLE 5-2: TREE CANOPY RETENTION STANDARDS

Existing Tree Canopy Cover (as a percentage of the total site size)	Minimum Required Tree Canopy Retention by Zoning District [1] (as a percentage of the total tree canopy cover)		
	AG, ER, R-1, R-2, R-3, R-6, RX, & OR	GO, NC, CC, GC, MN, ML, MX, & CI	LI & HI
80% - 100%	30%	15%	12%
60% - 79%	36%	18%	13%
40% - 59%	45%	22%	14%
20% - 39%	48%	24%	15%
19% or less	54%	26%	16%

NOTES:

[1] Lots in Special Areas 1 and 2 of the CFCO, lots smaller than one acre, and lots with lawfully established existing uses are exempt from the tree canopy retention standards but may be subject to the specimen tree and other tree protection requirements in this subsection.

Illustrative example:

The aerial tree inventory reveals that the existing tree canopy on a hypothetical 100,000 square foot lot covers 75 percent of the lot. The site is proposed for use as a residential subdivision. The minimum required tree canopy retention for this hypothetical site is 27percent of the site's total area (0.75 [existing tree cover percentage] x 0.36 [required retention percentage] = 27percent), yielding a Tree Protection Zone of 27,000 square feet (0.27 [tree save area as a percentage of the site] x 100,000 [site size]).

(b) The trees that compose the existing tree canopy to be retained on a lot or development site shall be located within an area referred to as the "Tree Protection Zone", which shall include the area occupied by the critical root zone of all healthy trees being retained in accordance with this subsection.

(4) Designation of Tree Protection Zone

In cases where tree removal activities are taking place on lands prior to development activity, all Tree Protection Zones shall be identified for protection in a form acceptable to the City Attorney (e.g., open space lot, a platted lot subject to a deed restriction, a conservation easement, dedication to the city, etc.), and shall be areas where the existing tree canopy will be maintained, and where buildings shall not be located. The Tree Protection Zone shall be depicted on the Preliminary Plat, Site Plan, or Development Plan, whichever is appropriate. The Tree Protection Zone shall also be depicted on the Final Plat if it is required prior to development.

(5) Retention Areas

In determining the location of the Tree Protection Zone, the Department of Planning and Sustainability shall require trees to be retained based on the quality of natural and cultural resources on the site, the condition of the trees, and similar considerations. The following locations shall be considered as priority areas by the Department of Planning and Sustainability in establishing the location of the Tree Protection Zone (in no particular order of importance):

(a) Woodland forests containing specimen trees and their associated critical root zones (especially those areas greater than five acres);

(b) Areas containing specimen trees and their associated critical root zones;

(c) Lots or sites within the Hillside/Hillcrest Overlay (HHO) District;

(d) Hillcrest setback areas and hillsides with slopes of 20 percent or greater;

(e) Areas containing hedgerows or fencerows and their associated critical root zones;

(f) Areas needed to buffer historic structures;

(g) Riparian buffers, wetlands, or natural drainage courses;

(h) Habitat used by endangered or threatened species;

(i) Scenic corridors, gateways, and views;

(j) Areas that could serve to extend existing greenways, trails, parks, or recreation areas; and

(k) Areas needed for required landscape (e.g., buffers, perimeter landscape strips around vehicular use areas, etc.).

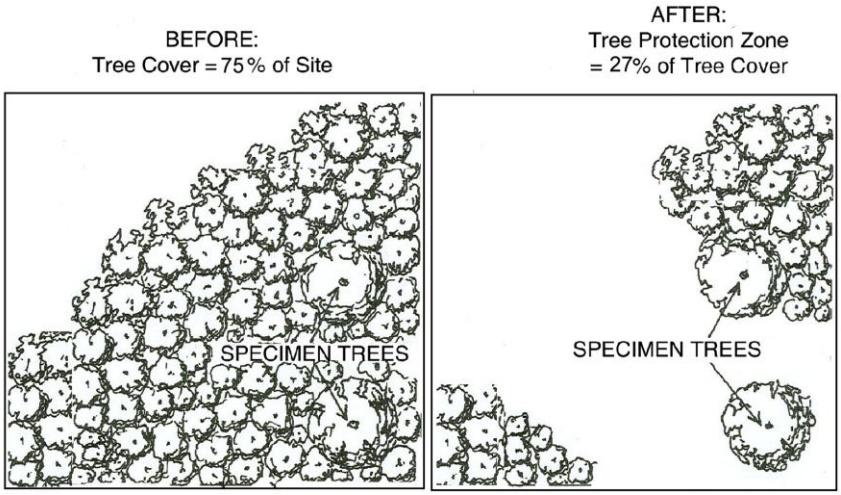


Figure 5-1: Specimen trees are the types of features typically located within a Tree Protection Zone.

(6) Credit Towards Open Space and Landscape Requirements

(a) The geographic area occupied by a Tree Protection Zone shall be credited towards the open space set-aside standards in Section 5.5, Open Space Standards.

(b) Only those trees meeting the location, species, health, and minimum size requirements applicable to new landscape materials shall be credited and the applicant shall be responsible for demonstrating how retained trees meet the standards of this ordinance.

(c) Existing viable trees meeting the minimum size requirements for new plantings that are located inside a Tree Protection Zone and within 30 feet of a lot line shall be credited towards the planting requirements for a buffer along that same lot line.

(d) Existing viable trees meeting the minimum size requirements for new plantings that are located in the Tree Protection Zone and within 20 feet of the perimeter edge of a off-street parking lot shall be credited towards the vehicular use area perimeter landscape requirements.

(e) Existing viable trees meeting the minimum size requirements for new plantings that are located within a Tree Protection Zone and are not credited towards buffer or vehicular use area requirements may be credited towards the site landscape requirements in Subsection 5.4.5, Site Landscape.

(f) Damage or destruction of trees due to excessive pruning or topping shall constitute a violation of the ordinance and result in the prescribed replacement and/or mitigation of the damaged trees. A surety and agreement shall be established on all replacement trees.

(7) Removal of Trees in a Tree Protection Zone

Except as allowed by Subsection 5.2.3, removal, damage, or destruction of trees within a Tree Protection Zone shall be a violation of this ordinance. Removal, damage, or destruction of trees in a Tree Protection Zone shall require mitigation in accordance with the following standards:

(a) Replacement Trees Required

Any tree that is damaged or removed from the Tree Protection Zone shall be replaced with one or more trees having a diameter of at least two inches in caliper and a cumulative caliper measurement equal to or greater than the tree that is damaged or removed. If the caliper inches removed cannot be determined, the area subject to tree removal shall be replanted at the rate of 80 trees an acre for each acre disturbed, or portion thereof. Replacement trees shall not be used to meet any other landscape requirements.

(b) Location of Replacement Trees

Replacement trees for trees removed from the Tree Protection Zone shall be either planted in the Tree Protection Zone or, in cases where adequate room is not available, planted elsewhere on the lot or development site. In cases when adequate room on the lot or development site is not available, mitigation may take the form of payment to the city's Tree Bank. (See Subsection 5.2.9, Tree Bank.)

(c) Landscape Requirements Increased

In cases where land disturbing activity removes or damages trees on a lot or site that is part of a larger development (such as the first phase in a multi-phase development), the planting rates for all required landscape areas associated with any subsequent development on the site or in the same Development Plan, Preliminary Plat, or Site Plan shall be 150 percent of the minimum requirements specified in Table 5-4, Site Landscape Requirements.

(d) Temporary Stay on Approvals

Following notice of violation related to this subsection by the Department of Building and Neighborhood Services, the Department of Planning and Sustainability or FMPC shall not review or approve development permit applications for the site from the date of the violation until:

(i) A replacement plan has been approved by the Department of Planning and Sustainability and a guarantee for the associated replacement has been established in accordance with Chapter 6: Performance Agreements; or

(ii) Payment has been made to the city's Tree Bank in-lieu of providing some or all of the required replacement trees.

5.2.5 Tree Removal on Lots with Existing Uses

(1) Purpose and Intent

The standards in this subsection are intended to regulate the removal of trees on lots of record larger than one acre that contain an existing lawfully established attached residential or nonresidential uses that may have existing vegetation meeting the landscape requirements from previous versions of this ordinance. The standards in this subsection are also intended to address tree removal on platted residential lots larger than one acre (with or without an existing use). A Tree Protection Zone shall not be established on such lots.

(2) Where Required

The standards in this subsection shall be applied during review of applications for Tree Removal Permits on lots of record containing lawfully established existing attached residential and nonresidential uses and on platted residential lots larger than one acre in size (with or without an existing use). These standards shall not be applied to lots containing detached residential uses smaller than one acre in size.

(3) Removal Standards

Except as allowed by Subsection 5.2.3, trees proposed for removal shall:

(a) Be located on the same lot as a legally established use;

(b) Not be within a Tree Protection Zone or on an open space lot;

(c) Not be a part of required landscape material or contribute to the screening function of a required landscape area;

(d) Not be the subject of a condition of approval requiring their retention; and

(e) Not be a specimen tree.

(4) Replacement

In cases where tree removal authorized by a Tree removal permit results in a lot with less than 70 aggregate caliper inches (ACI) per acre, replacement trees meeting the standards in Subsection 5.4.4, General Requirements for Landscape, shall be provided in order to maintain a minimum of 70 ACI per acre.

5.2.6 Protection of Specimen Trees

Specimen trees shall be protected on all lots in accordance with the following standards:

(1) General Protections

All specimen trees shall have the following protections, whether located on public or private land:

(a) Cutting, Removal, or Harm Prohibited

Except as allowed by Subsection 5.2.6(2), Removal, specimen trees shall not be cut, removed, pushed over, killed, or otherwise harmed; and

(b) Disturbance Prohibited

The area within the critical root zone of any specimen tree shall not be subject to any disturbance unless, the disturbance is based on an ISA certified arborist report stating that the proposed construction shall cause no harm to the tree, and as approved by the City Land Planner.

(c) Single-family residential lots of one acre or less in size and used as a single-family residence, shall be exempt from this section except when located in Special Areas 1 and 2 of the CFCO District.

(2) Removal

Except in cases where a tree is determined by the Department of Building and Neighborhood Services as diseased, dying, or structurally unsound, the Department of Building and Neighborhood Services shall allow removal of specimen trees only if the City Land Planner, in conjunction with the DRT, has reviewed and approved a Development Plan, Site Plan, or Infrastructure Plans in conjunction with a plat which satisfactorily documents the tree canopy cover and associated proposed specimen tree preservation, removal, and replacement or the landowner demonstrates all of the following standards are met:

(a) The site is otherwise in compliance with this subsection;

(b) The specimen tree is outside a Tree Protection Zone;

(c) The specimen tree is an obstacle to access on the lot or site and no alternative exists for relocating such access; and

(d) Replacement trees are provided in accordance with Subsection 5.2.6(3), Replacement.

(3) Replacement

Except in cases where a specimen tree has been determined as diseased, dying, or structurally unsound, the following standards shall be applied following removal of a specimen tree:

(a) Replacement Trees Required

Two caliper inches of replacement trees shall be provided for each caliper inch of specimen tree removed. Each replacement tree shall be a minimum of two caliper inches, and shall either be replanted within 12 months of the removal of the specimen tree, or within a timeframe approved by the Department of Building and Neighborhood Services. Performance agreements for the associated replacement, if warranted in the opinion of the Department of Planning and Sustainability, shall be established in accordance with Chapter 6: Performance Agreements. Replacement trees shall not be used to meet any other landscape requirements.

(b) Location of Replacement Trees

Replacement trees shall be either planted on the lot or site where the specimen tree was removed; however, in cases where space on the lot or site is insufficient, mitigation may take the form of payment to the city's Tree Bank. (See Subsection 5.2.9, Tree Bank.)

5.2.7 Tree Protection During Construction

(1) Owner's Responsibility

During development, the owner or developer shall be responsible for the erection of all barriers necessary to protect any existing or installed trees from damage both during and after construction in accordance with the standards of this subsection.

(2) Tree Protection Fencing

(a) Where Required

All specimen trees, trees in a Tree Protection Zone, and trees intended for use as credit towards the landscaping standards of this chapter shall be fenced in accordance with this subsection before grading or other land-disturbing activity begins. Fencing shall extend at least one foot in distance from the edge of the tree for each inch of DBH, so that, at a minimum, each tree's critical root zone is protected, but no case shall the tree fence be less than ten feet from the trunk. The Department of Building and Neighborhood Services shall consider existing site conditions in determining the exact location of any tree protection fencing.

Figure 5-2: Figure Deleted

(b) Type of Fencing

All fencing required by this subsection shall be chain link fencing at least four feet in height and secured using appropriate posts spaced not more than ten feet apart. Such chain link fencing is not required to be vinyl coated.

(c) Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one sign for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language in English and Spanish: “TREE PROTECTION ZONE: KEEP OUT. ZONA DE LA PROTECCION DEL ARBOL. NO SE PERMITE ENTRAR".

(d) Trenching Prior to Clearing Activities

The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 30 inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.

(e) Inspection

All tree protection measures shall be inspected and approved by the Department of Building and Neighborhood Services prior to start of any land disturbing activities. Failure to have tree protection measures prior to the commencement of construction is a violation of this ordinance.

(f) When Required

The tree protection fencing shall be clearly shown on the Site Plan. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area except in accordance with the standards in Subsection 5.2.7(3), Encroachments Into Root Zones. Fencing shall be maintained until the land disturbance activities are complete.

(3) Encroachments into Root Zones

Encroachments within the root zones of trees protected in accordance with this subsection shall occur only in rare instances, such as required for the installation of streets, vehicular drives, sidewalks, utilities; and no alternatives exist, or alternative exist, but are impractical. If such an encroachment is anticipated, the following preventive measures shall be employed prior to the encroachment:

(a) Arborist Report

Written verification is prepared by a qualified arborist of the tree’s condition before and after the encroachment, including preventive measures that shall be employed prior to, during, and after the encroachment to insure the viability of the tree.

(b) Soil Compaction

Where compaction might occur due to traffic or materials through the protection area, the area shall first be mulched with a minimum four-inch layer of wood chips or a six-inch layer of pine straw. Equipment or materials storage shall not be allowed within the Tree Protection Zone.

(c) Effluent

In no instance shall any effluent associated with construction process, including fueling, concrete mixing, pouring, or rinsing processes, drain onto lands protected by tree protection fencing or other control measures.

5.2.8 Monitoring and Maintenance of Tree Protection

Owners of land shall be responsible for the preservation and maintenance of all trees required to be saved and protected under this section.

5.2.9 Tree Bank

(1) Purpose

The tree bank shall be a fund to receive:

(a) In-lieu payments from applicants who are unable to successfully plant and maintain replacement trees required by Subsection 5.4.5, Site Landscape, on sites under development;

(b) Civil penalties received for the illegal cutting of trees; and

(c) Charitable contributions given to the city for planting trees.

(2) Use of Funds

(a) Payments and contributions to the Tree Bank shall be used solely for purchasing, installing, replacing trees, or maintenance of trees during their first five years after planting, on public lands such as parks, public open spaces, at community and civic facilities, and within public rights-of-way.

(b) Funds shall not be used for maintenance purposes (except for trees during their first five years after planting), of annual or perennial flowers, shrubs, ornamental grasses, seed, sod, mulch, sculptures, public art, benches, or irrigation systems.

(3) Payments In-Lieu

(a) Eligibility

The Department of Planning and Sustainability may consider requests for in-lieu payments to the Tree Bank only when:

(i) The site does not provide for adequate landscape surface area to accommodate the total number of required replacement trees or trees required by Subsection 5.4.5, Site Landscape; or

(ii) The unique soil types, topography or unusual nature of the site would not assure growth of the replacement trees or trees required by Subsection 5.4.5, Site Landscape;

The preference of an applicant to use an in-lieu payment is not an adequate justification for determining eligibility.

(b) Maximum Payment Amounts

In-lieu payment amounts shall be in accordance with the fee schedule recommended by the Franklin Tree Commission and approved by the BOMA. The Department of Planning and Sustainability shall determine the maximum allowable percentage of in-lieu payment in accordance with the following:

(i) In-lieu payments for replacement trees may be used for up to 100 percent of the requirements.

(ii) In-lieu payments may be used for up to 50 percent of the trees required by Subsection 5.4.5, Site Landscape on a lot or site.

(iii) In-lieu payments shall not be used to address shrub requirements, screening, buffering, or vehicular use area landscape requirements.

(4) Procedure

(a) Following receipt of a written request to use an in-lieu payment from an applicant, the Department of Planning and Sustainability shall determine the eligibility and allowable extent during the Site Plan review stage. If, after the Site Plan is approved, the applicant wishes to reevaluate a decision to contribute to the Tree Bank, a revised landscaping plan and payment proposal shall be submitted to the Department of Planning and Sustainability for approval.

(b) The applicant shall provide the in-lieu payment before a Building Permit is issued.

5.3 BUILDING AND SITE DESIGN STANDARDS

5.3.1 Structure of this Section

Section 5.3, Building and Site Design Standards, is organized into nine primary subsections as depicted in Figure 5-3.

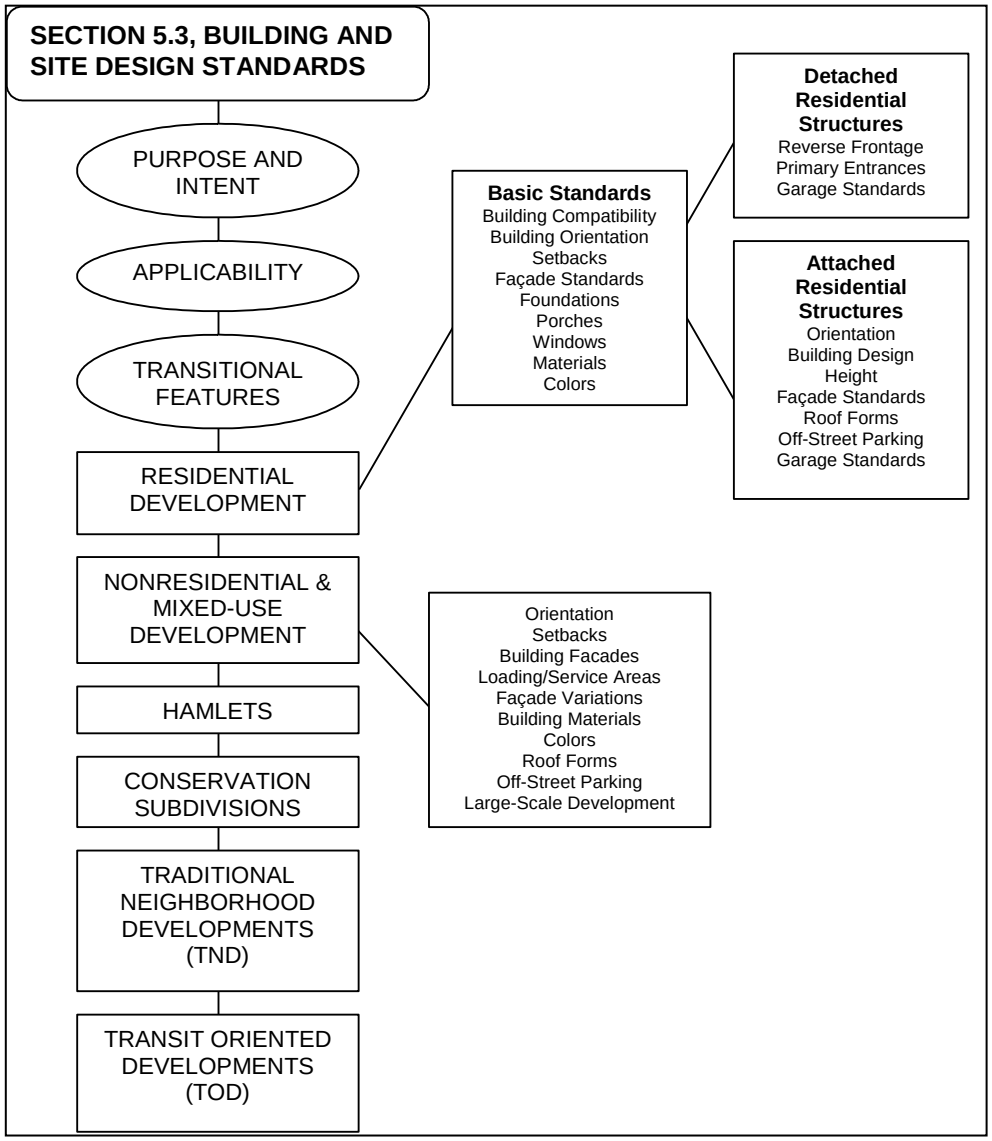


Figure 5-3: Organization of Section 5.3, Building and Site Design Standards.

5.3.2 Purpose and Intent

The building and site design standards are intended to protect and preserve the quality and character of the built environment in the city. More specifically, the purposes of this section are to:

(1) Encourage high quality development as a strategy for investing in the city's future;
(2) Emphasize the city's unique community character;
(3) Maintain and enhance the quality of life for the city's citizens;
(4) Shape the city's appearance, aesthetic quality, and spatial form;

(5) Reinforce the civic pride of citizens through appropriate development;

(6) Increase awareness of aesthetic, social, and economic values;

(7) Protect and enhance property values;

(8) Minimize negative impacts of development on the natural environment;

(9) Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;

(10) Encourage a pedestrian– and bicyclist–friendly environment;

(11) Enhance the city's sense of place and contribute to the sustainability and lasting value of the city;

(12) Shape development in a manner that is most beneficial to the citizens in the city; and

(13) Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

5.3.3 Applicability

(1) General

Unless exempted by Subsection 5.3.3(3), Exemptions, the building and site design standards in this section apply to all new residential, nonresidential, and mixed-use development or redevelopment in the city. For expansions or alterations, the building design standards apply to an expanded or altered portion of any existing building, and to the entire structure when an expansion or alteration exceeds 50 percent of the building's existing square footage at the time of the expansion or alteration.

(2) Review for Compliance

Review of proposed development to ensure compliance with the standards in this section shall occur at the time of Site Plan, Preliminary Plat, Development Plan, or Building Permit review, as appropriate.

(3) Exemptions

The following development shall be exempt from the standards in this section to the extent they conflict or overlap with the following:

(a) Development subject to a Site Plan, Preliminary Plat, Conservation Design Plan, Development Plan, or Building Permit approved prior to the effective date of this ordinance, provided this approval does not expire; and

(b) Temporary housing or temporary structures permitted as part of an Educational Facility or Institutional Use in accordance with Section 4.2, Temporary Uses.

5.3.4 Transitional Features

(1) Purpose and Intent

Transitional features are architectural elements or site aspects used in and adjacent to traditional areas to provide a transition between certain land uses in an effort to mitigate conflicts between those uses in-lieu of conventional-style perimeter landscape buffers. It is the intent of these standards to:

(a) Limit the excessive consumption of available land though the utilization of large vegetated buffers;

(b) Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and

(c) Establish or maintain vibrant pedestrian-oriented areas where differing uses can operate in proximity to one another.

(2) Applicability

(a) Transitional features shall be required:

(i) When design compatibility cannot be achieved between incompatible uses or lots within traditional areas;

(ii) When a developing or redeveloping lot within a traditional area borders a lot within a conventional area;

(iii) Between different uses within a Traditional Neighborhood Development (TND), Hamlet, or Transit Oriented Development (TOD); or

(iv) Between lots or uses within a single mixed-use development located in either traditional or conventional areas.

(b) Transitional features shall be optional when a developing lot or redeveloping lot within a conventional area borders a lot within a traditional area.

(c) The use of transitional features is prohibited between lots within conventional areas containing residential and nonresidential or mixed-uses, and these uses shall provide buffers in accordance with the standards in Subsection 5.4.7, Buffers.

(d) In cases where the use of transitional features is optional but not utilized, buffers in accordance with the standards in Subsection 5.4.7, Buffers, shall be provided.

(e) The Department of Planning and Sustainability may require the use of a buffer in-lieu of or in addition to the use of a transitional feature where such buffer is necessary to reduce potential adverse impacts between incompatible uses or different building types.

(3) Standards

In areas where a transition between uses or different building types is needed, one or more of the following approaches shall be used, subject to Department of Planning and Sustainability approval, to establish a transition between uses:

(a) Use setbacks that are within 25 percent of the average setbacks for existing uses on the same block face provided no new use is closer to the right-of-way than any existing use;

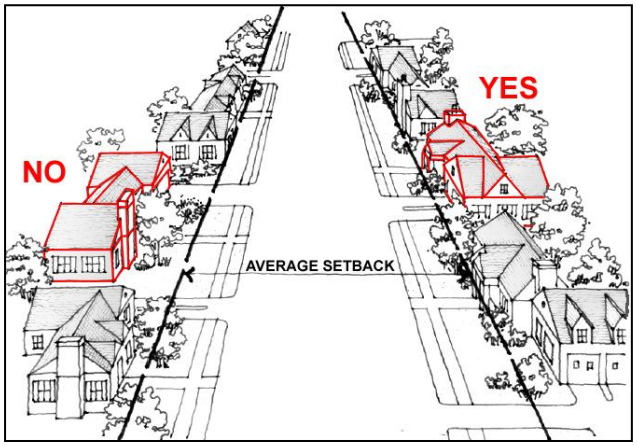


Figure 5-4: The new construction (outlined in red) on the right demonstrates appropriate average setbacks. The dwelling outlined in red on the left has a front setback that is too deep.

(b) Use lot widths that are within 40 percent of the average lot width for existing lots on the same block;

(c) Ensure the façade width and height between façades of structures on opposing sides of a street are consistent with each other such that neither façade exceeds the other's dimensions by more than 25 percent;

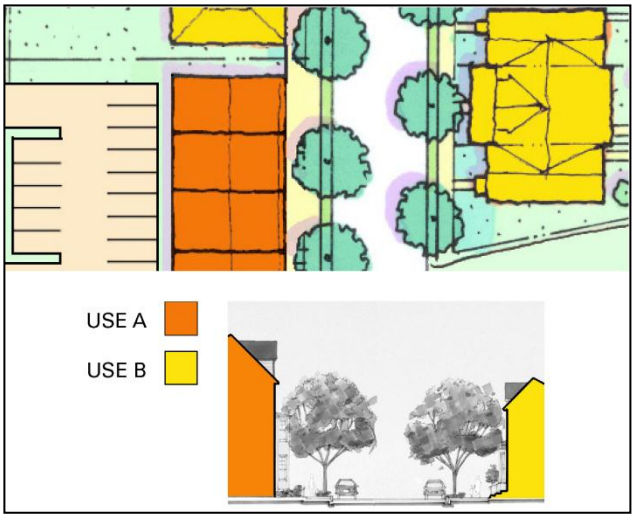


Figure 5-5: Ensuring similar façade height and width dimensions of opposing façades can be an effective means of establishing a transition between uses.

(d) Graduate building height and mass in the form of building step-backs or other techniques so that structures with a higher intensity have a comparable scale with adjacent structures housing lower intensity uses;

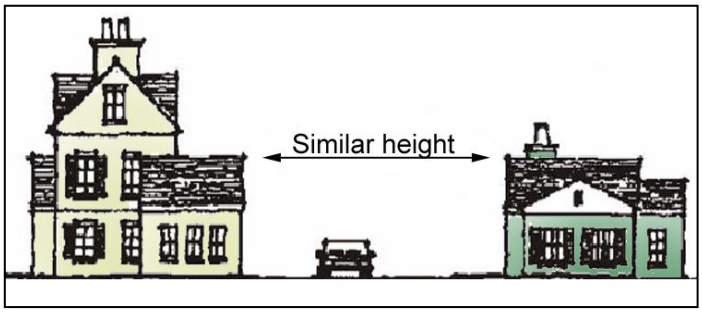


Figure 5-6: Step-backs in building heights between different use types can be an effective transitional element.

(e) Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower intensity use as depicted in Figure 5-7.

Figure 5-7: The example on the bottom demonstrates effective use of transition features.

(f) Locate off-street parking, loading, service, and utility areas to the rear of structures, adjacent to similar site features on surrounding sites;

(g) Prevent incompatible exterior lighting or sources of audible noise or disturbance from building façades facing lower intensity uses;

(h) Prevent abrupt changes in roof form by allowing adjacent incompatible uses to use similar roof types, slopes, or arrangements;

(i) Orient porches, balconies, outdoor space, and other site attributes such as vending machines associated with attached residential development away from adjacent detached residential uses;

(j) Orient primary building façades directly across from opposing primary façades regardless of use type (as seen in Figure 5-8); and

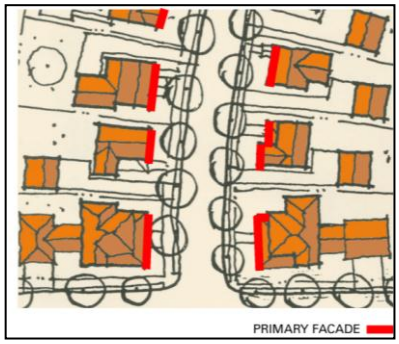


Figure 5-8: Organizing buildings so that the primary façades face one another can serve as a transitional feature when two different building types occupy opposing sides of a street.

(k) When dealing with multi-building developments on one or more lots, establish a continuum of use intensity where uses of moderate intensity (colored orange in Figure 5-9) are sited between high-intensity uses (colored brown in Figure 5-9) and low-intensity uses (colored yellow in Figure 5-9) (e.g., office uses between retail and detached residential).

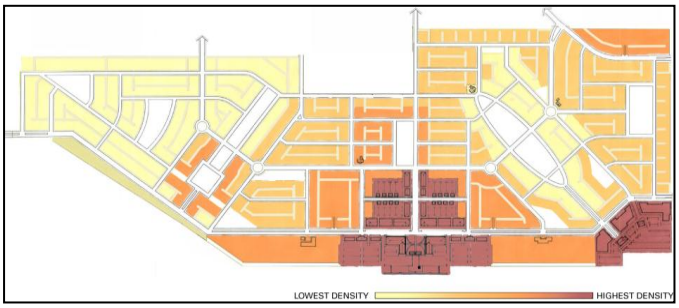


Figure 5-9: Multi-building developments can be organized to concentrate the highest intensity uses in a single area and feather the intensity and density outwards from high intensity centers.

5.3.5 Residential Development

Attached and detached residential structures shall comply with the following basic residential design standards.

(1) Basic Standards

(a) Building Compatibility

(i) **Traditional Areas**

A.) Residential development in traditional areas shall be physically integrated with surrounding residential structures through the use of design compatibility, including elements such as appropriate scale, setbacks, materials, roof forms, lot sizes, and streetscape.

Figure 5-10: The detached dwelling in the foreground exhibits compatibility with the surrounding dwellings in regard to design, scale, setbacks, and materials.

B.) When design compatibility cannot be achieved between two or more different residential use types (e.g., detached and attached residential uses), transitional features as set forth in Subsection 5.3.4 shall be provided.

(ii) **Conventional Areas**

Within conventional areas, either transitional features or buffers (See Subsection 5.4.7, Buffers.) shall be used between adjacent but differing residential use types (e.g., detached and attached residential uses).

(b) Building Orientation

Figure 5-11: This image depicts dwellings that are parallel to the street and consistent with one another.

All residential development within traditional areas shall be located parallel to the associated street or be consistent with existing development patterns rather than being sited at unconventional angles, unless irregular lot layouts require alternative orientations.

(c) Setbacks

Setbacks should be in accordance with Table 3-8, Site Development Standards for Traditional Areas, or Tables 3-6 and 3-7, Site Development Standards for Conventional Areas by Building Type, based on the applicable standards.

(d) Façade Standards

(i) Primary façade materials shall not change at outside corners and shall continue along any side façade visible from a street right-of-way; however, materials may change where side or rear wings meet the main body of the dwelling.

Figure 5-12: The Dwelling on the left demonstrates appropriate exterior wrapping, while the image on the right depicts a dwelling with inappropriate material changes at the corner of the building.

(ii) Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.

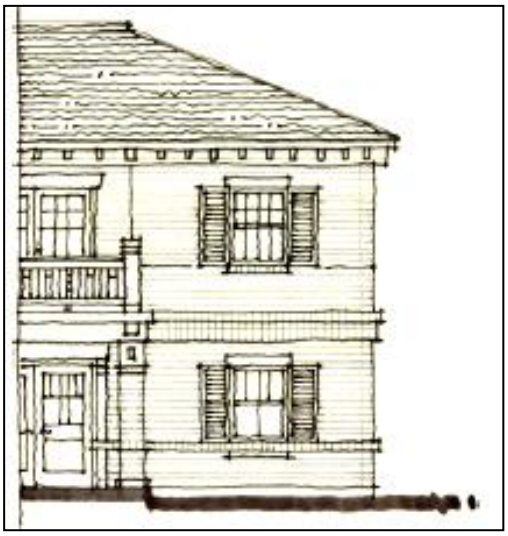


Figure 5-13: This image demonstrates how material changes should occur along straight lines.

(e) Foundations

(i) The finished floor elevation at the front façade shall be located above grade in accordance with the following standards:

A.) For setbacks of ten feet or more, the finished floor elevation of the front facade shall be a minimum of 18 inches above grade; and

B.) For setbacks of less than ten feet, the finished floor elevation of the front facade shall be a minimum of 24 inches above grade.

Figure 5-14: Residential structures incorporate raised foundations, as depicted in the photo to the right, to give a vertical orientation and well-proportioned appearance, as well as to provide privacy for occupants.

(ii) Exposed foundation walls or piers shall be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials. Smooth-faced standard concrete block is prohibited unless troweled with a stucco-like finish to a thickness in which the joints of the block are not visible.

(iii) In cases where piers are used, painted or stained latticework screening shall be installed between piers on front and side building façades.

(iv) Nothing in this subsection shall prevent the use of slab foundations, provided:

A.) The outer edge of the slab is clad in the materials required in this subsection; and

B.) It extends to the minimum height above grade.

(f) Porches

If porches are provided, they shall have a minimum useable depth of at least six feet.

(g) Windows

Windows on primary façades shall be vertically proportioned so that the vertical dimension is greater than the horizontal dimension, and vertically aligned between floors. Exceptions may be approved to accomplish a particular architectural theme, such as in the prairie style. Where used, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side.

Figure 5-15: The drawing on the right demonstrates appropriate vertical alignment for windows.

(h) Materials

(i) Developments with more than one residential structure shall use materials that are compatible with one another.

(ii) The use of aluminum siding, corrugated metal siding, or exposed smooth-faced concrete block is prohibited. High-quality metal siding (e.g., stainless steel, copper, brushed nickel, brass, etc.) may be approved for use on a case-by-case basis.

(iii) Vinyl siding and synthetic stucco (EIFS) shall be prohibited in traditional areas and subject to the following limitations in conventional areas:

A.) Limited to a maximum of 50 percent of the net façade area of any detached residential structure façade visible from a public street right-of-way;

B.) Prohibited on front facade of any attached residential structure;

C.) Limited to a maximum of 50 percent of the net façade area of any attached residential structure side or rear façade visible from a public street right-of-way;

D.) Prohibited on accessory structures; and

E.) Where permitted, EIFS shall be prohibited at any point within two feet of the exterior grade level.

(iv) Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

Figure 5-16: These homes demonstrate how heavier materials (brick) should be located below lighter materials (wood siding).

(v) The exposure width of horizontal siding shall be no more than six inches.

(vi) The exterior building material of chimneys shall not be siding (vinyl or fibrous cement), and shall either:

A.) Match the building material of the foundation; or

B.) Be stone or brick.

(i) Colors

(i) Except for attached residential dwellings designed to appear as ”row houses”, residential structures shall not use more than three main colors.

(ii) Accent or trim colors shall not be included within the three color limit.

(iii) Overly bright, neon, or “day-glow” colors shall not be used as main or accent colors on a residential structure.

(iv) Residential structures shall use roof and exterior wall colors of a non-reflective neutral tone designed to minimize the appearance of the structure as viewed from locations at lower elevations, when any portion of the structure:

A.) Is on a legally nonconforming lot within a Hillside/Hillcrest Overlay (HHO) District; or

B.) Is within 500 feet of a Hillside/Hillcrest Overlay (HHO) District and contains slopes of 14 percent or greater.

This standard shall not apply in cases where a residential structure will not be visible from arterial streets, Interstate 65, or Mack Hatcher Parkway.

(2) Detached Residential Structures

In addition to the basic standards for all residential development, detached residential structures shall comply with the following:

(a) Reverse Frontage Discouraged

(i) **Generally**

A.) Except for circumstances listed in Subsection 5.3.5(2)(a)(ii), Acceptable Situations, residential lots with a reverse frontage are generally discouraged, particularly in Traditional Areas.

B.) Lots along the perimeter of a subdivision should generally be oriented so that dwellings front perimeter streets or open space instead of backing up to streets around the outside of the subdivision. This is particularly important for lots fronting local streets internal to a development.

(ii) **Acceptable Situations**

Reverse frontage is acceptable for residential structures on lots in the following locations, provided the rear of the dwelling is properly screened:

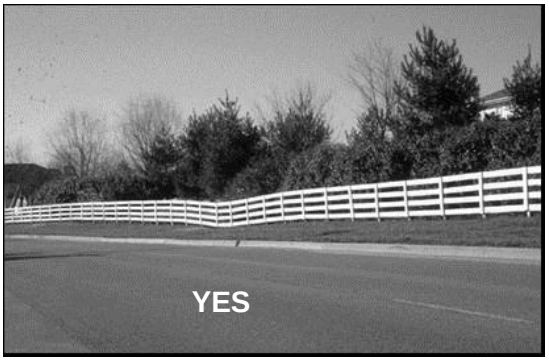
A.) Lots or sites adjacent to the Interstate 65 and Mack Hatcher Memorial Parkway rights-of-way;

B.) Lots or sites fronting collector or arterial streets in Conventional Areas; and

C.) Existing platted lots in residential subdivisions or Planned Unit Developments approved prior to the effective date of this ordinance.

(iii) **Screening for Reverse Frontage**

Residential developments with reverse frontage lots shall provide a Class A Perimeter Buffer between the lots and the public street, meeting the minimum planting standards associated with a site ten acres in size. (See Table 5-5, Minimum Buffer Standards.)



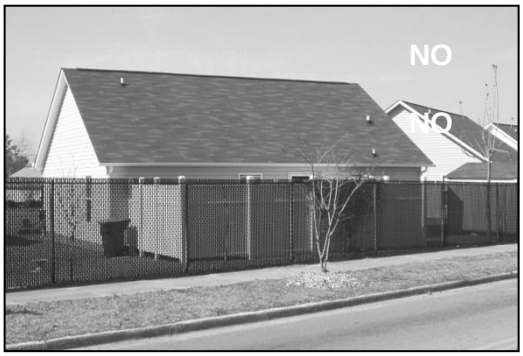


Figure 5-17: The image on the left demonstrates appropriate screening for reverse frontage lots. Fences or walls without landscape are inappropriate.

(iv) **Alternatives to Reverse Frontage**

The use of a parallel access drive is an alternative to reversed frontage. Where curb cuts for driveways are not an option along the associated street, access by rear alleys is another alternative in Traditional Areas.

Figure 5-18: Rear alleys can be used as an alternative to reverse frontage lots.

(b) Lot Size

Except where modified through the planned unit development process (See Subsection 2.4.2.), lots intended for new detached residential dwellings adjacent to existing lots intended for detached residential dwellings shall be no less than 75 percent of the average lot size of existing contiguous lots.

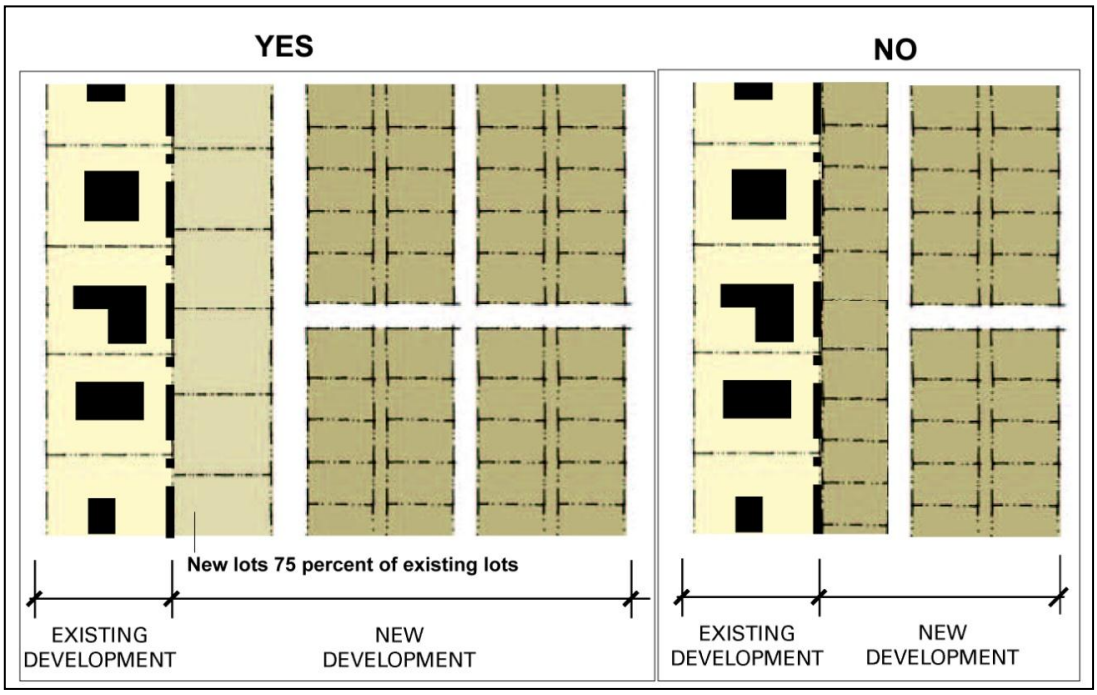


Figure 5-19: New lots intended for detached residential development should be of a comparable size to any abutting detached residential lots as a means of maintaining compatibility.

(c) Primary Entrance Orientation

(i) Detached residential development shall be oriented so that the primary entrance faces the street or a open space, such as a square.

(ii) In the case of corner lots, the primary entrance shall face the street from which the structure derives its street address.

(iii) Alternative orientations may be considered by the Department of Planning and Sustainability in cases where such alternative orientations are consistent with existing adjacent development.

(d) Garage Standards

Attached and detached garages and carports shall incorporate exterior materials, design features, and roof forms compatible with the building they serve, and shall comply with the following standards:

(i) **Garage Dimensions**

A.) Individual garage doors intended for vehicles shall be a maximum of nine (9) feet in width.

B.) The inside dimensions of garages constructed after the effective date of this ordinance shall be at least 10 feet wide by 20 feet deep per vehicle.

(ii) **Street-Facing Garages**

A.) Any street-facing garage shall include a minimum of at least three architectural features on the side including the garage door(s). Examples of such features include, but are not limited to, the following:

1. Carriage house garage doors as depicted in Figure 5-20 (counts as two architectural features);
2. Garage detached from principal dwelling and behind the rear facade (counts as two architectural features);

3. Garage doors painted to match the main or accent color of the structure;
4. Ornamental light fixtures flanking the doors;
5. Arbor or trellis flanking garage doors;
6. Columns flanking doors;
7. Portico treatment;
8. Windows (equal to quantity of vehicle spaces within garage);
9. Dormers;
10. Overhangs over garage doors;
11. Eaves with exposed rafters and/or with a minimum six-inch projection from the façade plane;
12. Roof line changes;
13. Decorative gable vent covers; or
14. Dentil or other molding.

Figure 5-20: Street-facing garages that include a variety of architectural features help the garage blend with the dwelling and reduce garage-dominated views from the street.

B.) Garages on corner lots with sides visible from a street right-of-way shall include architectural details and windows that mimic the features of the living portion of the building they serve.

C.) Street-facing garage and car port façades shall not exceed 50 percent of the total area of the front façade elevation of the dwelling, as measured from the ground level to the eave of the roof. In the case of car ports, the perimeter of the carport facade shall define the area measured, and shall not exceed 50 percent of the front façade elevation.

D.) When multiple garage doors on the same façade are used, a minimum separation of at least two feet shall be provided between each garage door.

Figure 5-21: This diagram illustrates the size of a street-facing garage relative to the dwelling unit façade size.

(iii) **Garage Location**

Street-facing garages shall be a minimum of ten (10) feet behind the front façade of the dwelling they serve and a minimum of twenty-two (22) feet from the sidewalk.

Figure 5-22: This image demonstrates appropriate street-facing garage placement behind the front façade.

(iv) **Side-Loaded Garages**

A.) Side-loaded garages shall be located a minimum of three feet behind the front façade of the dwelling they serve.

B.) Side-loaded garages shall not be located between the primary entrance to the dwelling and the street providing access to the lot.

C.) Side-loaded garages shall be oriented so that the vehicular entry into garage structure is perpendicular to the street providing access to the lot.

Figure 5-23: This image demonstrates appropriate side-loaded garage placement.

(v) **Garages Serving Narrow Lots**

Garages serving detached dwellings located on lots with a width of 50 feet or less shall:

A.) Be located to the rear of the dwelling;

B.) Be served by either an alley or a street-loaded driveway running beside the primary dwelling to the rear of the dwelling;

C.) Be set back either:

1. Five feet from the edge of the alley pavement with a 10-foot by 20-foot paved parking pad adjacent to the garage;
2. A minimum of 20 feet from the edge of the alley pavement so as to create an outdoor parking pad between the garage and the alley; or
3. Five feet from the edge of the alley pavement with no parking between the garage and the alley.

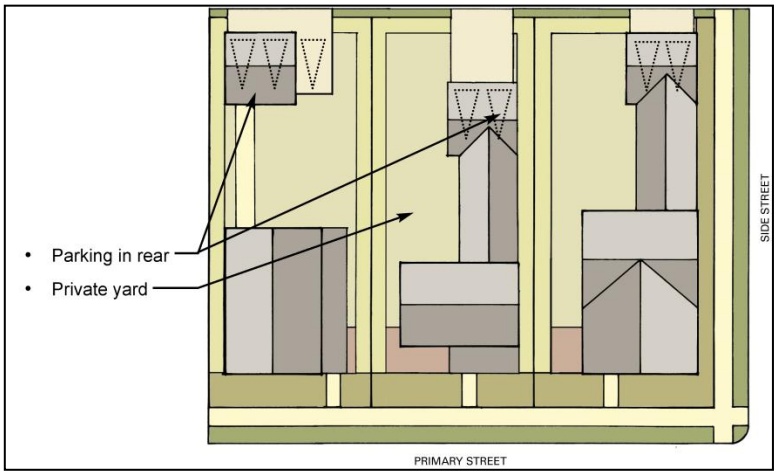


Figure 5-24: Alley-loaded garages should be located so as to ensure that parked vehicles do not encroach into the alley.

(vi) **Garage Access**

Regardless of the location or orientation of a garage, the paving area associated with the garage shall be sufficient to allow a vehicle to maneuver into or out of the garage.

(3) Attached Residential Structures

In addition to the basic standards for all residential development (See Subsection 5.3.5(1)), attached dwellings shall comply with the following standards:

(a) Orientation

(i) The primary entrance and front façade of individual buildings within an attached residential development shall be oriented towards the following (listed in priority order):

A.) Perimeter streets;

B.) Primary internal streets;

C.) Common open space set-aside areas;

D.) Parks or other common open space; and

E.) Secondary internal streets.

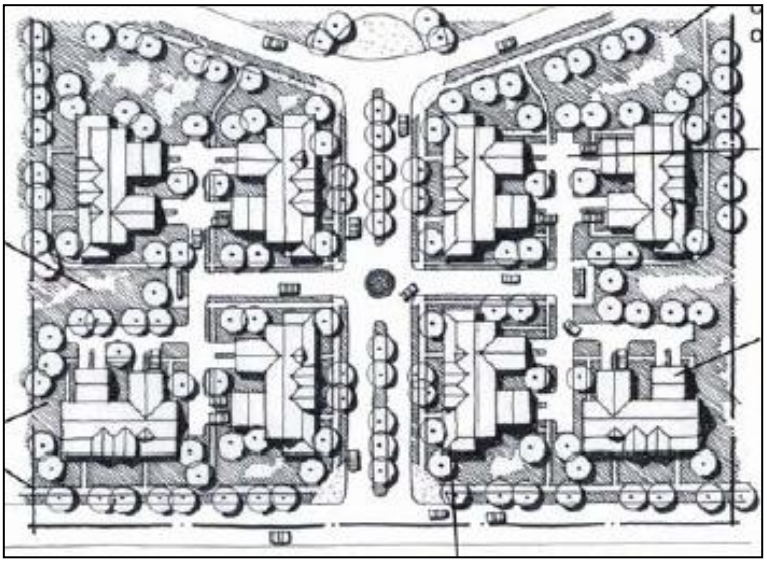


Figure 5-25: This diagram demonstrates proper orientation of buildings within a multiple-building attached residential development.

(ii) Primary entrances or façades shall not be oriented towards off-street parking lots, garages, or carports.

(iii) Walls of buildings on corner lots in traditional areas shall be constructed a maximum of ten feet from the back of the sidewalk or street right-of-way edge, whichever is the greatest distance from the street.

(b) Building Design

(i) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.

(ii) The maximum length of any attached residential building, regardless of the quantity of dwellings, shall be 200 feet.

(iii) No more than six side-by-side townhouse dwelling units shall be attached in any single row.

(iv) All sides of a attached residential building visible from lands occupied by or designated for detached residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and architectural detailing.

Figure 5-26: This attached residential structure exhibits a similar level of architectural detail on all sides visible from a street or from other detached residential uses.

(v) Individual attached residential buildings served by common entryways and containing six or fewer units shall be constructed to give the appearance of a large single-family detached home.

Figure 5-27: This image demonstrates how an attached residential structure of six or fewer units can be constructed to appear as a large detached residential structure.

(vi) Attached residential developments with structures housing seven or more units per structure shall incorporate a variety of distinct building designs in accordance with Table 5-3, Distinct Building Designs.

TABLE 5-3: DISTINCT BUILDING DESIGNS

Number of Structures in Development	Minimum Number of Distinct Building Designs
3-10	2
11-20	3
21 or more	1 per every 6 buildings

(vii) Distinct building designs configured to meet the requirements of Table 5-3, Distinct Building Designs, shall be distinguished through the inclusion of a minimum of two of the following attributes:

A.) A variation in length of 30 percent or more;

B.) A variation in the size (square footage) of the building footprint by 30 percent or more;

C.) A variation in color or in use of materials, or both;

D.) A variation in the type of attached residential dwellings contained in the structure (e.g., vertically attached or horizontally stacked); or

E.) A distinct variation in building height by at least 20 percent and roof form.

(c) Height

Except for structures located in areas subject to the traditional standards of this ordinance (See Subsection 5.1.4.), buildings located within 100 feet of lands occupied by or designated for detached residential development shall not exceed two stories.

(d) Façade Standards

(i) Variation in building façade elevations shall be included on all attached residential building façades.

(ii) Long, monotonous, blocky, uniform, or repetitive façades shall be prohibited.

Figure 5-28: This attached residential development lacks sufficient façade variation yielding a monotonous appearance.

(iii) Façades facing streets or containing the primary entrance(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:

A.) Projections or recesses in the façade plane every 30 feet (with a minimum depth of two feet);
B.) Different exterior building materials and/or colors for each unit (e.g. alternating among brick, painted brick, siding, and stone);
C.) One or more dormer windows or cupolas;
D.) A recessed entrance;
E.) A covered porch or balcony;
F.) Pillars, posts, or pilasters;
G.) One or more box or bay windows with a minimum twelve-inch projection from the façade plane;
H.) Eaves with exposed rafters or a minimum six-inch projection from the façade plane;
I.) Dormers;
J.) A parapet wall with an articulated design rather than a simple rectilinear form; or
K.) Multiple windows with a minimum four-inch wide trim.

Figure 5-29: These attached residential structures demonstrate how different materials, changes in wall planes, offsets, projections, recesses, and other architectural techniques can promote variety in building façades.

(iv) Building façades facing arterial streets shall include brick, stone, or siding (wood or fibrous cement) for a minimum of 75 percent of the net façade area.

(v) Horizontal variations in materials along the façade of an attached residential building shall occur in conjunction with a change in wall plane, preferably at the inside corner of a wall.

(e) Roof Forms

(i) Attached residential structures shall incorporate roof pitches between 3:12 and 12:12; however, alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

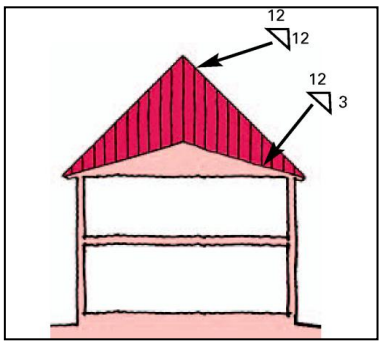


Figure 5-30: This image illustrates the difference between the maximum 12:12 roof pitch (top) and the minimum 3:12 roof pitch (bottom).

(ii) Parapet walls fronting a street shall include three-dimensional cornice treatments.

(iii) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

Figure 5-31: Roof forms can be used to denote building features such as entrances. Parapet walls can add visual interest through the use of a three-dimensional cornice treatment.

(f) Off-Street Surface Parking

In addition to the standards in Section 5.9, Off-Street Parking and Loading, attached residential structures shall comply with the following:

(i) No off-street surface parking shall be located between the structure and the street it fronts.

(ii) Off-street surface parking located on the side of a building shall not occupy more than 30 percent of the lot's street frontage along the primary street. In making that calculation, associated driving areas and driveways shall be included as part of such off-street surface parking.

Figure 5-32: Off-street surface parking lots located to the rear of a structure allow an active and cohesive streetscape to be maintained.

(g) Garage Standards

Attached and detached garages and carports shall comply with the following standards:

(i) Garages and car ports serving attached residential structures shall be located to the side or rear of such buildings and shall be oriented perpendicular to the primary streets located around the perimeter of the development.

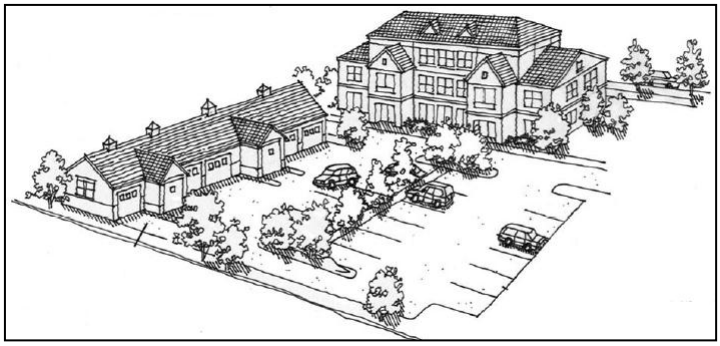


Figure 5-33: Garages serving attached residential structures must be oriented perpendicular to the primary streets serving the development to minimize their visual impact.

(ii) The FMPC may allow attached residential structures to include garage doors that face the primary street fronting the structure only in cases where it is necessary to retain exiting vegetation or address difficult topography.

(iii) An attached or detached garage shall not project beyond the front of the primary façade of the dwelling it serves.

(h) Streetscape Elements

Streetscape elements (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) included within an attached residential development shall be compatible with the architectural features of the structures, and shall help to establish a unifying theme throughout the site.

5.3.6 Nonresidential and Mixed-Use Development

Except where specifically exempted, commercial, office, institutional, industrial, and mixed-use structures and sites shall comply with the following standards:

(1) Orientation

(a) Traditional Areas

(i) The primary façade of a building shall be parallel to the street it fronts.

(ii) The building side containing the primary entrance shall be oriented towards the street. Buildings in Traditional Areas often have multiple entrances, including those to other streets and parking areas.

Figure 5-34: Buildings are more pedestrian-oriented when primary entrances are located adjacent to the sidewalk or street instead of to surface parking lots.

(iii) In the case of multi-building developments, the primary entrances of buildings shall be oriented in towards a street along the perimeter of the development, towards streets interior of the development, or towards formal open space (e.g., civic spaces or plazas).

(iv) Primary entrances shall not be oriented towards off-street surface parking lots.

(v) Parking lots shall be designed in accordance with Section 5.3(10), Off-Street Parking Location.

(vi) Nothing in this section shall prevent corner entrances to buildings, or buildings with entrances facing both a primary street and a parking lot.

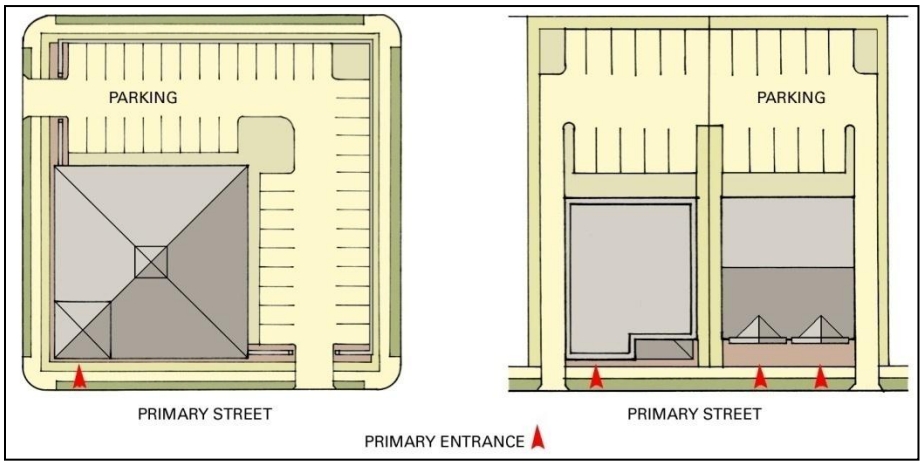


Figure 5-35: As a means of promoting pedestrian orientation and maintaining neighborhood scale and character, surface parking areas serving nonresidential or mixed-uses in traditional areas are located to the side or rear of the structure.

(b) Conventional Areas

(i) The primary façade of a building shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.

(ii) The primary entrances of buildings shall be oriented:

A.) Towards a street along the perimeter of the development;

B.) Towards streets in the interior of the development;

C.) Towards a formal open space (e.g., civic spaces, plazas) inside the development.

D.) Towards a primary drive aisle designed in accordance with Section 5.9, Off-Street Parking and Loading; or

E.) Towards a parking lot, located between the building and street along the perimeter of the development.

(iii) In parking lots of 100 parking spaces or less, parking lots located between the building and street along the perimeter of the development shall not exceed 60 feet in width (typically one aisle with two single-loaded bays). In parking lots of more than 100 parking spaces, parking lots located between the building and street along the perimeter of the development shall not exceed more than 180 feet in width. The width of parking lots shall be designed per Subsection 5.3(9), Off-Street Parking Location.

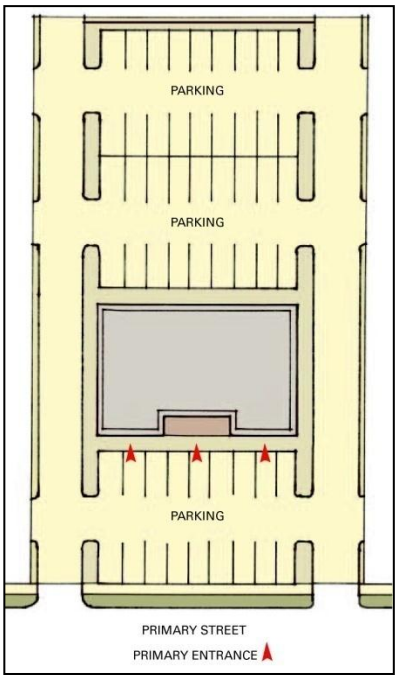


Figure 5-36: For lots of 100 parking spaces or less, limiting surface parking to a maximum width of 60 feet in front of a building helps to mitigate the visual impact of surface parking lots.

(2) Setbacks

Setbacks shall be in accordance with Table 3-8, Site Development Standards in Traditional Areas, or Tables 3-6 and 3-7, Site Development Standards in Conventional Areas, based on the applicable building type and standards.

(3) Major Intersections

Lots located on a street intersection composed of one or more arterial or collector streets shall not include an automotive fuel sales or other auto-oriented service and sales use, including but not limited to automobile sales or leasing establishments.

Figure 5-37: Corner lots on major intersections are inappropriate places for automobile fuel sales or similar automobile service and sales uses.

(4) Building Façades

Building façades shall comply with the following standards:

(a) Rear and side façades, if visible from public streets, shall have a similar architectural treatment as used on the primary or front façade;

(b) Blank building walls facing streets are prohibited;

(c) Buildings shall have a defined base and cap; and

(d) Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt from these requirements.

Figure 5-38: This building successfully blends the vertical height of the building with the horizontal banding of the base, middle, and cap.

(e) Window and door openings shall have a vertical orientation and shall be vertically aligned between floors.

(f) Buildings shall be constructed (through the use of materials, design elements, or architectural details) to emphasize the proportion of height to width so that building façades are vertically oriented.

Figure 5-39: This image depicts a building with an orientation that is primarily horizontal, which is inappropriate for Franklin.

(g) Where a clearly established development character and scale exist, new infill development shall include:

(i) Window and door openings with area ratios and proportions similar to those on adjoining buildings; and

(ii) Key design elements of surrounding buildings with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.

Figure 5-40: This building demonstrates successful integration as an infill structure into an existing context.

(h) Prototypical or franchise designs shall be adapted to reflect the design standards of this subsection, the applicable base and overlay district standards, and the character of the city.

Figure 5-41: This example of an alternative national restaurant chain store design shows how prototypical architecture can be modified to be consistent with local character.

(5) Loading and Service Areas

Except for HI Districts or double frontage and/or corner lots, loading and service areas shall not front a public or private street and shall be screened in accordance with Subsections 5.4.5 Perimeter Landscape Standards and 5.4.9, Screening.

(6) Façade Variations

Buildings shall use wall offsets or other variations to break up the mass of a building, maintain building rhythm along a street, and to establish a human scale in accordance with the standards:

(a) Traditional Areas

Building façades containing the primary building entrance, visible from a street, or visible from land used by or intended for residential development shall incorporate façade variations a minimum of every 25 feet.

Figure 5-42: This building uses pilasters to divide a single façade into distinct vertically-oriented storefronts that maintain the building rhythm along the street.

(b) Conventional Areas

Building façades containing the primary building entrance, visible from a street, or visible from land used by or intended for residential development shall incorporate façade variations a minimum of every 35 feet; buildings over 20,000 square feet may increase the minimum requirement for façade variations to every 50 feet.

(c) Exemptions

Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt.

(d) Standards

The following shall be used either alone or in combination to meet the façade variation requirements:

(i) Wall offsets having a minimum width of ten feet with a minimum depth or projection of six inches beyond the primary façade plane;

(ii) Color or material changes following the same dimensional standards as the offset requirements;

(iii) Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;

(iv) Awnings or canopies, provided the awning or canopy is not translucent, back-lit, or internally illuminated;

(v) Roofline changes, such as changes in roof planes or changes in the top of a parapet wall, when coupled with correspondingly aligned façade material changes; or

(vi) For sloped roof buildings, varying the roofline through a knee wall or providing a six-inch or greater offset in the façade plane.

Figure 5-43: This building on a lot within a conventional area successfully uses arcades, wall offsets, and variations in roof line to break up the mass of the building and maintain a pedestrian orientation.

(7) Building Materials

(a) Basic Standards

The following building materials standards shall apply to buildings containing commercial, office, civic and institutional, and mixed-uses:

(i) Building façades of buildings three stories or less facing an arterial street, Mack Hatcher Parkway, and Interstate 65 shall include brick, stone (real or faux), marble, or scored precast concrete for a minimum of 75 percent of the net façade area.

(ii) Building façades of buildings more than three stories high facing an arterial street, Mack Hatcher Parkway, and Interstate 65 may use scored precast concrete, glass, and architectural metals as the primary building materials for the first three stories.

(iii) Building materials in traditional areas shall be primarily brick, stone, or shall be composed of other materials compatible with surrounding structures; however, smooth wood, or fibrous cement siding may be allowable as a transitional feature as described in Subsection 5.3.4, Transitional Features.

(iv) Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (e.g., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

(v) Primary facade materials shall not change at outside corners, and shall continue a minimum distance of two feet from the front corners along both side façades.

(vi) Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners of the homes, or as a repetitive pattern.

(vii) For façades of buildings three stories or less, foundations shall be composed of brick, split-faced block, cast stone, or stone. Buildings two stories or greater may meet this requirement with scored precast concrete that resembles stone.

(viii) Heavily or medium-tinted glass, reflective glass, or glass with an applied film that inhibits view into the ground floor from a sidewalk or street shall be prohibited within Special Areas 1 and 2 of the CFCO District and on the first floor of buildings in traditional areas.

(b) EIFS on Visible Façades

Where permitted, EIFS shall not exceed 50 percent of an exterior building wall's net façade area when such wall is visible from a building's primary entrance or the primary street which it faces.

(c) Split-Face Concrete Block on Visible Façades

Except where prohibited, split-face concrete block is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of an exterior wall visible from a building's entrance or public right-of-way provided:

(i) The concrete block is split-face and not smooth face;

(ii) The block is integrally stained, remains unpainted, and incorporates a mortar color that differs from the color of the concrete block;

(iii) The wall incorporates a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and

(iv) The wall meets all other applicable massing and façade standards for nonresidential and mixed-use buildings.

(d) Split-Face Concrete Block on Other Façades

Except where prohibited, split-face concrete block that is integrally stained, painted, or unpainted is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of exterior walls neither visible from a building's primary entrance or from a street provided:

(i) The painted block is painted to match the color scheme of the building with an elastomeric paint with a minimum elasticity of 300 percent that is applied to a minimum dry thickness of 30 mils;

(ii) Unpainted block walls incorporate a mortar color that differs from the block color, a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and

(iii) The wall meets all other applicable massing and façade variation standards for nonresidential and mixed-use buildings.

(e) Remote Building Walls

Remote building walls on lots in conventional areas that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due topography or natural features preserved in an open space lot, may use real or synthetic stucco (EIFS), precast concrete panels, tilt-up concrete panels, or integrally stained or painted split-face concrete block for the entire façade, provided:

(i) The wall matches the color scheme of the building;

(ii) The base of the wall is masonry; and

(iii) Integrally stained or painted split-face concrete block meets the standards for painted block walls in subsection (d)(i) and (d)(ii) above.

(f) Prohibited Materials

The following exterior materials shall be prohibited:

(i) EIFS or synthetic stucco within two feet of the grade or a doorway;

(ii) Rough-hewn wood as a predominant material; however, smooth wood siding may be allowable on nonresidential structures as a transitional feature as allowed in Subsection 5.3.4, Transitional Features;

(iii) Neon; and

(iv) Exposed metal panels (e.g., corrugated metal), on vertical wall surfaces. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis.

(g) Industrial Uses and Districts

The following standards apply in the LI and HI Districts:

(i) Foundations shall be composed of brick, split-faced block, cast stone, or stone;

(ii) Exposed metal panels (such as corrugated metal) shall be permitted only in HI Districts. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis.

(iii) Façades fronting arterial or collector streets shall comply with the materials standards for commercial, office, institutional, and mixed-use structures;

(iv) “Tilt-up” and precast concrete panels are permitted as exterior building wall materials provided the panels are scored to provide texture and visual interest; and

(v) EIFS or synthetic stucco is prohibited within two feet of the grade or a doorway.

(8) Colors

Nonresidential and mixed-use structures shall comply with the following standards:

(a) Structures shall not use more than three main colors.

(b) Accent or trim colors shall not be included within the three color limit.

(c) Overly bright, neon, or “day-glow” colors shall not be used as main or accent colors.

(d) Structures shall use roof and exterior wall colors of a non-reflective neutral tone designed to minimize the appearance of the structure as viewed from locations at lower elevations, when any portion of the lot:

(i) Is within 500 feet of a Hillside/Hillcrest Overlay (HHO) District; and

(ii) Contains slopes 14 percent or greater.

If an applicant demonstrates that nonresidential structures subject to this provision shall not be visible from arterial streets, Interstate 65, or Mack Hatcher Parkway, then this standard shall not apply.

(9) Roof Forms

The following standards shall apply to roofs of nonresidential and mixed-use structures:

(a) The roof form standards in this subsection shall apply to the full length of any roof that is within public view.

(b) Roof forms shall be used to conceal all mechanical equipment and to add architectural interest to a structure.

(c) Flat or low-pitched roofs with parapet walls are encouraged within traditional areas; however, sloped roofs are permitted as necessary as a transitional feature as allowed in Subsection 5.3.4, Transitional Features.

(d) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of four inches from the parapet façade plane.

Figure 5-44: Flat roofs behind parapet walls with cornice treatments are appropriate for use within traditional areas.

(e) Except for mansard roofs, cupolas, and steeples, sloped roofs shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.

(f) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

(10) Off-Street Parking Location

(a) Traditional Areas

Nonresidential and mixed-use structures in traditional areas shall comply with the following standards:

(i) No off-street surface parking shall be located between a building wall containing the primary entrance and the primary street the building fronts; however, parking may be permitted between a street and a secondary entrance.

(ii) Off-street surface parking lots as a principal or accessory use shall not abut street intersections or occupy visually prominent locations on lots that terminate public vistas.

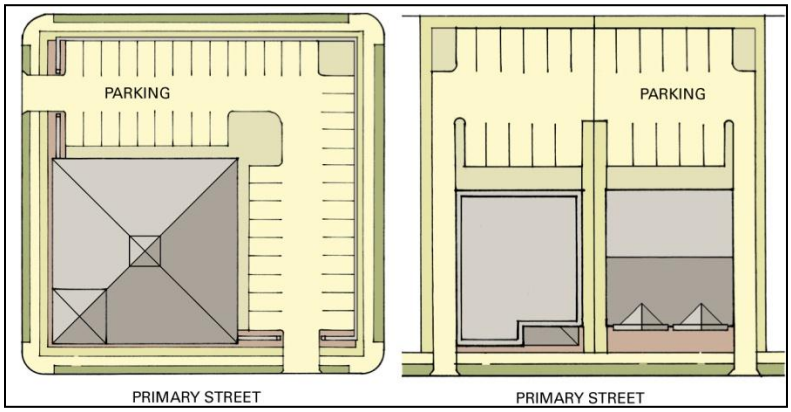


Figure 5-45: Buildings in traditional areas should not have frontages that are dominated by off-street parking areas. These images demonstrate two acceptable options.

(iii) Parking structures shall not abut street intersections or occupy lots that terminate public vistas unless the façades are designed to resemble building walls and include nonresidential uses on the first floor.

(iv) Off-street parking areas shall not occupy more than 30 percent of the lot frontage adjacent to the primary street serving the lot.

(b) Conventional Areas

(i) **Location**

A.) For parking lots of 100 parking spaces or less, off-street parking lots exceeding 60 feet in width (typically one aisle with two single-loaded bays) shall be prohibited between a building and the street it faces on lots in conventional areas that are located adjacent to street intersections.

B.) For parking lots of more than 100 parking spaces, off-street parking lots exceeding 180 feet in width shall be prohibited between a building and the street it faces on lots in conventional areas that are located adjacent to street intersections.

C.) Nothing in this subsection shall be construed to limit the width of off-street parking areas on such lots when the parking areas are located behind buildings or on sides not adjacent to a public street intersection.

(11) Large-Scale Development

Developments composed of one or more structures engaged in retail or wholesale sales each exceeding 20,000 square feet, or developments with a single large commercial establishment exceeding 20,000 square feet and one or more smaller additional structures shall comply with the standards in this subsection as well as the following:

(a) Liner Buildings

(i) A series of smaller “liner buildings” shall be positioned along the primary façade of the large structure to break up the structure’s mass.

(ii) As an alternative to liner buildings, the primary façade of a large-scale development structure can be designed to appear as multiple small storefronts, except that individual doorways shall not be required.

Figure 5-48: The mass of large-scale development can be made more human-scaled and pedestrian-friendly through the use of techniques like liner buildings or architecture replicating liner buildings as depicted here.

(b) Parking Lots

(i) Off-street surface parking lots serving large-scale development sites shall be designed to create the effect of internal "streets" through the use of landscape, island placement, and building location around drive aisles.

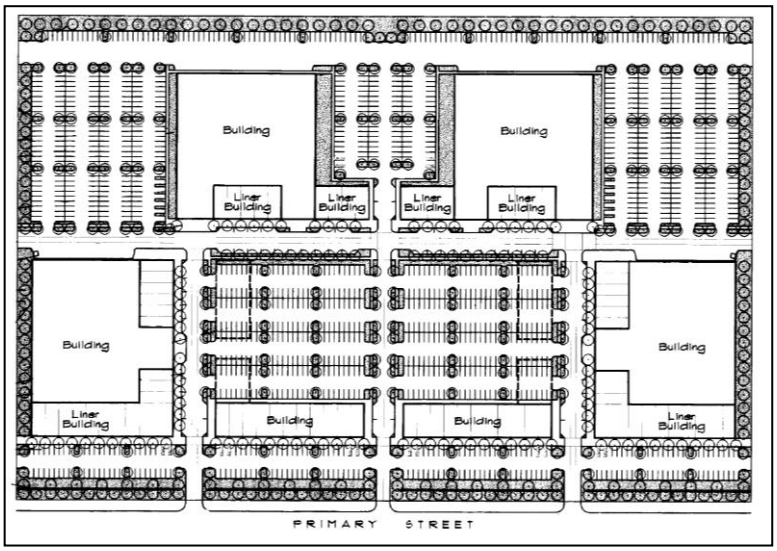
(ii) Off-street parking lots with 250 or more spaces shall include primary drive aisles.

(iii) Utility placement on sites with large parking lots shall be configured to allow for future infill of new buildings.

Figure 5-49: Parking areas serving large-scale developments with multiple buildings can be designed to create a series of internal "streets".

(c) Building Orientation

Developments with more than one structure shall be designed to frame parking lot drive aisles to create the appearance of a city street.



(d) Single-Tenant Buildings Over 50,000 Square Feet

In addition to the standards of this subsection, single-tenant large-scale retail and wholesale uses over 50,000 gross square feet shall be subject to the standards in Subsection 3.2.7(13).

(12) Streetscape Elements

Streetscape elements (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) included within a development in a traditional or conventional area shall be compatible with the architectural features of the structures and shall help to establish a unifying theme throughout the site.

Figure 5-50: Streetscape elements such as benches, planters, and other features help to establish a unifying theme in larger developments.

5.3.7 Hamlets

(1) Purpose and Intent

Hamlets are intended to:

(a) Accommodate new growth and development in rural or agricultural areas without adversely affecting the rural context and established development pattern; and

(b) Provide necessary civic services and the opportunity for low-intensity nonresidential uses intended to serve nearby residents and existing agricultural uses.

(2) Procedure

Hamlets shall be subject to the procedures and standards in Subsection 2.4.2, Planned Unit Development.

(3) Basic Standards

Development proposed as a Hamlet shall comply with the following standards:

(a) Location

(i) Hamlets shall be located on major street intersections composed of one or more arterial or collector streets.

(ii) Hamlets shall occupy areas that are relatively flat or with gentle slopes.

(b) Maximum Size

Development within a Hamlet shall be limited to a maximum size of 100 dwelling units and 40,000 square feet of nonresidential buildings.

(c) Street Pattern

(i) Development within a Hamlet shall use a grid street pattern of interconnected streets, sidewalks, and trails except where environmental conditions make other patterns more appropriate and reduce impacts on natural resources.

(ii) Block lengths shall be an average of 400 linear feet in length, but shall not exceed linear 600 feet.

(iii) Blocks longer than 400 linear feet shall include a mid-block pedestrian walkway to join opposing sides of the block.

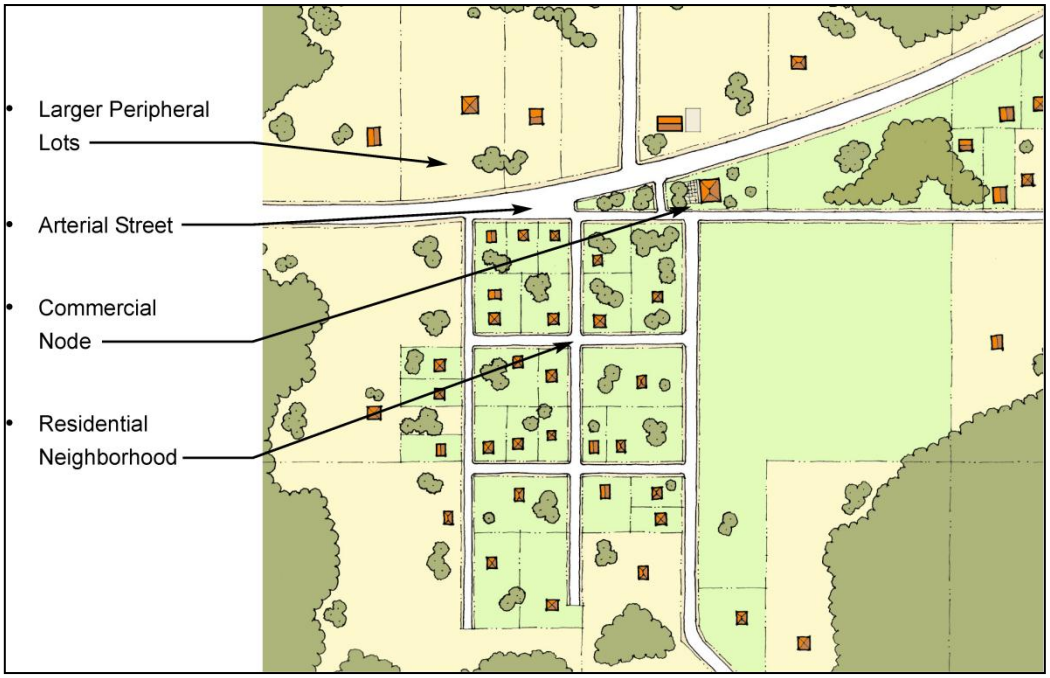


Figure 5-51: Hamlets are traditionally located at major intersections and include residential and limited commercial development organized within a grid-street pattern supplemented with generous amounts of open space.

(4) Standards for Residential Development

Residential development on lots within a Hamlet shall be subject to the traditional area standards in this chapter.

(5) Standards for Nonresidential and Mixed-Use Development

(a) Uses Allowed

(i) Lands within a Hamlet shall be limited to the MN and CI zoning district classifications.

(ii) Commercial and office development shall be limited to uses intended to serve local residents and surrounding agricultural uses.

(iii) No single structure housing a nonresidential or mixed-use shall exceed 10,000 square feet (excluding belfries, spires, steeples, crawlspaces, or similar areas not intended for habitation).

(b) Location

Nonresidential and mixed-use development shall be located in the geographic center of the Hamlet and focused on the corners of an intersection composed of one or more arterial or collector streets.

(c) Subject to Standards for Traditional Areas

Nonresidential and mixed-use development on lots within a Hamlet shall be subject to the traditional area standards in this chapter.

(6) Minimum Open Space Set Aside

A minimum of 50 percent of the area proposed for development as a Hamlet shall be set aside as informal open space in accordance with the standards in Section 5.5, Open Space Standards.

5.3.8 Conservation Subdivision

(1) Purpose and Intent

The Conservation Subdivision is intended to provide additional development flexibility to build on smaller lots in a way that protects the natural and historic features on the site. This is done in order to:

(a) Conserve open land, including those areas containing agricultural lands and unique and sensitive natural features such as floodplains, wetlands, unbuildable soils, stream corridors, and steep slopes;

(b) Retain and protect existing environmental, natural, and cultural resources, including mature stands of trees, tree lines, fencerows, hedgerows, and historic resources;

(c) Create a linked network of open spaces;

(d) Promote existing rural character within agricultural and rural areas; and

(e) Provide reasonable economic use of the property.

(2) Procedure

Development of a Conservation Subdivision shall be subject to the procedures and standards in Subsection 2.4.2, Planned Unit Developments. If not a Planned Unit Development, a Conservation Subdivision shall be subject to the procedures of a Preliminary Subdivision Plat.

(3) Conservation Subdivision Standards

(a) A conservation subdivision shall set aside a minimum of 50 percent of the total acreage of the site as conservation area to be permanently maintained and protected as:

(i) Open space lots;

(ii) Land dedicated to the city; or

(iii) A conservation easement.

(b) Development within a Conservation Subdivision shall be subject to either the traditional or conventional area standards in this chapter, but shall not use both standards.

(c) Lands within a Conservation Subdivision shall be limited to the AG, ER, R-1, R-2, RX, and CI zoning district classifications.

(4) Conservation Areas

The conservation areas within the conservation subdivision shall comply with the following standards:

(a) Features to be Preserved

Conservation areas shall be located so as to preserve community resources including, but not limited to, the following (in no order of priority):

(i) Steep slopes over 20 percent;
(ii) Floodplain, wetlands, stream corridors;
(iii) Tree Protection Zones;
(iv) Areas within an HHO;
(v) Habitat used by endangered or threatened species;
(vi) Structures or sites designated as a National Historic Landmark;
(vii) Historic, archeological, and cultural resources, such as stone walls, farmhouses, or barns (other than National Historic Landmarks);
(viii) Prime agricultural lands, including existing pastures (whether in use or otherwise);
(ix) Established tree lines, hedgerows, and fencerows;
(x) Scenic corridors, gateways, and views; and
(xi) Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

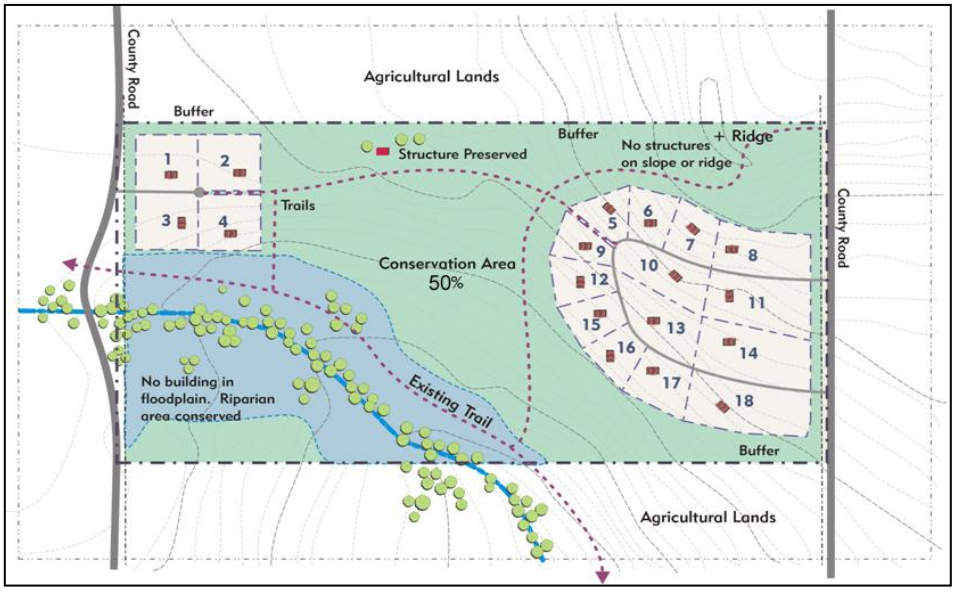


Figure 5-52: Conservation Subdivisions set aside substantial portions of a development site for open space.

(b) Allowable Use of Conservation Area

(i) Greenways or blueways;
(ii) Pedestrian or bicycle trails and walkways;
(iii) Above and below ground public utilities and associated easements, provided no feasible alternative exists;
(iv) Street or driveway crossings provided such crossings do not violate this ordinance, or other state or federal laws;
(v) Historic, archeological, and cultural resources, including properties within an HPO District, National Register properties, properties eligible for designation as a National Register property, interpretive activities associated with National Historic Landmarks, or natural areas;
(vi) Agricultural uses;

(vii) Individual or community water supply and septic systems;

(viii) Stormwater management systems or other best practices, where no feasible alternative exists;

(ix) Required drainage or other utility easements; and

(x) Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

(5) Ownership

The conservation area shall be considered as an open space set-aside and shall comply with the ownership requirements in Section 5.5, Open Space Standards.

(6) Development Areas

After identifying the conservation areas, the development area shall be identified. It is the area within which development may occur and shall include the area within the site where:

(a) Any clearing or grading activities will take place;

(b) Ingress and egress will be located;

(c) Roads, utilities, and similar structures will be located;

(d) Attached or detached residential development will be located; and

(e) Allowable nonresidential uses will be located.

(7) Nonresidential Development

Nonresidential development shall be limited to those uses permitted within the CI zoning district classification.

5.3.9 Traditional Neighborhood Development (TND)

(1) Purpose and Intent

Traditional Neighborhood Development (TND) uses design in the tradition of small American villages and neighborhoods that flourished during the nineteenth and early twentieth centuries. These standards are intended to create developments including the following elements:

(a) A mix of residential and neighborhood-serving nonresidential uses;

(b) A focus on street character through use of front porches and gardens;

(c) A sensitive approach to the design and location of off-street parking and service areas;

(d) The incorporation of public parks, greens, or village squares; and

(e) Good access to integrated transportation networks, with the pedestrian and mass transit having equal consideration to the automobile.

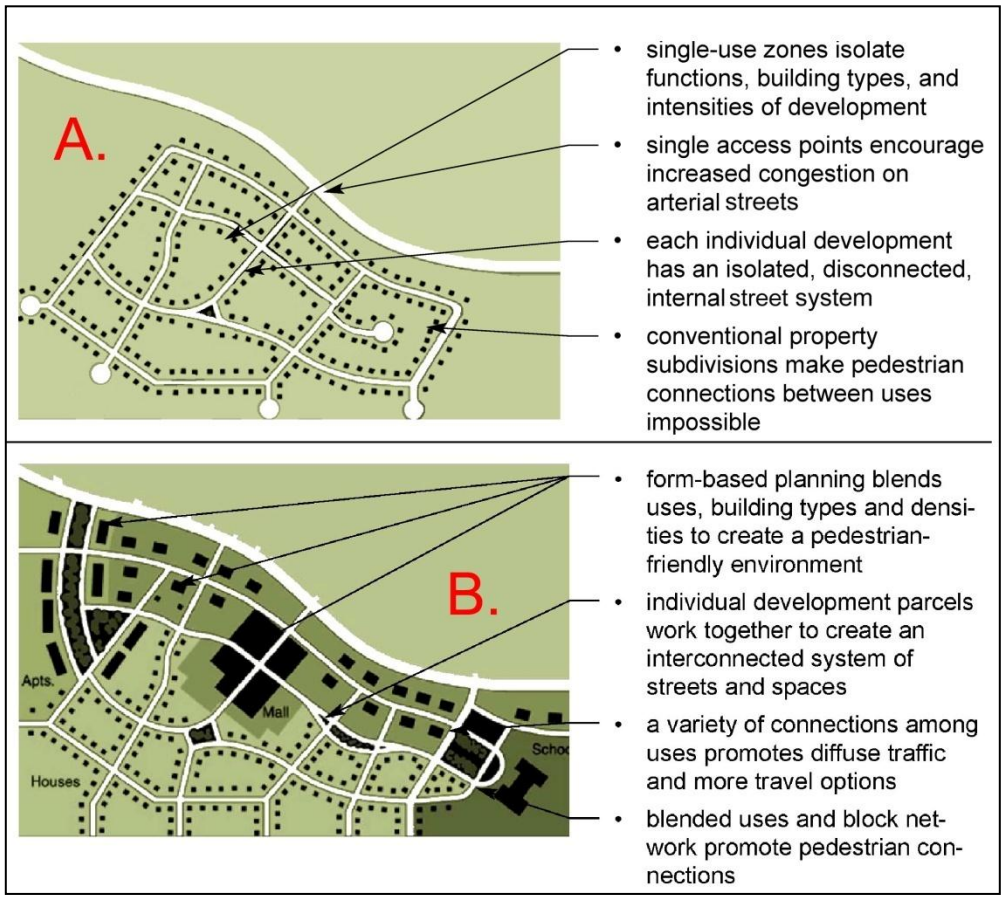


Figure 5-53: Conventional Development (Diagram A) compared to Traditional Neighborhood Development (Diagram B).

(2) Procedure

A TND shall be subject to the procedures and standards If not a Planned Unit Development, a TND shall be subject to the procedures of a Preliminary Subdivision Plat and/or Site Plan.

(3) Compliance with Development Standards

TND shall comply with the standards in this subsection and Table 3-8, Site Development Requirements for Traditional Areas.

(4) Principle Elements of Traditional Neighborhood Development

Traditional neighborhood developments shall include the following eight principle elements:

(a) A Variety of Street Types Within an Interconnected Network

By providing a variety of street types, TND encourages a variety of uses and land use characters within a district. Each TND shall provide an interconnected street network that promotes interaction among uses and connectivity for automobiles as well as pedestrians.

Figure 5-54: An example of a varied and interconnected TND street grid.

(b) A Variety of Housing Types

TND shall include a variety of detached and attached housing types within a district. This encourages greater diversity in the population with a mix of prices, ownership types, and plan options.

Figure 5-55: A street elevation showing a hypothetical mix of residential building types.

(c) A Mix of Uses

Each TND neighborhood shall have a mix of uses that serve the neighborhood including schools, churches, services, shopping, entertainment, and offices, in an amount proportionate to the size and population of the community.

Figure 5-56: A plan showing a variety of uses and photographic examples.

(d) Institutions or Neighborhood-Serving Commercial as Focal Points

TND shall provide a variety of neighborhood-serving special sites and community focal points such as retail stores, schools, services, libraries, post offices, civic uses and parks within a ten minute walk (approximately one-half mile) of the majority of dwelling units within a neighborhood. Small mixed-use districts at a key intersection, a public plaza surrounded by live/work units, or a school with community and recreation facilities are examples of design elements that serve as community gathering spaces and focal points for TND.

(e) Minimum Density

TND shall include an appropriate residential density to establish the critical mass or market shed necessary to support retail, transit, and civic uses. While this figure will vary based upon the size of the TND and the mix of uses, all TND shall attain a net density not less than four units per acre, excluding public right-of-way and open space set-asides.

(f) Pedestrian-and Transit Orientation

TND is configured to improve the pedestrian experience by providing narrow streets, generous sidewalks, on-street parking, and alley-loaded lots. By lessening the amount of pavement at pedestrian crossings and removing driveways from front yards, car/pedestrian conflicts are minimized.

Figure 5-57: A typical section through a residential streetscape and photos of pedestrian-friendly center (top) and neighborhood (bottom).

(g) An Interconnected Network of Open Space

An interconnected network of public open space is an integral component to be provided in a TND. A network of open spaces encourages interaction among neighbors and reinforces strong pedestrian and bikeway connections.

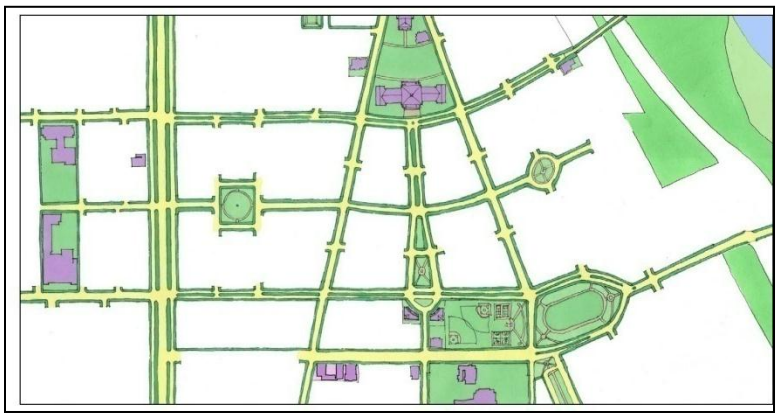


Figure 5-58: Boulevards, neighborhood parks, and institutional sites combine to form an interconnected open space network.

(h) Sites for Civic Uses

Prominent or significant sites that terminate vistas, front open space, or anchor primary intersections shall be reserved for civic and institutional uses or buildings in TND.

(5) Principle Elements of Lots in a TND

A traditional neighborhood development shall have a mix of lots covering a variety of sizes and uses in accordance with the following standards:

(a) Lot Types

Each TND shall include at least four of the following five basic lot types:

(i) Alley-loaded detached residential;

(ii) Street-loaded detached residential;
(iii) Attached residential;
(iv) Mixed-use; and
(v) Nonresidential.

(b) Lot Elements

(i) **Front Yard Setback**

The front yard setback is the minimum setback requirement for the building from the main frontage street right-of-way.

(ii) **Side Yard Setback**

The side yard setback is the minimum setback requirement for the building to the side property lines or side street right-of-way.

(iii) **Rear Yard Setback**

The rear yard setback is the minimum setback requirement for any building to the rear property line or alley right-of-way.

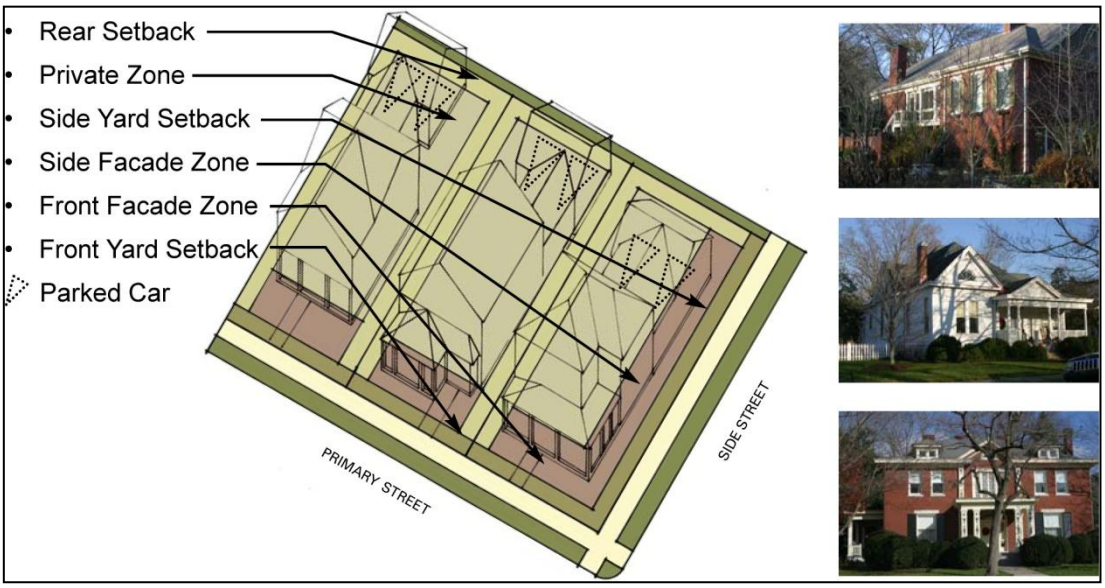


Figure 5-59: An example of traditional residential lot elements.

(c) Mix of Uses

Each TND shall include a mix of uses in accordance with the following:

(i) **Residential Uses**

Residential lots cover a broad range of sizes and house types, from attached residential, to semi-detached units, to single-family detached houses. Residential uses within a TND shall be subject to the following standards:

A.) Vertically-oriented attached residential units, such as townhouses, shall comprise at least 15 percent of the total number of attached residential units.

B.) Lots containing detached residential units shall have at least three distinctly different lot sizes covering a range of lot widths from 35 feet wide and wider.

C.) Horizontally-oriented attached residential development, such as stacked flats or apartments, shall comprise no more than 50 percent of the total dwelling units in a TND, including residential uses located within mixed-use buildings.

(ii) **Nonresidential Uses**

A minimum of two of the following nonresidential use types shall be accommodated in every TND:

A.) Park, recreation, or open space;

B.) Commercial (including offices or retail);

C.) Institutional; and

D.) Public buildings or uses.

(6) Individual Lot Types

The application prepared for a TND shall depict the location and configuration of proposed lot types in accordance with the following standards:

(a) Alley-Loaded Detached Residential Lots

Alley-loaded detached residential lots are lots where garages are accessed from an alley rather than a front driveway, and are especially common where narrower lot widths, such as 50 feet or less, are desired. Alley-loaded detached residential lots have the following characteristics, and shall be designed in accordance with Subsection 5.10.8(2), Alleys:

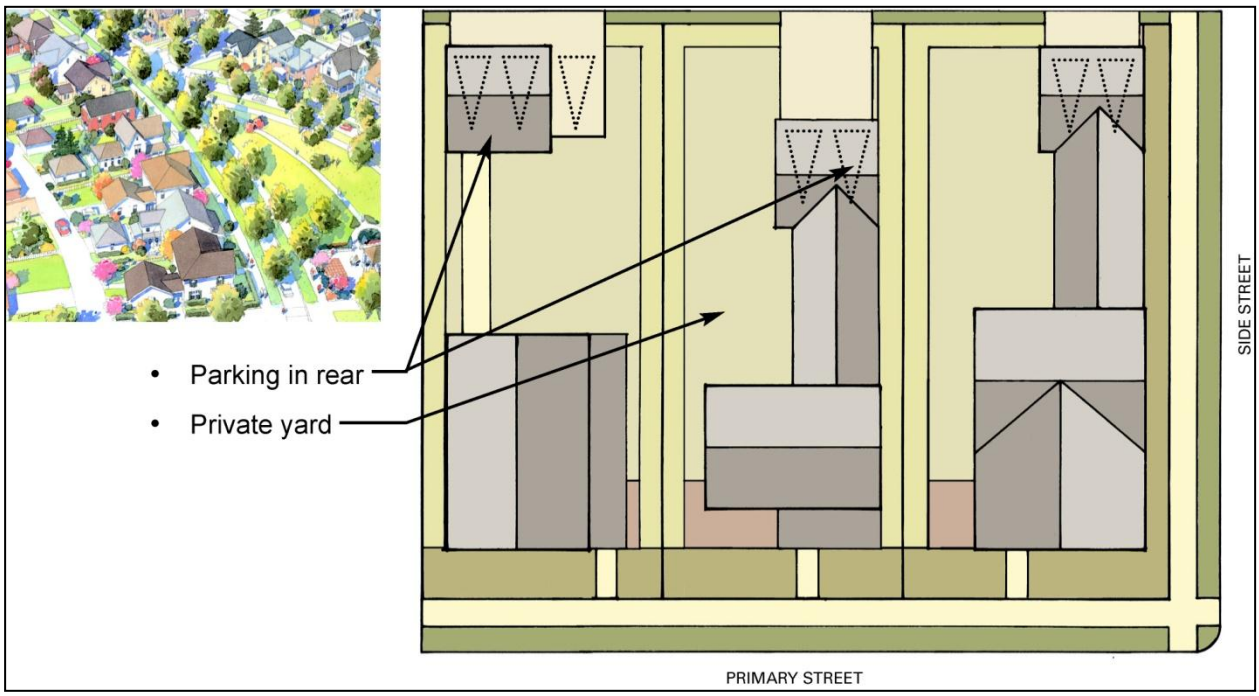


Figure 5-60: Alley-loaded lot plan and aerial views.

(i) **Side Wing Encroachments**

One to one-and-one-half story side wings are encouraged. These side wings shall be set back from the front facade of the dwelling's main body by a distance equal to or greater than the width of the side wing.

(ii) **Porch Encroachments**

Porches may extend up to eight feet into the front yard setback. Bay windows may extend up to two feet into the front yard setback.

(iii) **Garage Requirements**

Garages shall be designed in accordance with Subsection 5.3.5(2)(d), Garage Standards and shall maintain a consistent level of architectural styling and detail as used on the principal dwelling. Garages may be either detached or attached. Garage doors opening directly onto public streets are not permitted. Garage door openings shall be at least nine feet wide, but not more than 12 feet wide per door.

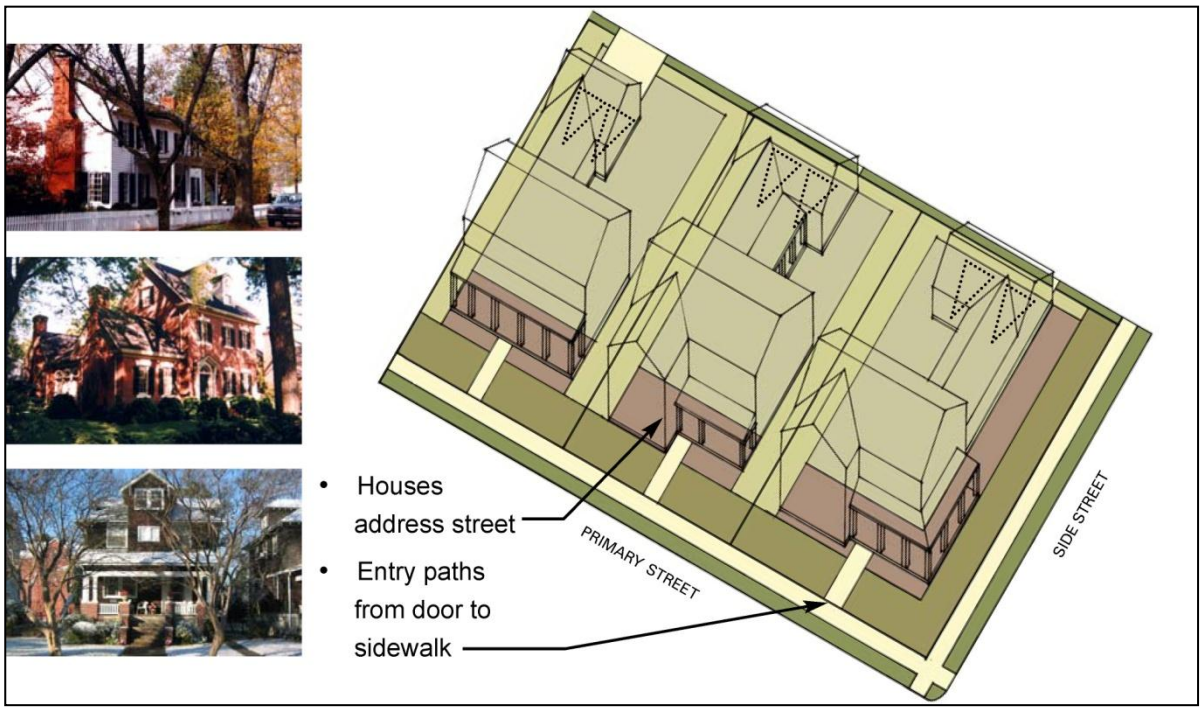


Figure 5-61: Alley-loaded lot photos and renderings.

(iv) **Fencing Recommendations**

Fences provide delineation between public and private space and are strongly recommended on corner lots and between houses. For more specific fencing standards, see Subsection 5.3.9(9), Landscape Character.

(b) Street-Loaded Detached Residential Lots

Street-loaded detached residential lots are lots where garages are accessed from a driveway extending from the street. These are often used for large lots, such as those greater than 50 feet in width, or when topography or other site constraints prohibit alleys. Street-loaded detached residential lots have the following characteristics:

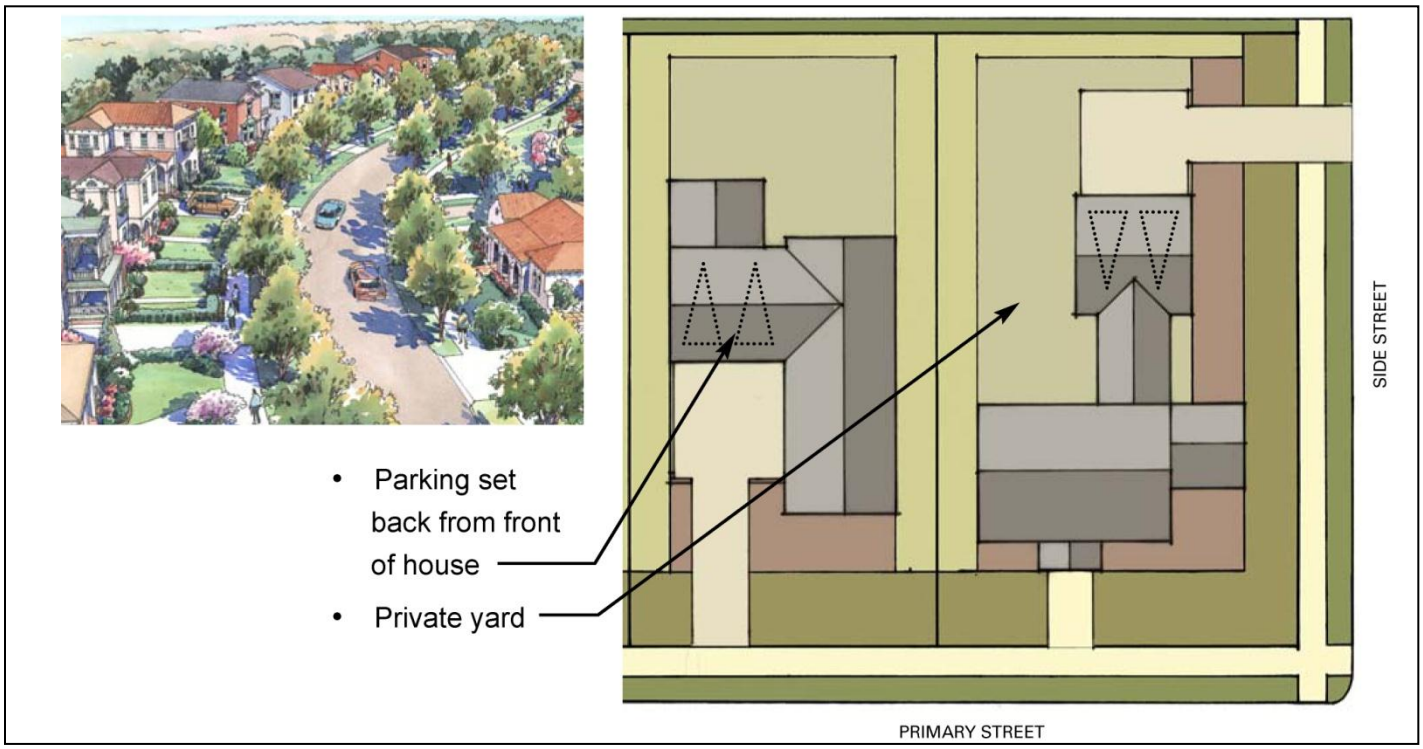


Figure 5-62: Street-loaded lot plan and aerial views.

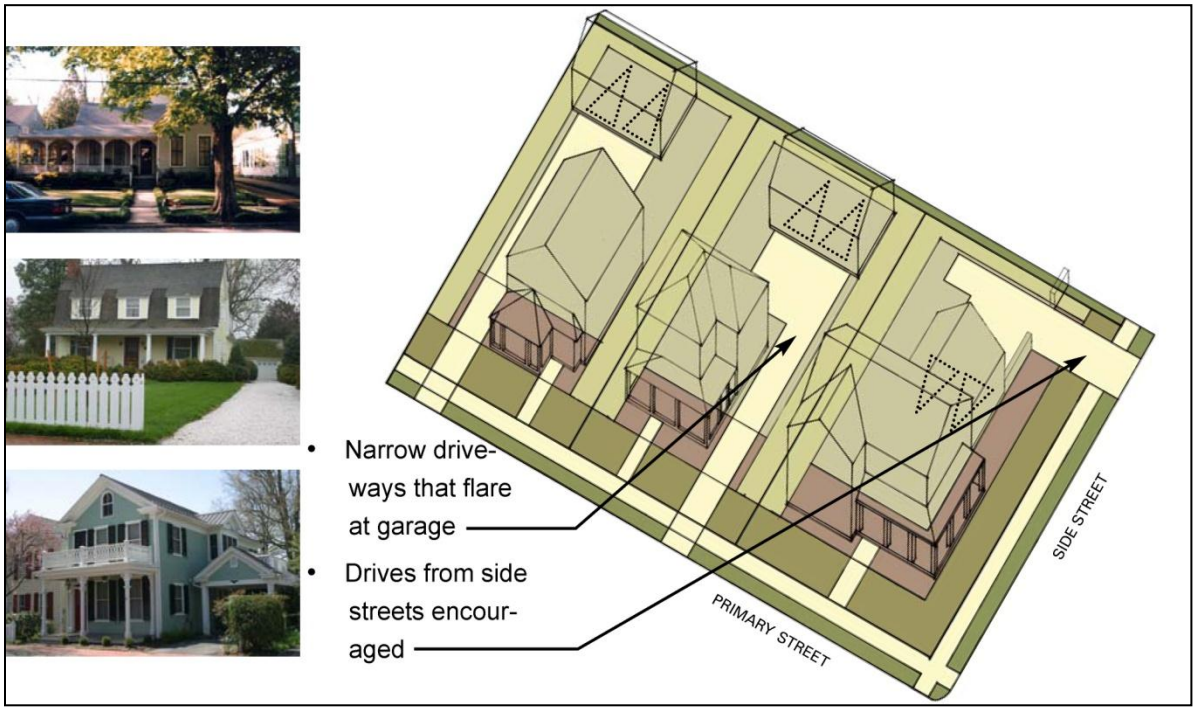


Figure 5-63: Street-loaded lot photos and renderings.

(i) **Side Wing Encroachments**

One to one-and-one-half story side wings are encouraged. These side wings shall be set back from the front facade of the dwelling's main body by a distance equal to or greater than the width of the side wing.

(ii) **Porch Encroachments**

Porches may extend up to eight feet into the front yard setback. Bay windows may extend up to two feet into the front yard.

(iii) **Garage Requirements**

Garages shall be designed in accordance with Subsection 5.3.5(2)(d), Garage Standards, and shall maintain a consistent level of architectural styling and detail as used on the principal dwelling. Garages may be either detached or attached. Garage doors opening directly onto public streets are not permitted. Garages shall be set back behind the main body of the house at least 20 feet. Street-facing or side-loaded garages shall maintain garage door openings that are at least nine feet wide, but not more than 12 feet wide per door..

(iv) **Driveways**

Driveways shall be no wider than ten feet when in the front yard. Hollywood drives are encouraged. Houses on corner lots shall have access from a parking courtyard and shall screen parking areas from the street with hedges, fences, or low walls.

(v) **Fencing Recommendations**

Fences provide delineation between public and private space and are strongly recommended on corner lots and between houses. For more specific fencing guidelines, see Subsection 5.3.9(9), Landscape Character.

(c) Attached Residential Lots

Attached residential lots are lots with multiple dwelling units such as townhouses, stacked flats, apartments, lofts, and condominiums. Attached residential lots may vary in size depending upon the scale of the residential structure.

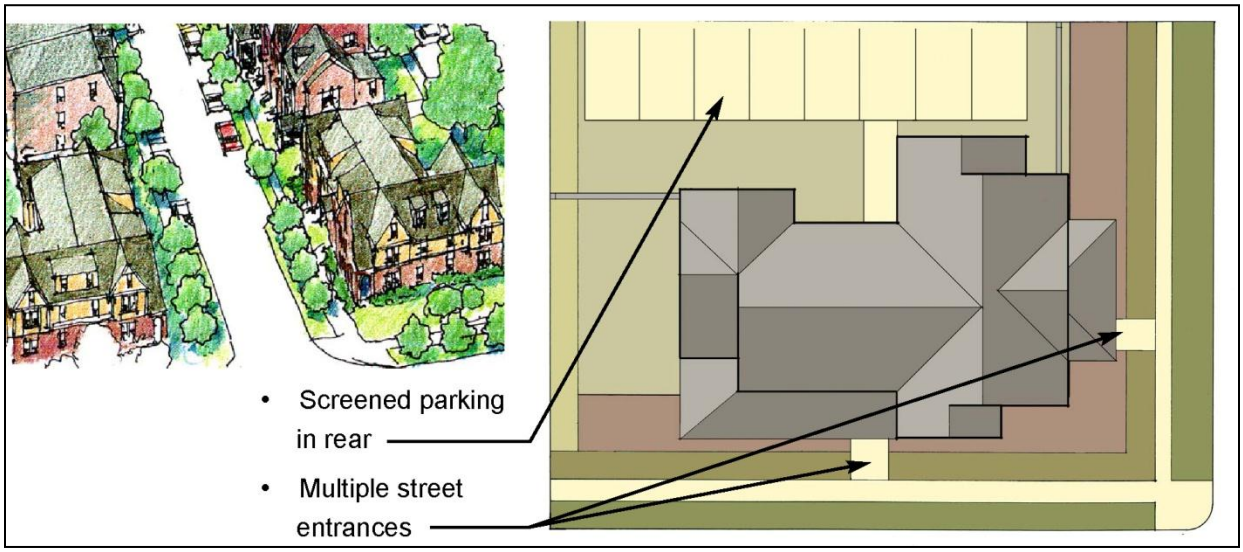


Figure 5-64: Attached residential lot plan and aerial views.

(d) Mixed-Use Lots

Mixed-use lots shall have a combination of retail, office, and residential uses. These include, but are not limited to, live-work units, office over retail, and residential over retail. Mixed-use lots have the following characteristics:

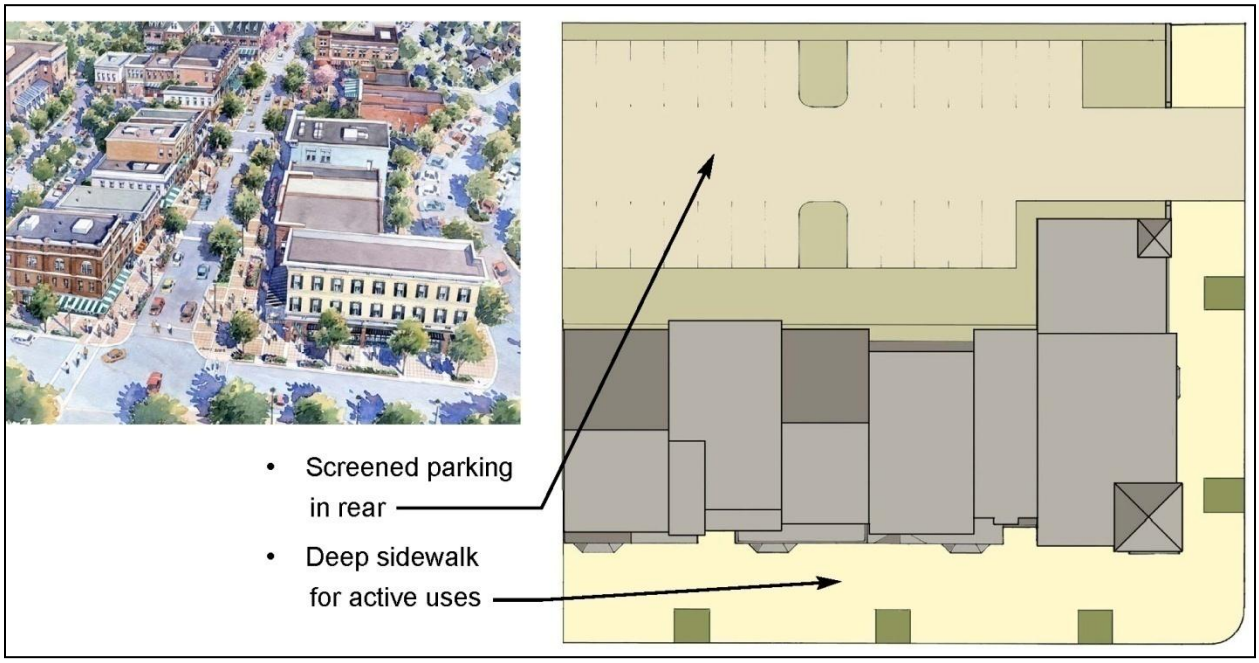


Figure 5-65: Mixed-use lot plan and aerial views.

(i) **Front Yard Setback**

Mixed-use buildings shall comply with the standards in Table 3-8, Site Development Requirements for Traditional Areas, and shall be built to the back edge of the sidewalk. Façade projections such as balconies, awnings, signage, and overhangs are permitted to extend into the setback so long as they are a minimum of eight feet above the sidewalk. Entry doors are not permitted to swing into the public right of way.

(ii) **Parking Requirements**

Parking shall be accessed from the side street or a rear alley. Driveways shall be a maximum of 20 feet in width, but a one-way drive at 12 feet in width is preferred. Parking shall be screened as provided in Subsection 5.4.6, Vehicular Use Area Landscape. Where buildings on outparcels front a mixed-use building, any off-street surface parking shall be screened from view by continuous active uses.

(e) Nonresidential Lots

Nonresidential lots are lots that accommodate institutional or commercial uses in a freestanding building. These buildings may be occupied by a single user or by multiple nonresidential uses, including, but are not limited to private offices, post offices, and similar services. Civic uses may occupy prominent locations within the development such as terminated vistas. Private uses may be organized around a courtyard or in a campus. Nonresidential lots have the following characteristics:

Figure 5-66: This illustration shows a sample master plan drawing, surface parking options, and a photographic example of a typical nonresidential lot.

(i) **Front Yard Setback**

Nonresidential buildings shall comply with the standards in Table 3-8, Site Development Requirements for Traditional Areas, and may be built with a setback to accommodate an entry court or front yard as appropriate to the use. The dimension of this setback shall not exceed 20 feet and there shall be no parking within the setback.

(ii) **Parking Requirements**

Parking shall be accessed from the side street or a rear alley. Driveways shall be a maximum of 20 feet in width, but a one-way drive at 12 feet in width is preferred. Parking shall be screened as provided in Subsection 5.4.6, Vehicular Use Area Landscape.

(7) Principal Elements of a Detached Residential Use

Detached residential uses within a TND shall have the following components:

(a) Main Body

The main body of the house is the principal mass and includes the front door, but excludes side or rear wings. The maximum width of the main body of the house is typically 40 feet or the maximum buildable width of the lot, whichever is narrower.

(b) Side or Rear Wings

Side or rear wings are optional elements that are one to two stories high and are connected to the main body. They are smaller than the main body and are set back from the front façade. One story side wings shall not exceed half the width of the house, and two story wings shall not exceed one-third of the width of the house. Wings shall not be built flush with the front façade. Side wings shall be setback from the front façade no less than the width of the wing.

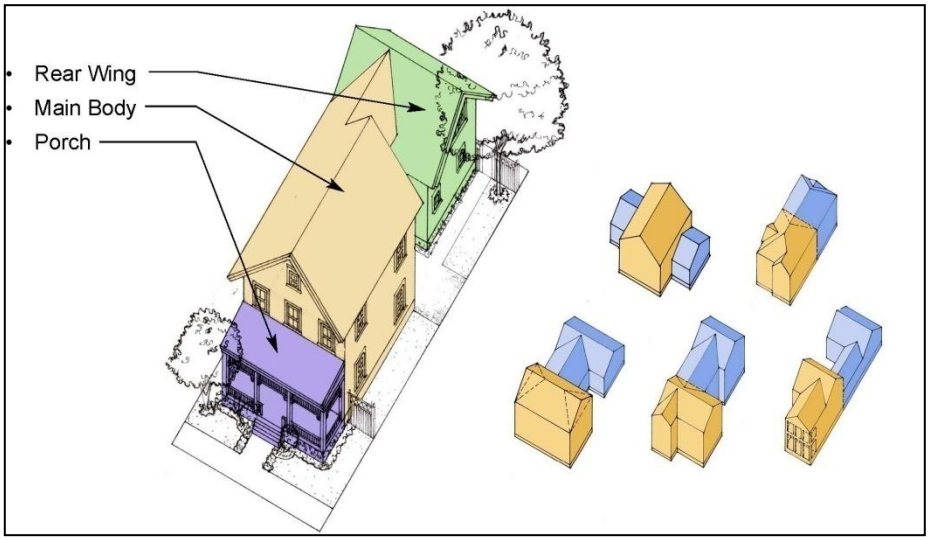


Figure 5-67: Several configurations of main body and side and rear wings on detached dwellings.

(c) Porches

Porches create exterior living space, and at least 51 percent of the detached residential uses along a single block face shall have some form of front porch, including but not limited to, full-facade front porches, wraparound porches, porticos, and side porches. Some architectural styles also have inset porches. Architectural detail should be included to accent the primary entrance.

(d) Outbuildings

Outbuildings are optional structures that include carports, detached garages, storage buildings, and carriage houses. Outbuildings should maintain a similar level of style and architectural detail as the principal structure they serve.

(e) Architectural Style

One of the hallmarks of traditional neighborhood design is the derivation of local, vernacular style both in the planning forms and the architectural style. Some of the styles found in the city's historic neighborhoods include Victorian, Italianate, Colonial Revival, Classical, Arts & Crafts, and European Romantic.

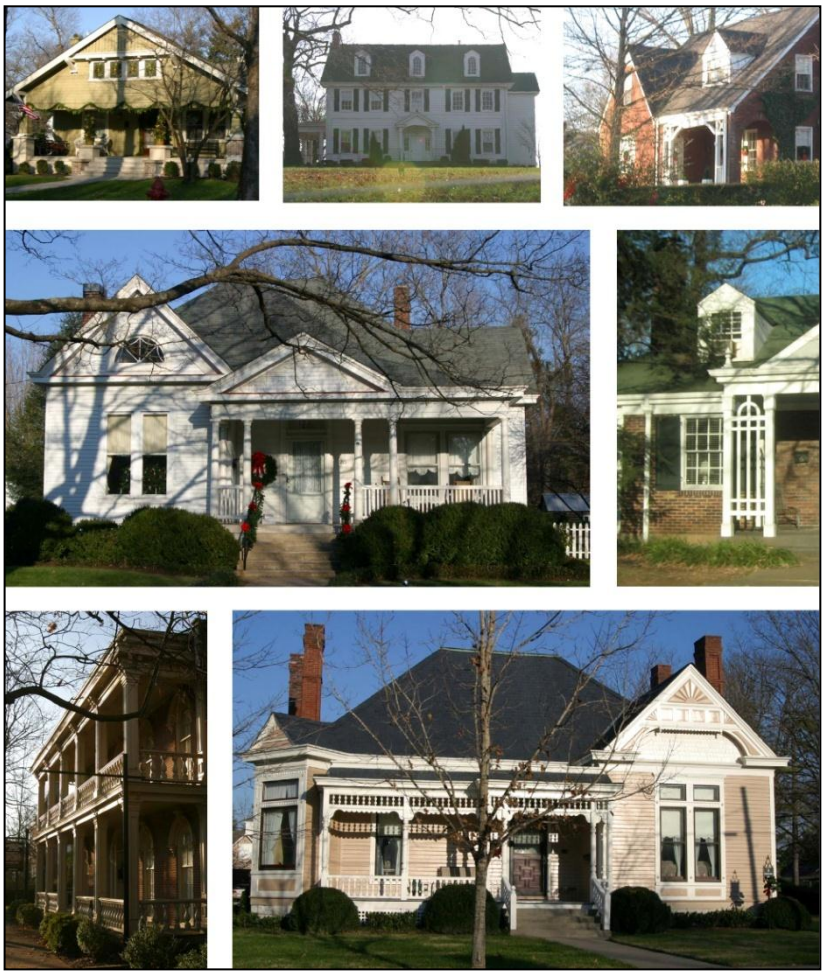


Figure 5-68: Photos representing the traditional styles in Franklin.

(f) Architectural Variety

In order to ensure variety within a TND, a maximum of four detached dwellings of the same model may be located next to each other along the same block face. In addition, identical models (defined as having the same front façade and floor plan) shall not be repeated within a grouping of six houses (three in a row and the three across the street). Within each grouping, a house plan may be repeated if three of the following five key façade elements are varied:

(i) Window type;
(ii) Porch type;
(iii) Building material;
(iv) Color, or
(v) Trim details.

Figure 5-69: A plan of a typical lot distribution, where lot types repeat within a block, façades must be varied (different colors indicate different house models).

(8) Streetscape Character in a Traditional Neighborhood Development

(a) Streets

Streets within a TND shall be designed according to the Franklin Transportation and Street Technical Standards. Traditional streets have a narrow cross section and include elements such as parallel parking, landscape strips or verges, and sidewalks.

(b) Street Trees

Street trees are shall be provided per Subsection 5.4.9, Street Trees.

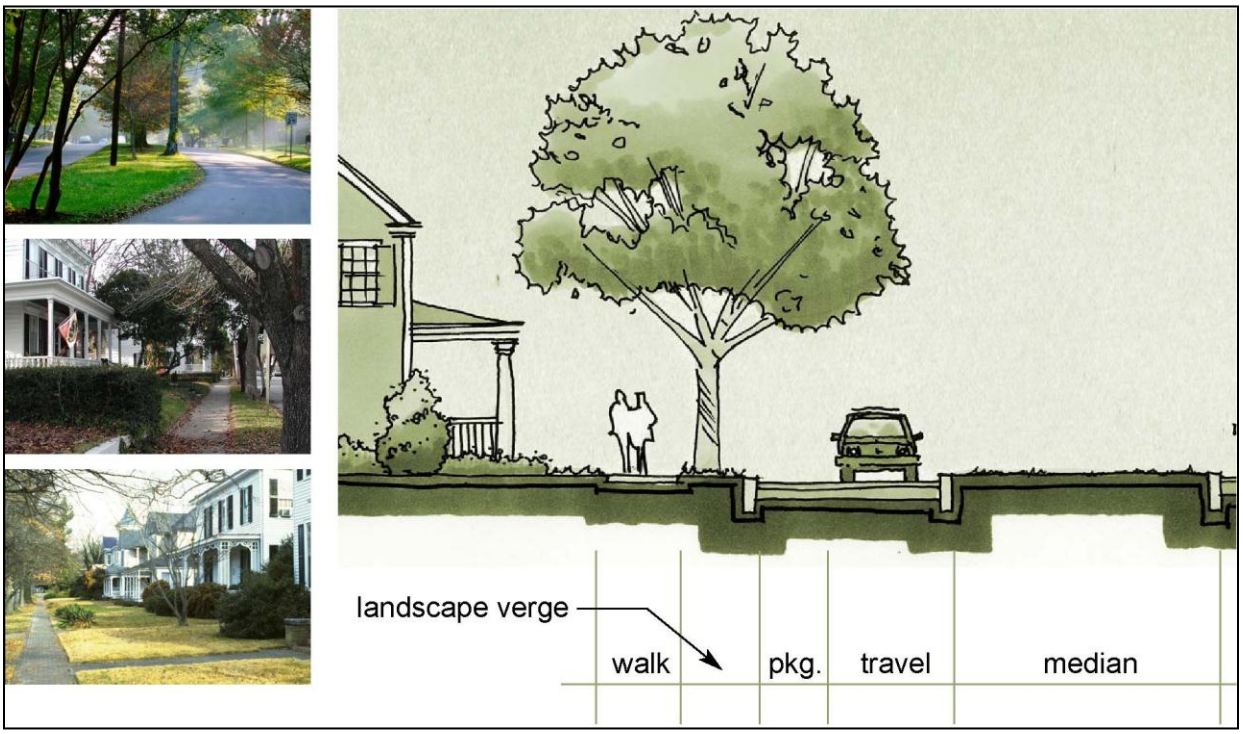


Figure 5-70: Typical components of a traditional street.

(c) Sidewalks

Traditional neighborhoods shall have sidewalks made of poured concrete, or brick. Sidewalks shall be provided per Subsection 5.10.9, Sidewalks.

(9) Landscape Character

(a) Lighting

Exterior lighting shall comply with the standards in Subsection 5.11, Exterior Lighting.

Figure 5-71: Two neighborhood street lighting options: house-mounted or freestanding.

(b) Fencing and Garden Walls

Fences and walls shall be provided in accordance with the standards in Subsection 5.6, Fences and Walls, in addition to the following:

(i) **Location**

Fences and walls provide delineation between public and private space and are strongly recommended on corner lots and between houses.

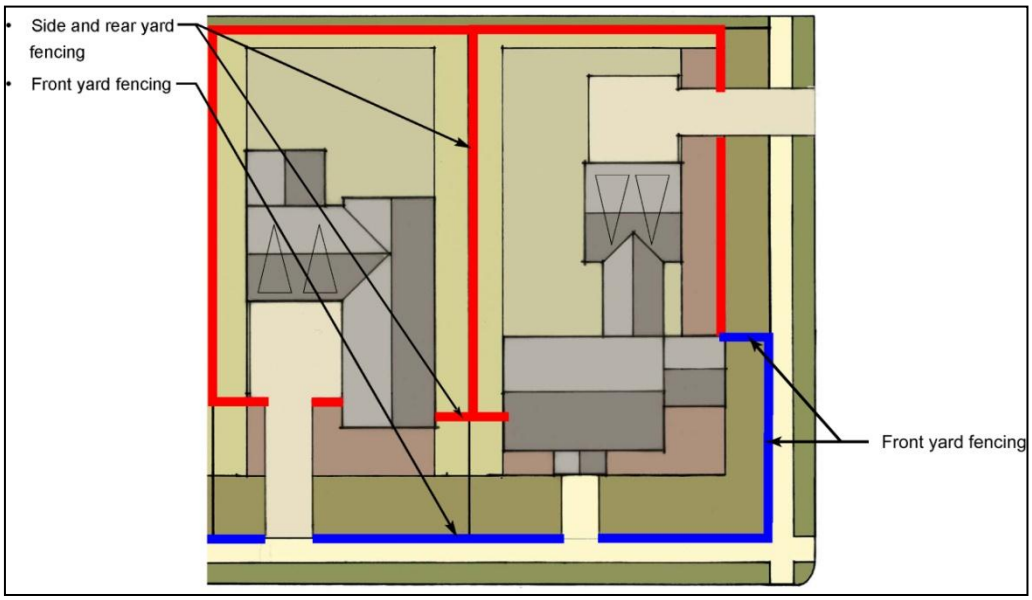


Figure 5-72: Typical front yard fence locations (blue) and typical side and rear yard fence locations (red).

(ii) **Design**

Fence and wall designs shall relate to the design and period of the house, and a diversity of fence styles shall be used throughout the development and along individual streets.

(iii) **Front Yard Fences**

The front yards of houses in traditional neighborhoods can be a defining landscape element. Walls, fences, and hedges mark the transition from the street to the yard. Walls shall be of stone or brick. Fences shall be of a natural material such as wood or iron and shall respond to the architectural character of the house. Low front yard retaining walls can also be used, especially where grading issues require them. At least one gate for emergency access shall be provided for fences restricting access to the side of a dwelling.

Figure 5-73: Typical front yard fences, walls, and hedges.

(iv) **Side and Rear Yard Fences**

Where rear yards face alleys, screen fencing is permitted along the rear yard setback line. Materials can include wood or wire fencing, stone or brick walls, hedges, or other material approved with the Development Plan. Walls and fences can be softened with vines and plantings. Gates are permitted as well as arbors.

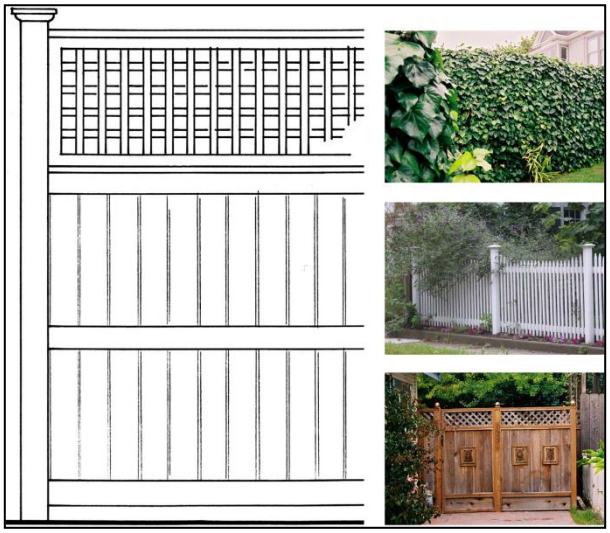


Figure 5-74: These are examples of fences and hedges typically found in side and rear yards of TNDs that serve to create a sense of privacy when dwellings are in close proximity.

(c) Landscape Walls and Grade Transition

Steps set in low landscape walls, known as grade transition walls, may be used to delineate public and semi-private realms. Grade transition walls range from one to two feet tall, and are generally built of stone or brick capped with stone. . Fences or walls shall be completed in accordance with the standards in Subsection 5.6, Fences and Walls.

Figure 5-75: A typical retaining wall (left) and a sloped front yard (right).

(d) Planting

(i) Hedges may be used along property lines to create an 'outside room.'

(ii) Grade transition walls may be replaced by a heavily landscaped slope or a low hedgerow.

Figure 5-76: Front yard planting creating an outside room (left) and typical foundation planting (right).

5.3.10 Transit Oriented Development (TOD)

(1) Purpose and Intent

(a) Create pedestrian-friendly development within walking distance to a transit station so that residents, shoppers, and workers can get around without using an automobile.

(b) Allow for a compact mix of different land uses including living, working, shopping, and recreation in proximity to one another and to transit services.

(c) Establish areas of sufficient residential density to support transit in areas proximate to transit stations.

(2) Procedure

Transit Oriented Development shall be subject to the standards in this subsection and Subsection 2.4.2, Planned Unit Developments.

(3) Standards

(a) General Standards

(i) **Building Footprints**

No building within a TOD shall have a primary façade length exceeding 200 linear feet.

(ii) **Block Standards**

No block shall exceed 600 feet in length or 220 feet in width, and sidewalks through the block shall be provided mid-block for all blocks exceeding 400 feet in length.

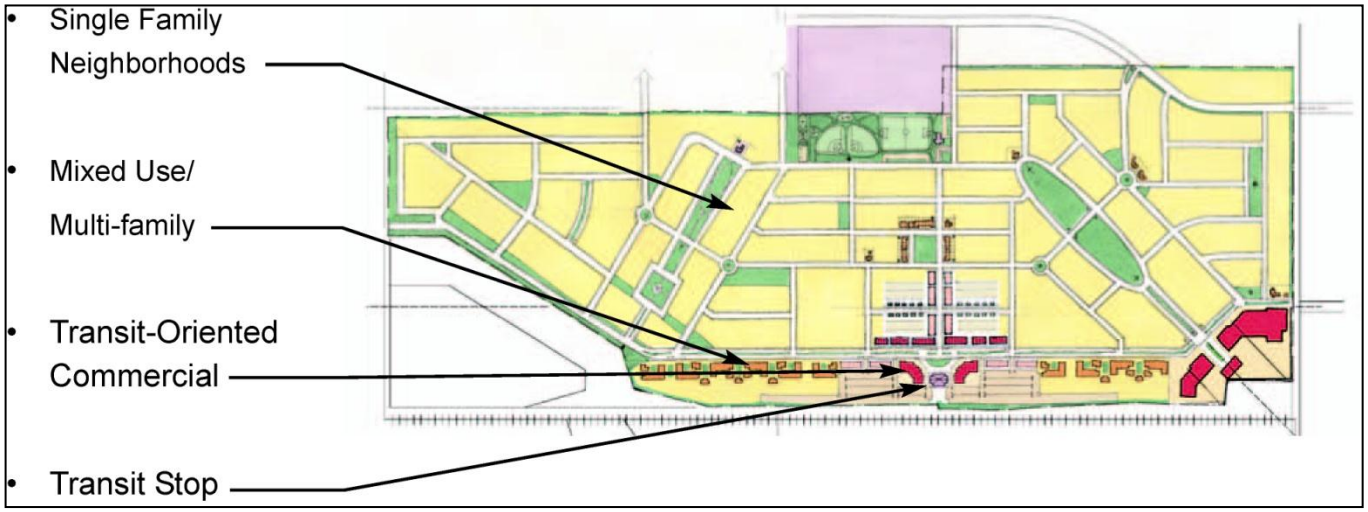


Figure 5-77: This illustration depicts how the blocks, buildings, and uses within a transit oriented development are organized to take advantage of these special areas.

(iii) **Viability and Availability of Transit**

A.) Upon application for a TOD, the applicant shall provide a notarized statement verifying that the proper authority has been notified of the proposed TOD. Such authorities include, but are not limited to:

1. The Franklin Transit Authority;
2. Nashville Regional Transportation Authority; or
3. The Nashville Metropolitan Planning Organization.

B.) A statement confirming the viability and availability of the affected mode(s) of transit shall be obtained from the appropriate authority.

(iv) **Zoning Districts**

Zoning districts permitted within a TOD are the MN, ML, and MX Districts.

(v) **Parking**

A.) The amount of off-street parking provided for a use within a TOD shall not exceed 25 percent of the minimum amount of parking required as depicted in Table 5-9, Minimum Off-Street Parking Standards. For the purposes of this subsection, parking spaces located within parking structures are exempt from this requirement.

B.) A minimum of one bicycle parking space per attached dwelling unit and one space per 2,000 square feet of gross nonresidential square footage shall be required.

(b) Residential Standards

(i) TODs shall maintain a minimum gross density of 15 dwelling units per acre in areas 1,200 feet or less from transit stops.

(ii) At least 75 percent of the dwelling units within 1,200 feet from transit station shall be in attached residential or mixed-use structures.

(iii) The primary façades of all attached residential structures shall be built to the edge of the right-of-way they front.

(iv) Residential development on lots within a TOD shall be subject to the traditional area standards in this chapter.

(c) Nonresidential and Mixed-Use Standards

(i) Drive through and automobile fuels sales uses are prohibited.

(ii) Nonresidential and mixed-use development on lots within a TOD shall be subject to the traditional area standards in this chapter.

5.3.11 Design Modifications

(1) Appeal of Design Standards

(a) Design modifications may only be granted by the Planning Commission to the development standards of Chapter 5, Section 5.3 Building and Site Design Standards as part of the Development Plan, or Site Plan review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to review.

(b) An applicant may request a design modification for developments in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to. Design modifications may be granted under the provisions of subsection 2, below.

(c) Generally, design modifications are limited to minor changes of the provisions set forth in Chapter 5, Section 5.3.

(d) No design modification shall be granted under this section that would impact overall bulk lot requirements: for example, decrease the landscape surface ratio, decrease the number of required parking spaces, decrease the amount of required on-site landscape material, or decrease the required open space.

(2) Findings

A request for design modification shall be submitted in writing by the applicant along with the initial filing of a plan. The request shall state fully the grounds for the request and all of the facts upon which the applicant is relying. The Planning Commission, shall not grant a design modification unless it is found that the applicant has presented sufficient justification and documentation that:

(i) The design modification will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;

(ii) The conditions upon which the request is based are unique to the design intent for the development which the design modifications are sought and are not applicable generally to other property;

(iii) The design modification is necessary because of the particular design intent of the development, which would not be achievable if strict adherence to these requirements was carried out; and

(iv) The design modification will not vary the provisions of the Franklin Land Use Plan.

(3) Conditions

In granting design modifications, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this ordinance.

(4) Application Review and Action

Applications for a design modification exception shall be reviewed and acted upon by the Franklin Municipal Planning Commission.

5.4 LANDSCAPE, BUFFERS, AND SCREENING

5.4.1 Purpose and Intent

It is the purpose of this section to promote and protect the public health, safety and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs and other plants within the city. The intent of this section is to promote this purpose by:

(1) Ensuring the planting, proper installation, maintenance, and survival of trees, shrubs, and other plants;

(2) Ensuring the protection of community residents and visitors from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs, or other plants;

(3) Reducing stormwater impacts and the costs associated therewith while also mitigating against erosion and sedimentation through the establishment of root systems and appropriate groundcovers intended to protect and restore soils and land denuded as a result of construction, grading, or other land disturbing activity;

(4) Enhancing the appearance and visual quality of the built landscape through the use of an appropriate variety of plant types, sizes, species, and placement, while also providing visual screening of service areas; and

(5) Protect and enhance property values and quality of life through the buffering of incompatible uses, softening of the built environment through plantings, and integration of existing vegetation.

5.4.2 Applicability of Landscape Standards

(1) General

Except where expressly exempted, these standards shall apply to all development and redevelopment.

(2) Review for Compliance

Review for compliance with the standards of this subsection shall occur at the time of submittal of a Site Plan, Preliminary Plat, or Development Plan, as appropriate.

5.4.3 General Requirements for Landscape

(1) Landscape Plan

In order to ensure compliance with the standards of this subsection, a Landscape Plan that demonstrates how landscape will be planted on a development site shall be included with or as a part of any application for Site Plan, Preliminary Plat for Subdivision, or Development Plan, whichever is appropriate.

(2) Planting Standards

Plantings shall comply with the following standards:

(a) Minimum Size at Time of Planting

(i) Deciduous canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004.

(ii) Understory trees shall have a caliper of one and one-half inches at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004. Multi-stem varieties shall be a minimum of ten feet in height above ground level at the time of planting.

(iii) Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.

(iv) Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting, and shall typically grow to a minimum height of five to six feet within four years.

(v) In cases where an aggregate caliper inch (ACI) requirement is used to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:

A.) Use a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard in order to meet the required ACI; or

B.) Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard.

When trees exceeding the minimum size at time of planting standard are proposed, the minimum caliper of such trees shall be clearly noted on the Site Plan or Development Plan (as appropriate).

(vi) In cases where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs to be provided shall be rounded upwards to the next highest whole number.

(b) Plant Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

(i) When fewer than 20 trees are required on a site, at least two different genus shall be used, in roughly equal proportions.

(ii) When more than 20 but fewer than 40 trees are required to be planted on site, at least three different genus shall be used, in roughly equal proportions.

(iii) When 40 or more trees are required on a site, a minimum of four different genus shall be used, in roughly equal proportions.

(iv) Required shrubs shall use the same plant diversity requirements.

(v) Nothing in this subsection shall be construed to prevent the use of a larger number of different genus than specified above.

(c) Credit for Existing Vegetation

Existing healthy, well-formed canopy and understory trees as well as healthy shrubs shall be credited toward the requirements of this subsection, provided the vegetation is:

(i) Surveyed, inventoried, and protected before and during development of the site in accordance with Subsection 5.2.7, Tree Protection During Construction;

(ii) Located in suitable locations to meet the standards of this subsection; and

(iii) Maintained thereafter in a healthy growing condition.

(d) Stabilization

All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(e) Berms

(i) Berms are discouraged as a landscape or screen feature on lots in traditional areas and within mixed-use developments, except where extensive buffering is needed, such as lots abutting major thoroughfares, or where Traditional Areas abut Conventional Areas.

(ii) Where allowed, berms shall comply with the following standards:

A.) The slope of all berms shall not exceed a three-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.

B.) Berms exceeding four feet in height shall maintain a four-to-one ratio (horizontal to vertical).

C.) Berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

D.) Berms proposed to be placed along street rights-of-way shall not be permitted within sight distances at intersections.

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

(f) Planting in Easements

Nothing except shrubs or groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the written consent of the utility provider, easement holder, or the city.

(g) Minimum Quality and Size Standards

(i) All newly planted landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1).

(ii) All Type 1, 2, and 3 Trees (as defined in ANSI Z60.1) used to meet the requirements of this subsection shall have the following characteristics:

A.) Deciduous trees shall have one dominant trunk with the tip of the leader on the main trunk left intact and the terminal bud on the central leader at the highest point on the tree;

B.) Trees with forked trunks are acceptable if all the following conditions are met:

1. The fork occurs in the upper one-third of the tree;

2. One fork is less than two-thirds the diameter of the dominant fork; and
3. The top one-third of the smaller fork is removed at the time of planting;

C.) No branch is greater than two-thirds the diameter of the trunk directly above the branch;

D.) Several branches are larger in diameter and obviously more dominant;

E.) Branching habit is more horizontal than vertical, and no branches are oriented nearly vertical to the trunk; and

F.) Branches are evenly distributed around the trunk with no more than one major branch located directly above another and the crown is full of foliage that is evenly distributed around the tree.

(iii) Unless otherwise approved by the Department of Planning and Sustainability, all plant materials used to meet the landscape, buffers, or screening requirements in this subsection shall be listed in the city's approved plant materials list in the Administrative Manual.

(iv) Unless otherwise approved by the Department of Planning and Sustainability, all plant materials used to meet the landscape, buffer, or screening requirements in this subsection shall be installed and maintained per the planting specifications and details in the Administrative Manual.

(v) The following plants shall be prohibited and shall not be credited towards the minimum requirements of this subsection:

A.) Plants listed on the current edition of the *Invasive Exotic Pest Plants of Tennessee*, as published by the Tennessee Exotic Pest Plant Council;

B.) Pyrus calleryana 'Bradford', commonly known as a Bradford Pear tree;

C.) Acer saccharinum, commonly known as a Silver Maple tree; and

D.) Euonymus kiautschovicus, commonly known as the Manhattan Euonymous shrub.

5.4.4 Site Landscape

(1) Purpose

Site landscape material is intended to soften the visual impact of building foundations and provide for the even dispersal of trees and shrubs across a development site.

(2) Applicability

All development in the city shall comply with the standards in this subsection.

(3) Standards

Development shall comply with the requirements in Table 5-4, Site Landscape Requirements:

TABLE 5-4: SITE LANDSCAPE REQUIREMENTS

Type of Landscape Material	Lot Type				
	Detached Residential (by lot size)			Formal & Informal Open Space Lots (ACI/acre) [1] [2] [3] [4]	Nonresidential and Mixed-use (ACI/acre) [1] [2] [4]
	< 10,000 sq. ft.	10,000-30,000 sq. ft.	> 30,000 sq. ft.		
Aggregate Caliper Inches (ACI) of Canopy Trees	6	12	18	60	82
Aggregate Caliper Inches (ACI) of Understory Trees	N/A	N/A	N/A	9	21
Minimum Number of Shrubs	N/A	N/A	N/A	50	96

NOTES:
[1] No more than 75 percent of each type of landscape material shall be deciduous.
[2] Portions of sites used for athletic fields, golf courses, cemeteries, riparian buffers, forests, natural areas, scenic viewsheds, agricultural uses, and other uses where new trees and shrubs are not appropriate may be exempt from these standards if, in the opinion of the Department of Planning and Sustainability, the application of the requirements would serve no meaningful purpose; however, the requirements shall apply to the remainder of the site.
[3] Based on the unforested acreage of the open space lots only. Applicants wishing to receive credit for forested areas maintained in accordance with Subsection 5.2.4, Tree Canopy Retention, shall apply the ACI requirements to the gross acreage of the open space lots.
[4] Applicants wishing to receive credit for forested areas developed in accordance with Subsection 5.2.4, Tree Canopy Retention, shall apply the ACI requirements to the gross acreage of the open space lots or site area, whichever is applicable.

(4) Credit Toward Other Landscape Requirements

(a) Existing trees retained within a Tree Protection Zone (See Section 5.2.4, Tree Canopy Retention.) may be credited towards the requirements of this subsection. Existing trees over 14 inches DBH shall receive enhanced credit of 1.25 times the actual DBH of the tree.

(b) Street trees provided along the frontage of a lot may be credited towards the requirements of this subsection provided they are not replacement trees provided as mitigation.

(5) Foundation Planting Requirements

On lots containing nonresidential and mixed-uses, when a building is not abutted by sidewalk, shrubs shall be placed around the building perimeter of the primary facade, a minimum of three feet from the building.

Figure 5-78: Shrubs are typically placed along building foundations on primary façades for nonresidential and mixed-use structures.

5.4.5 Vehicular Use Area Landscape

(1) General Standards

All vehicular use areas within the city (including but not limited to parking spaces, aisles, loading zones, and driveways) associated with nonresidential and attached residential development shall include landscape materials both inside the vehicular use area and around its perimeter as a means of mitigating its microclimate and visual impacts.

Figure 5-79: Off-street surface parking lots without interior and perimeter landscape are unattractive to pedestrians and give the impression of low development quality.

(2) Interior Landscape Standards

(a) General Interior Landscape Standards

Except for parking structures, all off-street surface parking lots shall provide and maintain landscaped planting areas within the interior of the parking lot in accordance with this subsection.

(b) Size

Each planting area shall contain minimum areas in accordance with this subsection that are adequate to accommodate the root growth of the plant material used. The size of the planting area and size of plant material at maturity shall allow for a two-and-one-half foot bumper overhang from the face of the curb.

Figure 5-80: Figure Deleted.

(c) Design

Vehicular use areas shall comply with the following standards:

(i) Within off-street surface parking lots of 24 spaces or more, landscape islands shall be located at least every 12 parking space intervals and at the end of parking bays, each with a minimum width of at least eight feet, and a minimum pervious area of at least 250 square feet per tree planted within the island. However, the minimum pervious area shall not apply if the landscape island does not contain a tree.

(ii) Off-street surface parking areas of 100 or more spaces shall be organized into a series of smaller modules separated by landscaped islands with a minimum width of eight feet, located at least every four parking bays to accommodate stormwater quality features, trees, shrubs, groundcover, or light poles. Such landscape islands shall be at least 18 feet wide if they contain a pedestrian pathway as required in Subsection 5.9.9, Pedestrian Pathways.

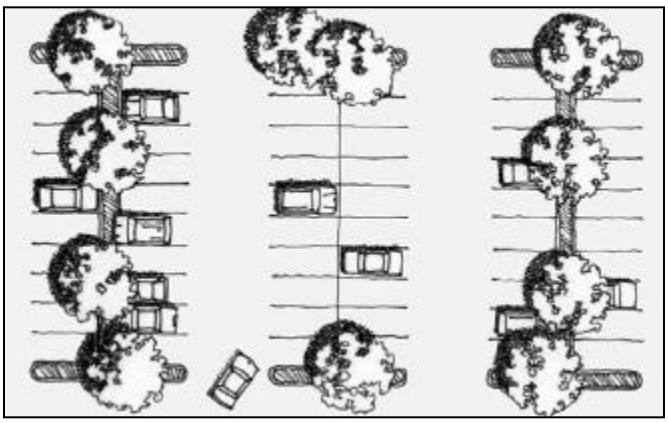


Figure 5-81: Larger surface parking lots can be visually divided up into a series of smaller parking areas through the use of lengthwise landscaped islands.

(iii) No parking space shall be separated from the trunk of a canopy tree by more than 60 feet Perimeter vehicular use area landscape or other required landscape may be used to meet this requirement.

(iv) All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(d) Screened Backfill

Soil used in parking lot islands, driveway medians, and other areas internal to a vehicular use area shall be screened prior to deposition in planting areas. Construction debris shall not be buried on site.

(e) Protection of Planting Areas

All planting areas shall be protected from vehicle damage by the installation of six-inch-high curbing; however, this standard shall not prohibit the use of planting areas as on-site stormwater management devices.

Figure 5-82: Curbing or other devices can help to define landscape islands in parking lots and help to limit damage to landscape materials by vehicles.

(3) Perimeter Landscape Standards

In addition to the interior landscape standards, vehicular use areas shall be screened from view of public streets and adjacent uses in accordance with the following standards:

(a) Continuous Visual Screen

Perimeter landscape for vehicular use areas shall form a continuous visual screen excluding required sight clearances at driveways and areas needed for ingress and egress.

(b) Minimum Standards

(i) **Traditional Areas**

A.) Vehicular use areas on lots within traditional areas shall maintain a minimum perimeter planting strip with an average width of four feet as measured from the outer edge of the vehicular use area.

B.) The planting strip shall contain a continuous hedge composed of a double staggered row of evergreen shrubs with a minimum planting height of 30 inches and a maximum on-center spacing of three feet.

C.) The minimum planting strip width may be reduced to a minimum width of two feet through the provision of a masonry wall or ornamental metal fence constructed in accordance with the standards in Subsection 5.6.6, Fences and Walls for Screening Vehicular Use Areas.

Figure 5-83: The visual impact of surface parking areas can be minimized through the provision of landscaping materials. This image depicts a surface parking lot lacking adequate perimeter landscape.

(ii) **Conventional Areas**

A.) Vehicular use areas on lots within conventional areas shall maintain a minimum perimeter planting strip with an average width of eight feet as measured from the outer edge of the vehicular use area.

B.) The planting strip shall contain a continuous hedge composed of a double staggered row of evergreen shrubs with a minimum planting height of 30 inches and a maximum on-center spacing of three feet.

C.) Up to 25 percent of the shrubs may be deciduous, but in no event shall deciduous shrubs be used in areas fronting public street rights-of-way.

D.) In addition to the required shrubs, the planting strip shall include canopy trees a minimum of two inches in caliper and 12 feet in height at time of planting

E.) Canopy trees shall be provided at a rate of two and one-half trees per 100 linear feet of the perimeter of the total vehicular use area(s). Clustering or grouping of these trees is permitted.

F.) Understory trees may be used in areas where the presence of overhead utilities prevents the use of canopy trees.

G.) Trees may be planted in front of, behind, or within the hedge, as long as a continuous hedge is maintained.

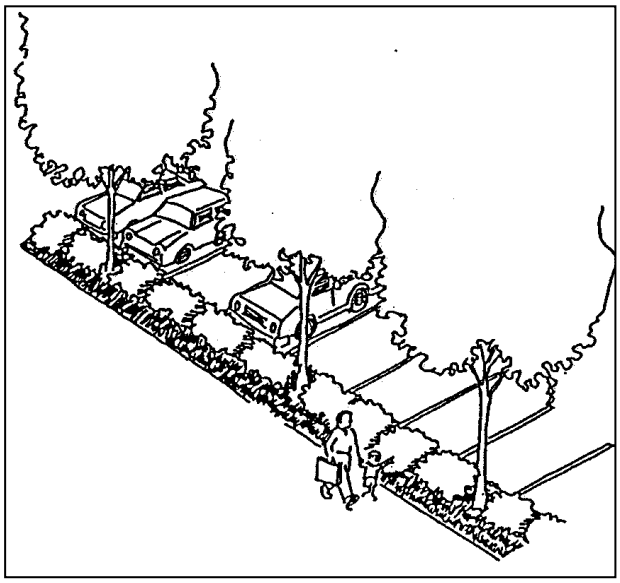


Figure 5-84: A continuous hedge and canopy trees can help to soften the perimeter of vehicular use areas.

H.) The minimum planting strip width may be reduced to five feet through the provision of an ornamental metal fence or masonry wall constructed in accordance with the standards in Subsection 5.6.6, Fences and Walls for Screening Vehicular Use Areas.

I.) Vehicular use areas on lots located on major intersections of arterial streets or arterial streets and collector streets shall provide a wall or fence in accordance with Subsection 5.6.6, Fences and Walls for Screening Vehicular Use Areas.

(c) Adjacent to Buffers or Streetscape Landscape Areas

Perimeter landscape strips associated with a vehicular use area shall not be required if the vehicle use area is contiguous to a required buffer and the screening intent of this chapter is met.

(d) Adjacent to Off-Street Surface Parking on Other Lots

In cases where two or more off-street surface parking lots are located adjacent to one another, but upon different lots, no perimeter landscape materials shall be required between two parking lots. However, if the combination of the existing and proposed parking lots creates 100 or more spaces, the parking lots shall be organized into a series of smaller modules separated by landscaped islands located at least every four parking bays to accommodate stormwater quality features, trees, shrubs, groundcover, or light poles.

5.4.6 Buffers

(1) Purpose

Landscape buffers are intended for use when the impacts of incompatible uses cannot be mitigated through design compatibility concepts or transitional features.

(2) Applicability

Landscape buffers designed in accordance with the standards in this subsection shall comply with the following standards:

(a) Traditional Areas

Buffers are not required between lots located within traditional areas, except when subject to the standards in Section 5.7, Protection of Historic Lands and Structures.

(b) Conventional Areas

(i) Except within a mixed-use development, a buffer shall be provided in accordance with Table 5-5, Minimum Buffer Standards.

(ii) Buffers are prohibited between uses in the same mixed-use development.

(iii) Buffers shall be required between lots containing existing or intended residential and nonresidential or mixed-uses in conventional areas, and when standards in Section 5.7, Protection of Historic Lands and Structures apply.

(3) Minimum Standards

Buffers shall:

(a) Include a minimum width in accordance with Table 5-5, Minimum Buffer Standards;

(b) Incorporate the minimum quantity of trees and shrubs in accordance with Table 5-5, Minimum Buffer Standards;

(c) Arrange required plantings in a manner that provides the maximum possible visual separation between adjacent land uses, including the massing of shrubs in rows or groups as needed to achieve the maximum screening effect;

(d) Incorporate a minimum of 40 percent of the required trees as canopy trees, except understory trees may be used in areas with existing overhead utilities;

(e) Ensure that at least 50 percent of the required trees are of an evergreen variety; and

(f) Ensure that at least 75 percent of the shrubs are evergreen.

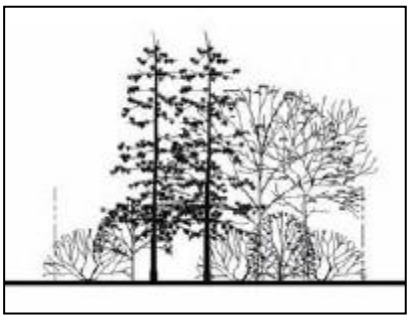


Figure 5-85: Buffers shall be arranged to provide the maximum possible visual separation between adjacent land uses.

(4) Types of Buffers

Table 5-5, Minimum Buffer Standards, describes the three different types of landscape buffers, their minimum required widths, and the minimum number of required trees and shrubs per every 100 linear feet of buffer required. The use of a particular type of buffer shall depend upon the types of uses separated by the buffer as depicted in Table 5-6, Buffer Class Application.

TABLE 5-5: MINIMUM BUFFER STANDARDS

Site Area (acres)	Class A Buffer			Class B Buffer			Class C Buffer		
	Minimum Buffer Width (feet)	Trees (#/100 linear feet)	Shrubs (#/100 linear feet)	Buffer Width (feet)	Trees (#/100 linear feet)	Shrubs (#/100 linear feet)	Buffer Width (feet)	Trees (#/100 linear feet)	Shrubs (#/100 linear feet)
Less than 0.5	40	13	80	22	10	60	10	7	40
0.5	43	13	80	25	10	60	12	7	40
1.0	46	13	80	27	10	60	14	7	40
1.5	49	13	80	30	10	60	16	8	40
2.0	52	13	80	33	11	60	18	8	40
2.5	55	13	80	36	11	60	20	8	40
3.0	58	14	80	38	11	60	22	9	40
3.5	61	14	80	41	11	60	24	9	40
4.0	64	14	80	43	12	60	26	9	40
4.5	67	14	80	46	12	60	28	10	40
5.0	70	14	80	49	12	60	30	10	40
5.5	73	14	80	51	12	60	32	10	40
6.0	76	14	80	54	13	60	34	11	40
6.5	79	14	80	57	13	60	36	11	40
7.0	82	15	80	59	13	60	38	11	40
7.5	85	15	80	62	13	60	40	11	40
8.0	88	15	80	65	14	60	42	12	40
8.5	91	15	80	67	14	60	44	12	40
9.0	94	15	80	70	14	60	46	12	40
9.5	97	15	80	72	14	60	48	12	40
10 or more	100	16	80	75	15	60	50	13	40

(5) Buffer Class Application

Table 5-6, Buffer Class Application in Conventional Areas, specifies the type of landscaped perimeter buffer that must be installed by a developing use based on the adjacent existing or intended use.

TABLE 5-6: BUFFER CLASS APPLICATION IN CONVENTIONAL AREAS
A = Type A Buffer B = Type B Buffer C = Type C Buffer
Shaded Cell = No buffer required

Developing Use [1]	Existing Use or Base District							
	Detached Residential Use or District	Attached Residential Use or District	Mixed-Use or Mixed-Use District	Institu-tional Use or District	Office Use or District	Com-mercial Use or District	Public Park or Green-way	Historic Land or Struc-ture
Detached Residential	[3]							[2]
Attached Residential	C							[2]
Mixed-use	B	C					B	[2]
Institutional	B	B	T				C	[2]
Office	B	C	C, T				C	[2]
Commercial	B	C	C, T				C	[2]
Industrial	A	A	B	B	C	C	A	[2]

NOTES:
[1] Buffers are not required between lots within traditional areas, on developing traditional lots that border lots in conventional areas, and between uses or lots within a single mixed-use development.
[2] Except for Traditional Neighborhood Development, buffers are required on lots subject to the standards in Section 5.7, Protection of Historic Structures and Lands. During its review, the HZC shall determine whether an Type A, B, or C buffer is warranted depending upon the level of impact.
[3] In cases where lot sizes are not consistent with the requirements in Section 5.3.5(2)(b), a Class C Buffer shall be provided.

(6) Responsibility for Buffer Installation

(a) Vacant Parcels

Where a developing parcel is adjacent to a vacant parcel, the developing parcel shall provide 100 percent of the perimeter buffer required adjacent to the vacant land.

(b) Existing Land Uses

(i) Where a developing parcel is adjacent to an existing use, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use.

(ii) Where all or part of a perimeter buffer exists on the adjacent developed parcel, but the buffer does not fully comply with the standards of this subsection, the developing parcel shall be responsible for providing all the additional planting material necessary to meet the standards of this subsection.

(iii) If the existing developed parcel contains a buffer meeting the standards of this subsection, then the developing use is not required to provide a buffer.

(c) Adjacent to Nonconforming Sites

Where a developing parcel is adjacent to an existing lawfully established use that is more intense and has no buffer, then the developing use shall only be responsible for providing a maximum of 50 percent of the required landscape buffer.

(7) Location of Buffers

Buffers required by this subsection shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line; however, the buffer may be located along shared access easements between parcels in nonresidential developments.

(8) Reduction in Buffer Width

(a) The minimum width of a required buffer may be reduced by up to 25 percent with the provision of a wall or fence meeting the standards in Subsection 5.6.8, Fences and Walls Within Buffers.

(b) The utilization of a berm shall permit a reduction in the minimum width of a buffer by up to 25 percent provided the berm complies with the standards in this subsection:

(c) If the land use relationships between two abutting lots change so that a lesser buffer would be required, the minimum width of the required buffer may be reduced accordingly.

(d) If a required perimeter landscape buffer abuts a public alley, then up to one-half of the alley width may be credited towards the buffer minimum width requirement.

(9) Reduction in Required Plantings

(a) Shrub requirements may be reduced by up to 50 percent through the provision of a fence or wall.

(b) Shrub requirements maybe reduced by 25 percent through the provision of a berm.

(c) Up to 25 percent of the shrubs within a buffer may:

(i) Be deciduous; and

(ii) Be two feet tall at the time of planting with an expected height between three and four feet within four years.

(d) Shrubs planted on a berm may be less than two feet high at the time of planting provided the combined height of the berm and the shrubs planted upon it equal or exceed six feet within four years of planting.

(e) The number of required trees shall not be reduced through the provision of a fence, wall, or berm.

(f) If a required buffer is located immediately adjacent to a public park or greenway, and the city accepts dedication of the land associated with the required buffer for inclusion within the park or greenway, then the Department of Planning and Sustainability may, in its discretion, waive the requirement for landscape material, if such material is not consistent with the layout, landscape, or programming of the public park or greenway, or does not serve to buffer incompatible uses.

(10) Increase in Required Plantings

Additional buffering may be required if the inspection for release of a Performance Agreement reveals that the buffering fails to meet the standards or intent of this subsection. In no case shall the additional buffering and screening material, combined, exceed 10% of the total estimated cost of the landscaping on the site.

(11) Development Within Required Buffers

(i) The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this subsection or that require removal of existing vegetation, unless otherwise permitted in this ordinance.

(ii) The following items shall be permitted within buffers provided that, in the opinion of the Department of Planning and Sustainability, the intent of the buffer is not compromised and damage to existing vegetation is minimized:

A.) Sidewalks, trails, and bike paths;

B.) Fences and walls;

C.) Required landscape;

D.) Stormwater retention or detention facilities and best management practices, provided they do not interfere with the performance and maintenance of the buffer area; and

E.) Driveway or parking lot drive aisles, provided they cross the buffer at a 90 degree angle to the buffer or do not encroach into the buffer in a parallel fashion for more than 35 feet.

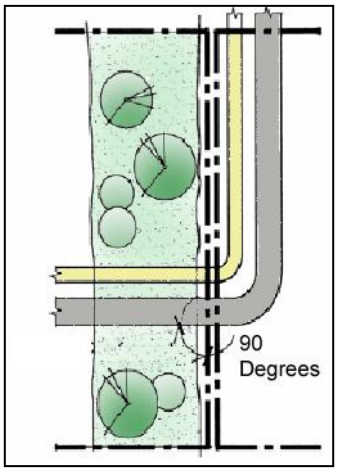


Figure 5-86: This diagram illustrates how encroachments such as driveways or parking lot drive aisles located within a buffer can be configured to minimize their impact by crossing such buffers at a 90 degree angle.

(iii) In the event that utility lines are installed within a buffer in a manner that is parallel to the buffer, additional width shall be added to the buffer in an amount equivalent to the amount occupied by the utility lines and any associated easements. Any path cleared by utility installation shall be replaced with plant materials consistent with what was removed.

(iv) Vehicular use areas, buildings, dumpsters, outdoor storage, golf courses, play fields, stables, swimming pools, tennis courts, and similar recreational facilities shall be prohibited within buffers.

(12) Credit for Existing Vegetation

Existing vegetation meeting the minimum size at time of planting standards in this subsection that is located within the required buffer area may be credited toward the buffer standards. In the event existing vegetation is proposed for credit towards the standards in this subsection, but is not listed on the city's approved plant list, the amount of available credit shall be at the discretion of the Department of Planning and Sustainability based on the quality, projected longevity, function of the vegetation as a buffer, and similar factors.

5.4.7 Street Buffers

(1) Purpose

The purpose for the street buffer requirements is to limit or mitigate the undesirable effects of street traffic on lots adjacent to Mack Hatcher Parkway and Interstate 65.

(2) Applicability

Development on lots that abut Mack Hatcher Parkway and Interstate 65 shall provide street buffers between the edge of the street right-of-way and the uses on the lot in accordance with this subsection.

(3) Standards

(a) Development subject to this subsection shall provide at least 24 aggregate caliper inches (ACI) of canopy trees per every 100 linear feet of lot line adjacent to Mack Hatcher Parkway or Interstate 65.

(b) In areas where overhead utilities exist, understory trees may be substituted for canopy trees.

(c) At least 50 percent of the ACI shall be evergreen trees.

(d) Streetscape areas shall have the following minimum widths:

(i) 30 feet along Mack Hatcher Parkway; and

(ii) 40 feet along Interstate 65.

(e) Off-street parking spaces or structures shall not be located within the street buffer area.

(f) Portions of the street buffer area not occupied by trees or other allowable forms of development shall include grass or other appropriate ground cover.

(4) Modifications

These standards may be modified or reduced by the Department of Planning and Sustainability in cases where existing vegetation located within a Tree Protection Zone already meets the requirements of this subsection, or where topographical or environmental constraints make compliance with these standards impractical.

(5) Credit for Existing Vegetation

Existing vegetation meeting the minimum size at time of planting, located within a Tree Protection Zone, and located within the areas occupied by a street buffer shall be credited towards the requirements of this subsection. Vegetation in adjacent public rights-of-way shall not be considered in meeting the requirements of this subsection.

5.4.8 Street Trees

(1) Where Required

Street trees shall be required along both sides of all streets except rural roads, alleys, and the undeveloped edges of neighborhood parkways in accordance with the following standards:

(2) Location

(a) Within Tree Pits

(i) Street trees planted within tree pits shall have a minimum planting surface area of at least nine square feet.

(ii) Tree pits shall be located within sidewalk areas, and may be placed adjacent to the back of the curb.

(iii) Tree pits shall include irrigation systems and shall include structural soils or screened backfill to ensure appropriate root growth and drainage.

Figure 5-87: When planted within tree pits, street trees need sufficient room for water absorption and root growth.

(b) Within a Planting Strip

(i) Street trees may be planted within a planting strip having a minimum width of at least five feet; however, if the width of the planting strip is increased to 8 feet, a lot may count the area of the planting strip within the adjacent right-of-way towards meeting open space and landscape surface area requirements.

(ii) Unless otherwise approved, the street tree planting strip shall be located between the back of the curb and the edge of the sidewalk.

(iii) The trunks of street trees shall be a minimum of two and one-half feet from the street curb when planted.

Figure 5-88: Street trees located between the sidewalk and the street help support a pedestrian-friendly environment.

(3) Species

(a) Except in areas underneath existing overhead utilities or upper-story balconies projecting into the right-of-way, street trees shall be large-maturing canopy trees.

(b) In areas beneath existing overhead utilities or other building features, understory trees shall be used. Nothing in this subsection shall preclude the use of multi-stemmed understory trees provided they meet the minimum size at time of planting requirements in this subsection.

Figure 5-89: Understory trees may be used in areas underneath existing overhead utilities, with the consent from the utility and/or easement holder.

(4) Spacing

(a) Traditional Areas

Canopy trees shall be planted between 35 to 40 feet on-center.

(b) Conventional Areas

Canopy trees shall be planted between 40 to 50 feet on-center.

(c) Understory Trees

Understory trees in traditional and conventional areas shall be planted between 25 to 30 feet on-center.

(d) Clustering

Clustering of street trees is permitted when utility conflicts or required sight distances prevent the minimum spacing requirements.

(5) Sign Visibility

(a) Application

These standards are to intended establish street tree configurations that maintain adequate sight distance for traffic control signs. Typical sign types include mid-block crossing warnings, speed limit signs, stop signs and yield signs. These standards recognize that different criteria are needed for different travel speeds.

(b) Speed Limit 25 streets

On streets with a designated speed limit of 25 mph, no tree shall be located closer than 45 feet in front of the sign as measured horizontally along the street.

Figure 5-90: Street trees should not obstruct the view of traffic control signage.

(c) Speed Limit 30 or 35 streets

On streets with a designated speed limit of 30 to 35 mph, no tree shall be located closer than 60 feet in front of the sign as measured horizontally along the street.

(d) Speed Limit 40 and above streets

On streets with a designated speed limit of 40 mph or higher, no tree shall be located closer than 75 feet in front of the sign as measured horizontally along the street.

(e) Trees Closer to the Signs

In cases where street trees are located closer to traffic control signage than the minimum distances in (b), (c), and (d) above, the vertical clearance between the grade and the lowest branches shall be at least ten feet, and no street tree shall be closer than 25 feet to the sign.

(f) Curb Extensions and Bulbouts

These standards shall not apply when traffic control signs are located within curb extensions or bulbouts that are closer to the street's travel lanes than tree planting areas.

(6) Credit Towards Other Landscape Requirements

(a) In the event that street trees are credited towards the site, vehicular use area, buffer, streetscape, or screening requirements of this subsection as applied to individual lots, the landowner or the home/property owner's association shall be responsible for maintaining the trees.

(b) In the event that street trees are credited towards the requirements of this subsection as applied to an entire development, the landowner owning land adjacent to the trees or the home/property owner's association shall be responsible for maintaining the trees.

5.4.9 Screening

(1) Purpose and Intent

The purpose for these screening standards is to conceal specific areas of high visual impact or hazardous areas from off-site views. The standards apply to ground-based, wall-mounted, and roof-based equipment and service areas associated with development in traditional and conventional areas. The standards are further intended to:

(a) Provide both visual and physical separation of site attributes and adjacent lands;

(b) Not dominate off-site views into a development or use; and

(c) Be compatible with the surrounding environment.

(2) Applicability

(a) These screening standards shall apply to all development and redevelopment in the city.

(b) In the event there are other screening standards applicable in a base or overlay district that conflict or overlap with the standards in this subsection, the standards related to the base or overlay district shall control.

(3) Items to be Screened

The following areas shall be screened in accordance with this subsection:

(a) Refuse collection, dumpsters, recycling bins, and refuse handling areas;

(b) Service entrances, maintenance areas, equipment areas, and building or ground-mounted mechanical equipment, including, but not limited to transformers, backflow preventors, telephone risers or equipment cabinets, generators, or similar devices;

(c) Mechanical equipment on roofs;

(d) Water meters, gas meters, electrical meters, air conditioning, or similar HVAC equipment;

(e) Loading docks, berths, or similar spaces; however, those in a LI or HI District that do not front collector or arterial streets shall be exempt; and

(f) Outdoor storage of materials, stock, or equipment where permitted by this ordinance.

Figure 5-91: The image depicts how ground-based equipment located above grade can be screened from view.

(4) Minimum Screening Standards

(a) Site elements and other items required to be screened shall be fully screened from all off-site views so that no portion of the item being screened is visible from streets or adjacent lands.

(b) Site elements subject to this subsection shall be fully screened at all times (including immediately following planting if vegetative materials are to be used), unless otherwise specified, regardless of adjacent uses, districts, or other landscape material.

(c) Refuse collection, dumpsters, recycling bins, and refuse handling areas shall be screened with a walled enclosure with gates in accordance with the standards in this subsection.

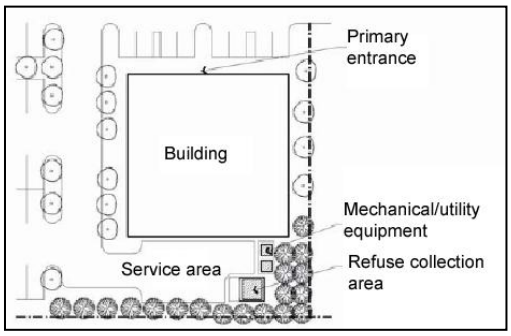


Figure 5-92: Site elements like refuse collection areas, mechanical and utility equipment, and other service areas can be screened with walls or vegetation.

(5) Screening Methods

The following techniques are permitted methods of complying with the minimum standards of this subsection:

(a) Traditional Areas

The following methods of screening may be used in traditional areas:

(i) **Vegetative Materials**

Vegetative materials may be used for screening provided:

A.) Vegetative materials are planted in two rows in staggered fashion;

B.) All trees shall be evergreen with a minimum height at time of planting of at least six feet above grade;

C.) All shrubs shall be upright and evergreen with the minimum height necessary to fully screen the item intended for screening (but no less than 30 inches in height) at the time of planting;

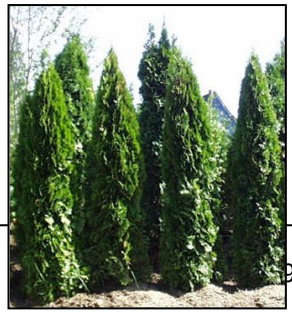


Figure 5-93: This image demonstrates how vegetative material used for screening can create an opaque screen from grade level up to a minimum height of six feet when planted in two staggered rows.

D.) Shrubs shall be spaced so as to create a hedge and spaced no more than three feet on-center; and

E.) Vegetative material shall be provided in a planted strip located immediately adjacent to the element being screened, having a minimum width of five feet and supplemented with mulch or other appropriate ground cover.

(ii) **Fencing and Walls**

Site features subject to the standards in this subsection may be screened through the use of a fence or wall constructed in accordance with the standards in Subsection 5.6.7, Fences and Walls Used for Screening Site Features.

(iii) **Opaque Gates**

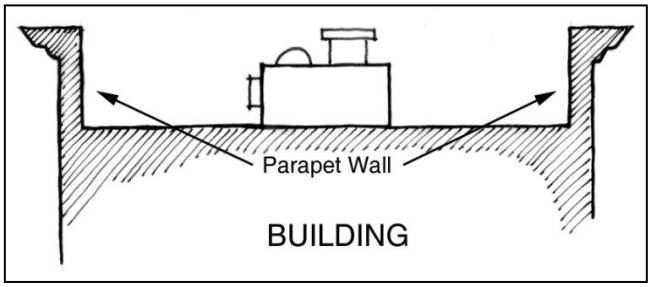
In cases where the items required to be screened are visible from streets or adjacent lands due to vehicular drive aisles or parking areas, opaque gates shall be provided.

(iv) **Parapet Walls and Penthouse Screens**

A.) Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any roof-based mechanical equipment from public rights-of-way or adjacent lands.

B.) All roof vents, pipes, antennas, satellite dishes, or other roof penetrations (except chimneys), shall be fully screened, located on the rear elevations, or otherwise configured to the maximum extent practicable to have a minimal visual impact as seen from a public street.

Figure 5-94: Parapet walls shall be used to completely screen any roof-based mechanical equipment.



C.) In cases where roof-based mechanical equipment, roof vents, pipes, antennas, satellite dishes, or other roof penetrations (except chimneys) are too tall to be screened by a parapet wall or changes in the surrounding grade make rooftops with parapets visible from public rights-of-way or adjacent lands, a penthouse screen shall be used for screening.

(v) **Integrated Building Elements or Features**

In lieu of vegetation, fencing, walls, parapets, or penthouse screens, building design or other structural features (e.g., knee walls, alcoves, wing walls, roof extensions, etc.) may also be used to fully or partially enclose site features required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.

Figure 5-95: This service area screening is architecturally integrated with the building.

(b) Conventional Areas

(i) Any screening method available for use within traditional areas shall be allowable within conventional areas.

(ii) Earthen berms shall also be allowable as screening methods in conventional areas provided the berm:

Figure 5-96: Earthen berms supplemented with landscape can provide an effective screen in conventional areas.

A.) Complies with the standards in this subsection;

B.) Measures at least four feet in height;

C.) Is planted with landscape materials consistent with the requirements for a Type C buffer; and

D.) Will not require removal of existing trees of six inches in caliper or more.

(c) Alternative Screening Methods

Alternative screening methods or materials that are not listed may be used following approval by the Department of Building and Neighborhood Services, and provided that they are determined by the Department of Building and Neighborhood Services to be comparable to screening methods described in this subsection.

(6) Increase in Planting Requirements

Additional screening may be required if the inspection for the release of the Performance Agreement reveals that the screening is not consistent with the standards or intent of this subsection. In no case shall the additional buffering and screening material, combined, exceed 10% of the total estimated cost of the landscaping on the site.

5.4.10 Other Landscape Standards

(1) Time for Installation of Required Landscape

(a) Time Limit

All landscape, including mulching and seeding, shall be completed in accordance with the approved Site Plan, Preliminary Plat, Development Plan, or Building Permit prior to issuance of a Certificate of Occupancy unless a guarantee prepared in accordance with Chapter 6, Performance Agreements is in place to ensure that all landscape standards will be met at a predetermined later date. The installation of these requirements shall comply with the required planting standards set forth in this subsection.

(b) Extensions

The Department of Planning and Sustainability may grant extensions related to the installation of the landscape improvements in the following circumstances and under the following conditions:

(i) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species.

(ii) Extensions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the Landscape Plan in cases where such materials are not commercially available within a reasonable time.

(iii) Extensions may be granted due to circumstances beyond the developer's or landowner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion, provided the developer or land owner submits a letter from the utility company stating the estimated installation date.

(iv) Other circumstance warranting extension in the opinion of the Department of Planning and Sustainability.

(2) Maintenance of Landscape Materials

(a) Maintenance

(i) The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way.

(ii) Unless otherwise specified by the city, owners shall be responsible for maintaining street trees planted adjacent to the site in conjunction with the development of the site.

(iii) Homeowners associations are responsible for the maintenance of open space lots, medians, and street trees associated with the development.

(iv) Landscape areas shall be maintained in accordance with the approved Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris.

(v) All plant life shown on an approved Landscape Plan used to meet a minimum requirement of this ordinance shall be replaced if it dies, is seriously damaged, or removed.

(b) Damage Due to Natural Occurrence

(i) In the event that any vegetation or physical element functioning to meet the standards of this subsection is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant if the landscape standards are not being met.

(ii) The owner shall have one growing season to replace or replant.

(iii) The Department of Building and Neighborhood Services shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

(c) Protection During Operations

The owner or developer shall take actions to protect trees and landscape from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.

(d) Maintain Shape

All required trees and shrubs used for screening purposes and buffering shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared or topped. Required trees shall not be shaped as shrubs. Trees and shrubs required by this chapter that have been severely pruned, sheared, topped, or any trees shaped as shrubs that no longer meet their intended function shall be considered as damaged vegetation in need of replacement, and shall be replaced within one growing season.

Figure 5-96: Severe pruning or shaping interferes with the tree's intended purpose as a screening element, and may require the tree to be replaced.

(3) Monitoring of Compliance with Landscape Standards

(a) Inspections Prior to Release of the Performance Agreement

The Department of Planning and Sustainability shall inspect the site to determine if the landscape material is living, healthy, and installed in accordance with the approved Landscape Plan and the standards in this subsection.

(b) Inspections After Release of the Performance Agreement

The Department of Planning and Sustainability shall inspect the site one year after the release of the Performance Agreement in order to ensure compliance with the approved Landscape Plan and to ensure that the landscape is properly maintained. Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this subsection shall constitute a violation of this ordinance.

(c) After Maintenance Period

Following the maintenance period associated with a Performance Agreement, the Department of Building and Neighborhood Services shall ensure compliance with the standards in this subsection, and to ensure that the landscape is properly maintained and to pursue remedies for the violation of this ordinance.

5.5 OPEN SPACE STANDARDS

5.5.1 Purpose

This section addresses the character and design of those portions of development that are not occupied by platted lots or streets and that are reserved for formal and informal open space, public parks, and greenways. The purpose of this section is to:

(1) Establish the standards and criteria under which portions of land associated with development shall reserve and dedicate land to the city for the purposes of development as a public park, greenway, or other recreational space.

(2) Distinguish among the characteristics, requirements, and appropriate locations for formal open space set-asides and informal open space set-asides.

(3) Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as formal private open space.

(4) Establish the standards and criteria under which a portion of residential, nonresidential, and mixed-use development shall set aside a portion of the development area for use as informal private open space or conservation land.

(5) Calibrate the minimum standards related to amount of land dedication, formal open space, and informal open space, as well as the required features for open space in developments located in traditional or conventional areas.

(6) Establish minimum ownership and maintenance standards for homeowner and property owner associations related to private formal and informal open space areas associated with development.

5.5.2 Applicability of Open Space Standards

(1) General

Unless exempted, the provisions of this section shall apply to development of all land in the city subject to a Preliminary Plat, Development Plan, or Site Plan.

(2) Residential Development

Projects developed in accordance with the conventional standards that exceed 15 acres or 35 units with a minimum two units per acre gross density and all projects developed in accordance with the traditional standards shall provide at least one formal open space area.

(3) Nonresidential and Mixed-Use Development

Nonresidential and mixed-use development or redevelopment sites having one or more of the following attributes shall be subject to the relevant standards in this subsection:

(a) Two or more buildings;

(b) Two or more nonresidential tenants;

(c) A gross building area exceeding 10,000 square feet; or

(d) A site or lot exceeding three acres.

(4) Public Land Dedication

Residential developments and the residential units of mixed-use developments having ten (10) or more units shall comply with the public land dedication standards in this subsection in addition to the requirements for private open space set-asides. For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.

5.5.3 Private Open Space Set-Aside Standards

(1) Amount of Open Space Set Aside Required

Residential, mixed-use, and nonresidential development shall provide at least the minimum amounts of usable open space identified in Table 5-7, Required Open Space Set-Aside, below:

TABLE 5-7: REQUIRED OPEN SPACE SET-ASIDE

Location of Development	Residential Development			Nonresidential and Mixed-use Development		
	Total Open Space Set-Aside (% of gross development size) [4]	% Formal (% of total set-aside) [2]	% Informal (% of total set-aside) [2] [3]	Total Open Space Set-Aside (% of gross development size)	% Formal (% of total set-aside) [2]	% Informal (% of total set-aside) [2]
Traditional Areas [1]	5%	100%	None	3%	100%	None
Conventional Areas	15%	33%	66%	5%	100%	None

NOTES:
[1] Development within traditional areas and within mixed-use developments may substitute the

TABLE 5-7: REQUIRED OPEN SPACE SET-ASIDE		
Location of Development	**Residential Development**	**Nonresidential and Mixed-use Development**
	provision of amenity features for formal open space set-aside area as provided in this subsection.	
[2]	In the event that the required percentage figure results in an open space set-aside smaller than one acre, then the city may require a fee-in-lieu as an alternative.	
[3]	Because not all sites contain natural features appropriate as informal open space, open space provided in accordance with the formal open space requirements may be credited toward fulfilling the informal open space requirement.	
[4]	Informal open space located within Hamlets or Conservation Subdivisions shall be provided in accordance with the applicable standards in Subsections 5.3.7 and 5.3.8.	

(2) Calculation of Open Space Set-Aside

(a) Areas Counted as Informal Open Space

The following features shall be credited towards the informal open space set-aside requirements:

(i) **Natural Features**

A.) Natural features, including but not limited to, rock outcrops, wetlands, hillsides, hillcrests, and slopes exceeding 14 percent;

B.) Natural hazard areas such as floodplains, floodways, flood fringes, and areas with soils unsuited to development;

C.) Prime agricultural lands, including existing pastures (whether in use or otherwise);

D.) Water features, including drainage canals, lakes, natural ponds, streams, and rivers;

E.) Woodland forests, natural fields, and meadows;

F.) Established tree lines, hedgerows, and fencerows;

G.) Scenic corridors, gateways, and views; and

H.) Wildlife habitat areas for threatened and endangered species.

(ii) **Required Landscape and Tree Protection Zones**

These areas may be counted, if developed to meet informal open space requirements.

(iii) **Historic or Culturally Significant Areas**

Cultural resources such as historic areas, graveyards, battlefields, or other archaeologically significant areas.

(iv) **Parks, Parkways, and Greenbelts**

Parks, parkways, and greenbelts designed in accordance with the standards in this subsection.

(v) **Passive Recreation Areas**

Except for land dedicated to the city as public greenway or park land, greenways, and areas established for passive recreation uses.

(vi) **Stormwater Management Devices**

Up to one-half of the land area occupied by stormwater management devices, including retention ponds, and other bio-retention devices shall be counted towards the informal open space set-aside when such features are treated as a site amenity and to qualify they shall support passive recreation uses by providing access, gentle slopes less than three-to-one (3:1), and pedestrian elements such as paths, benches, and similar aspects.

Figure 5-98: This image demonstrates how stormwater management devices can be integrated into a development site as an amenity feature.

(vii) **Access Easements**

Public access easements, which are often combined with utility easements, are maintained and available for passive recreational activities such as walking.

(viii) **Land Within Lots Subject to Conservation Easements**

Land within the boundary of a private lot, provided it is subject to a conservation easement that is accepted by the city and provides for permanent open space in perpetuity. Such easements shall not be sold for the purposes of extinguishing their conservation function.

(b) Areas Counted as Formal Open Space

For the purposes of complying with this subsection, the following features shall be credited towards the formal open space set-aside requirements:

(i) **Active Recreational Areas**

Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreation purposes.

(ii) **Formal Plantings, Public Art, and Gardens**

Formally planned and regularly maintained open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art.

Figure 5-99: Formally planted areas and gardens can be credited toward formal open space requirements.

(iii) **Squares, Forecourts, Plazas, and Parks**

Squares, forecourts, plazas, parks, public art, sculpture or fountains or other water features designed in accordance with the standards in this subsection.

(iv) **Amenity Features on Lots in Traditional Areas**

Where such features provide a clear community benefit, the Department of Planning and Sustainability may credit plazas and sidewalk areas exceeding the minimum sidewalk width requirements that contain at least four of the following features towards the formal open space area requirements on lots in traditional areas:

A.) Seating elements;
B.) Specialized or decorative paving features;
C.) Pedestrian lighting beyond that required to illuminate public rights-of-way;
D.) Arcades, canopies, awnings, or overhangs to shield pedestrians;
E.) Street furnishings, including but not limited to planters, waste receptacles, bicycle racks, drinking fountains, or shelters for persons utilizing public transit; or
F.) Informational kiosks.

Figure 5-100: Amenity features such as planters, seating elements, and sidewalk arcades or overhangs can be credited towards formal open space set-aside standards in traditional areas.

(c) Areas Not Counted as Open Space Set-Aside

The following areas shall not be counted as formal or informal open space set-aside:

(i) Private yards not subject to a permanent open space or conservation easement acceptable to the city;

(ii) Individual open space lots or easements less than the minimum size required by this chapter;

(iii) Open space lots without at least one direct access to a public right-of-way;

(iv) Street rights-of-way, unless otherwise permitted by this chapter, such as when amenity features in traditional areas or large street tree planting strips are provided;

(v) Parking areas and driveways;

(vi) Land covered by structures not designated for active recreational uses; and

(vii) Designated outdoor storage areas.

(3) Fee In-Lieu of Open Space Set Aside

(a) General

The BOMA may accept a fee-in-lieu of the open space set-aside when:

(i) The total size of the common open space set-aside is less than one acre; and

(ii) If in a traditional area or TOD, the provision of amenity features on a lot in a traditional area is impractical or inappropriate.

(b) Procedure for Approval

(i) Upon receipt of the request to accept a fee-in-lieu of the open space set-aside, the Parks Department shall review the proposal and prepare a recommendation to BOMA regarding the payment.

(ii) BOMA shall consider the request and the recommendation from the Parks Department during the normal meeting convened to review the development application or as a special item of review during a regular meeting in the event the development does not require BOMA review.

(c) Time of Payment

The fee-in-lieu of open space set-aside shall be paid prior to the issuance of the first Certificate of Occupancy associated with the development.

(d) Amount of Payment

The amount of the fee-in-lieu will be established by the finance department based on recent property valuations in the general vicinity of the site or on other appropriate factors.

(e) Disagreement as to Amount

In the case of disagreement between the BOMA and the developer regarding the amount of payment, such determination shall be made by a special appraisal committee consisting of one professional appraiser appointed by the City Administrator, one professional appraiser appointed by the applicant, and one professional appraiser appointed by the first two committee appointees. This committee shall view the land and hear the contentions of both the city and the applicant. The findings of the committee shall be by a majority vote and shall be certified to the BOMA in writing within 30 days of the date the third member is appointed to the committee. The costs of the appraiser appointed by the applicant shall be borne entirely by the developer; the city shall bear all other costs associated with the committee.

(f) Use of Funds

All monies received by the city pursuant to this subsection shall be used only for the acquisition or development of public parks, greenways/blueways, open space sites, and related facilities.

(4) General Design Standards for All Open Space Set-Asides

Land set aside as formal or informal open space in traditional and conventional areas shall meet the following design standards:

(a) Location

Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by residents and users of the development. To the maximum extent practical, a portion of the open space should provide focal points for the development.

Figure 5-101: Open space set-aside areas located near the center of a development can form a focal point for the development they serve.

(b) Access

Formal and informal open space set-aside areas shall have at least one direct access to a public right-of-way.

(c) Configuration

(i) The lands shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

(ii) Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

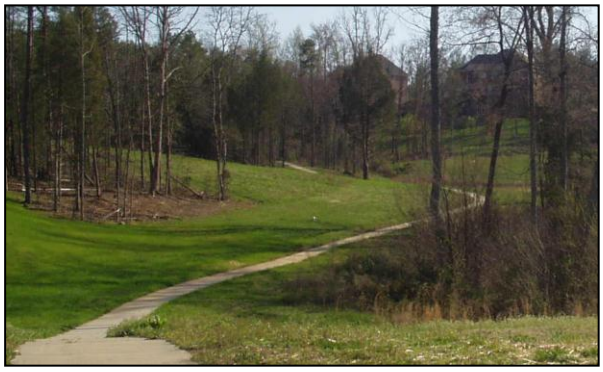


Figure 5-102: Greenways linking adjacent developments can provide recreational corridors throughout the community.

(d) Orientation of Adjacent Lots and Buildings

Lots and buildings adjacent to formal open space set-asides in traditional and conventional areas shall be oriented toward the open space set-aside.

(e) Provision in Multi-Phase Developments

(i) Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards.

(ii) Development shall not be phased to avoid the minimum open space set-aside standards in this subsection.

(iii) In cases where less than 100 percent of the total amount of open space set-aside is provided within the first phase of a multi-phase development, the open space set-aside required shall be apportioned into each of the remaining development phases.

(5) Standards for Certain Open Space Features

Squares, parks, forecourts, parkways, greenbelts, and plazas shall comply with the following standards:

(a) Squares

Squares are intended for passive recreation use as a formal open space element, and shall:

(i) Be bounded by public street rights-of-way or fronted by buildings on three sides or a minimum of 75 percent of the perimeter; and

(ii) Include trees planted parallel to street rights-of-way preferably in geometric patterns with on-center spacing of:

A.) 10 to 20 feet for understory trees; or

B.) 30 to 40 feet for canopy trees.

(iii) Squares may be partially or entirely paved with crushed stone, brick paver, or other comparable material. Areas not paved shall include mulch, grass, or appropriate ground cover.

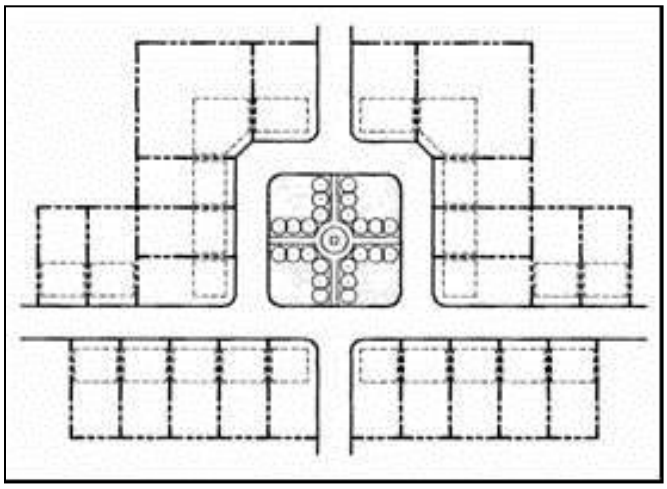


Figure 5-103: This image demonstrates how squares can be bounded by streets and include trees or other design features in a geometric pattern.

(b) Parks

(i) Parks may be designed for active or passive recreational use, such as amenity centers, neighborhood pools, or athletic fields, and are available for credit as formal or informal open space set-aside requirements depending on the intensity of the improvements.

(ii) A minimum of 50 percent of a park's perimeter shall be bounded by public street right-of-way, although they are encouraged to be bounded by streets on all sides.

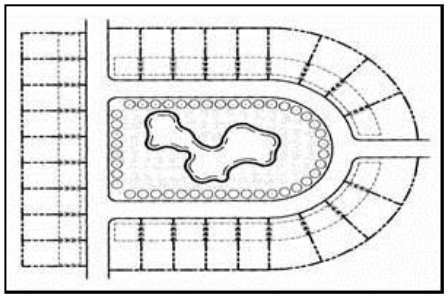


Figure 5-104: The park in the middle of this diagram is fully framed by streets and the lots it serves.

(c) Forecourts

Forecourts are open space areas that serve as formal open space set-asides buffering residential buildings from nonresidential buildings or streets. They shall comply with the following standards:

(i) Forecourts shall be bounded on all sides by public street rights-of-way; and

(ii) Forecourts shall be planted with trees located parallel to the streets with a maximum on-center spacing between ten and 30 feet on-center.

(d) Parkways

Parkways serve as informal open space features that incorporate creeks or significant stands of trees within a development. They shall comply with the following:

(i) Parkways shall be entirely bounded by streets or pedestrian walkways; and

(ii) Existing vegetation within parkways shall remain undisturbed, except that small-scale recreational features such as playground or free-form play fields are allowed.

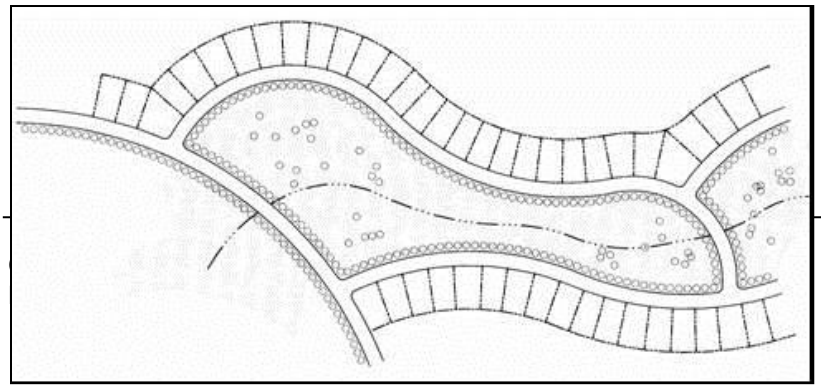


Figure 5-105: Parkways can incorporate streams or existing stands of trees, and provide a framework for streets and lots.

(e) Greenbelts

Greenbelts are informal open space set-aside areas running along the perimeter of or through a development that are typically left undisturbed except for walking trails or recreational areas associated with civic and institutional uses located adjacent to a greenbelt.

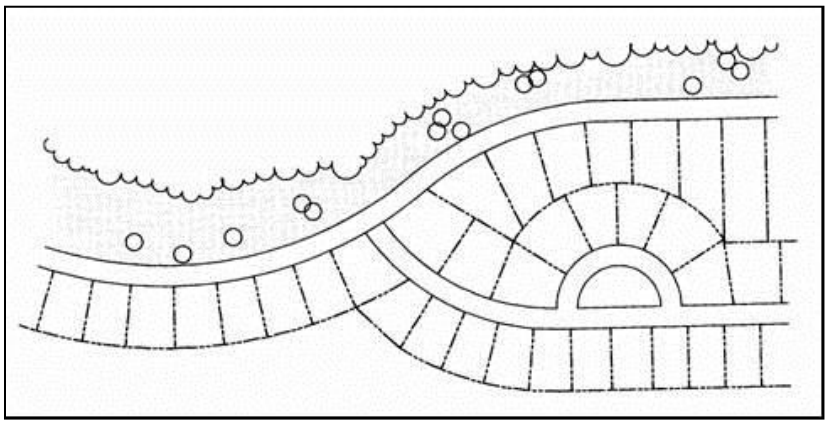


Figure 5-106: This diagram depicts how greenbelts are used around the perimeter of a development.

(f) Plazas

Plazas are formal open space areas used as gathering places adjacent to civic or nonresidential buildings. They shall comply with the following standards:

(i) Plazas may be paved primarily with brick, pavers, crushed, stone or other appropriate material;

(ii) Plazas shall be generally level, stepped, or gently sloping with a three percent grade or less;

(iii) The horizontal length or width of a plaza shall be limited to a maximum of three times the height of the surrounding buildings; and

(iv) Plazas shall include trees planted in a geometric form that frames the plazas. The trees shall be spaced between ten and 30 feet on-center.

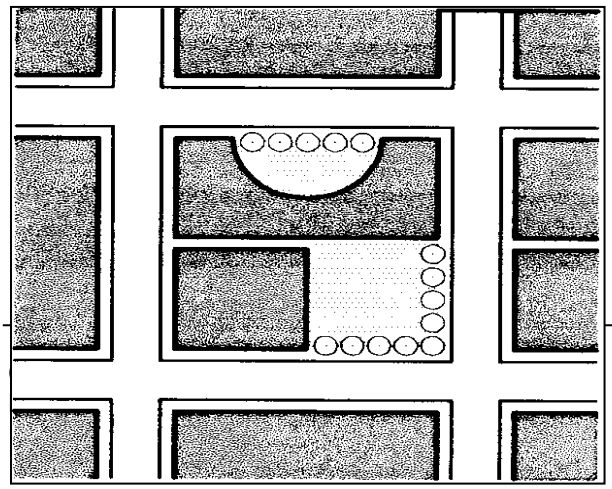


Figure 5-107: The white portions of the block in the center of the diagram depict plazas and their associated geometric tree plantings.

(6) Additional Design Standards for Formal Open Space

In addition to the general design standards for all open space set-asides, formal open space set-asides shall also comply with the following standards:

(a) Landscape Requirements

Formal open space areas shall be landscaped according to Table 5-4, Site Landscape Requirements.

(b) Residential Uses

(i) **Minimum Size**

To be eligible for meeting the minimum formal open space requirement as established in Table 5-7, Required Open Space Set-Aside, each individual formal open space in a residential development shall have an area of at least 5,000 square feet.

(ii) **Traditional Areas**

A.) No more than 50 percent of the formal open space set-aside may be paved unless the formal open space standards are being met through the use of amenity features as allowed by this subsection;

B.) A minimum of 75 percent of the perimeter of the formal open space set-aside shall be bounded by public rights-of-way or fronted by buildings.

(iii) **Conventional Areas**

A.) No more than 25 percent of the formal open space set-aside shall be paved. Nothing in this subsection shall be construed to prevent the provision of athletic fields.

B.) A minimum of 50 percent of the perimeter of the formal open space set-aside shall be bounded by public rights-of-way or fronted by buildings.

C.) Formal open spaces shall be centrally located within the development, and when appropriate and practicable, terminate public vistas and visually align with one another as viewed along key streets.

Figure 5-108: A well-defined green space can serve as a popular gathering space for civic events.

(c) Nonresidential and Mixed-Uses

(i) **Minimum Size**

To be eligible for meeting the minimum formal open space requirement as established in Table 5-7, Required Open Space Set-Aside, each individual formal open space in a nonresidential or mixed-use development shall have an area of at least 2,500 square feet.

(ii) **Traditional Areas**

A.) A minimum of 75 percent of the perimeter of the formal open space set-aside shall be bounded by right-of-way or fronted by buildings.

B.) No more than 80 percent of the formal open space set-aside shall be paved.

(iii) **Conventional Areas**

A.) A minimum of 50 percent of the perimeter of the formal open space set-aside shall be bounded by right-of-way or fronted by buildings.

B.) No more than 80 percent of the formal open space set-aside shall be paved.

C.) Formal open spaces shall be centrally located, located at street intersections, or at the termination of public vistas.

(7) Additional Design Standards for Informal Open Space

In addition to the basic design standards for all open space set-asides, informal open space set-asides shall also comply with the following standards:

(a) Informal open space areas shall be landscaped according to Table 5-4, Site Landscape Requirements.

(b) Informal open space set-aside areas shall be maintained, but left in a natural state.

(c) No more than ten percent of the informal open space set-aside area shall be paved.

(d) Undisturbed land with existing vegetation may be used both for buffers and as a peripheral greenbelt used to define the edge of a development provided it meets the relevant standards in Subsection 5.4.6, Buffers.

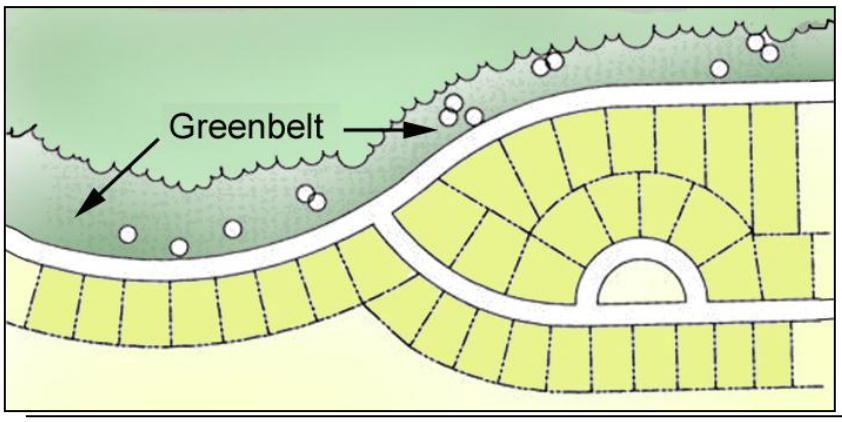


Figure 5-109: Informal open space can serve as a greenbelt that defines the edge of a development.

(8) Ownership of Open Space Set-Asides

(a) Method of Ownership

Open space areas shall be maintained as permanent open space through various options, such as common ownership by a homeowners association, held in deed-restricted private ownership, or by dedication to the city or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the City Attorney, who shall review the documents to insure perpetual maintenance, preservation, and restricted usage.

(b) Declaration of Covenants and Restrictions

If common open space is to be deeded to a homeowners association, then the applicant shall record a declaration of covenants and restrictions, that shall:

(i) Govern the use of common open space;

(ii) Run with the land in perpetuity;

(iii) Provide for a lien on the property to secure collections of assessments levied by the property owners association;

(iv) Grant the city the authority to maintain common open space and assess the cost of maintenance against the owners of the property jointly and severally; andBe filed with the Site Plan.

(c) Property Owners Association

If common open space is to be deeded to a property owners association, then the applicant shall provide for and establish a property owners association, which shall comply with the following standards.

(i) The association shall own and maintain common open space and facilities.

(ii) The association shall not be dissolved, nor shall it dispose of any common open space or facilities, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space and facilities, and the conditions of a transfer shall conform to the approved Site Plan.

(iii) The association shall be established before property is sold.

(iv) Association membership shall be mandatory for each property owner and successive owner.

(v) The association shall be responsible for liability insurance and local taxes for the common open space and facilities.

(vi) Property owners shall pay their pro rata share of the cost and assessments levied by the association shall be a lien on the property.

(vii) The association shall be able to adjust assessments in order to meet changing needs.

(d) Private Ownership

If common open space is to be privately owned, then it shall have deed restrictions placed on the portions of those lots that:

(i) Except as provided for in this subsection, provide the open space shall be maintained and preserved as natural open space and shall not be used for yards, lawns, or buildings;

(ii) Run with the land in perpetuity; and

(iii) Indicate that the city and owners of land in the development have a right to enforce the deed restrictions.

(9) Maintenance of Open Space Set Asides

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

5.5.4 Dedication of Public Land for Parks and Greenways/Blueways

In addition to the standards for open space set-asides, residential or mixed-use developments with ten (10) or more dwelling units shall dedicate land to the city for use as public parks or greenways/blueways in accordance with the following standards. For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.

(1) Amount to be Dedicated

(a) Developments required to dedicate land shall do so in the following amounts:

(i) 1,200 square feet per dwelling unit for the first 35 principal dwelling units; and

(ii) 600 square feet for each additional principal dwelling unit beyond the first 35.

(b) Accessory dwelling units shall be exempt from these requirements.

(c) Development proposed in phases shall be considered as a single development for the purposes of applying the land dedication standards. Development shall not be phased to avoid the requirements of this subsection.

(2) Nature of Park Land to be Dedicated

All dedications of land shall meet the following criteria:

(a) Contiguity

(i) The dedicated park land shall form a single contiguous parcel of land, except where the BOMA determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development.

(ii) When dedicated land is composed of two parcels, it shall be connected by a dedicated strip of land at least 30 feet in width unless the BOMA determines that an alternative configuration would be in the best interest of the public.

(b) Usability

(i) At least 50 percent of the total park land dedicated shall be located outside the HHO, FWO, and FFO Districts, alluvial soils, lakes, or other water bodies, and areas with slopes greater than 14 percent.

(ii) At least 75 percent of the total land dedicated shall be located outside of wetlands subject to federal or state regulatory jurisdiction. Lakes, ponds, creeks, or other water bodies, and wetlands falling under the jurisdiction of state or federal agencies may be dedicated only if sufficient abutting land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system.

(c) Shape

The shape of the dedicated park land shall be deemed suitable to accommodate those facilities set forth by the City of Franklin Parks Department. Land dedicated only for greenways need not comply with the requirements of this subsection.

(d) Location

The dedicated park land shall be located so as to reasonably serve the recreation and open space needs of nearby residents. The dedicated park land may be located outside of the residential development in order to add property to existing park land or to combine land dedication efforts with those of other developments.

(e) Access

(i) Public access to the dedicated park land shall be provided either by adjoining public street frontage, dedication of property, or by a dedicated public easement that connects the dedicated land to a public street or right-of-way.

(ii) Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land.

(iii) Where the dedicated land is located adjacent to a street, the developer shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment.

(f) Topography

The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire area to be developed. In no case shall a slope on the usable portion of dedicated land exceed 14 percent.

(g) Dedication of Lakes

(i) The developer may propose to include an existing or proposed body of water as part of a park dedication.

(ii) The land surrounding and adjacent to the water body shall be dedicated to the city, at a minimum width of 100 feet.

(3) Procedure for Dedication of Park Land

(a) The dedication of such land shall be reviewed and approved as part of a Development Plan or Preliminary Plat, as applicable. The developer shall designate the areas of land to be dedicated on the Preliminary Plat or Development Plan.

(b) Where wetlands falling under the jurisdiction of state or federal agencies have been certified to exist on the property, the Development Plan or Preliminary Plat shall also identify the boundaries of such wetlands.

(c) Upon receipt of the Concept Plan or Preliminary Plat, the parks department shall review the proposal and prepare a recommendation regarding the dedication.

(d) Unless otherwise stipulated in the Concept Plan or Preliminary Plat, an executed general warranty deed in a form acceptable to the city conveying the dedicated land to the city and a reproducible paper boundary survey shall be submitted no later than two years after the recording of the first final subdivision plat for the development.

(4) Payment In-Lieu of Dedication

(a) General

The payment of fees in-lieu of the dedication of land may be accepted at the request of the developer, with approval of the city. The payment of fees in-lieu of land dedication also may be required by the BOMA at the time of Development Plan approval, or as a condition of the approval of a Preliminary Plat, upon finding that:

(i) All or part of the land required to be dedicated is not suitable for public recreation and open space purposes;

(ii) The recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the city within reasonable proximity to the development;

(iii) The amount of parkland required to be dedicated is too small to provide adequate recreational opportunities or to be efficiently maintained by the city; or

(iv) Existing park land in the area is adequate to serve the development.

(b) Procedure for Approval

(i) The payment of such fees in-lieu of land dedication shall be reviewed and approved as part of the Development Plan or Preliminary Plat. Any developer desiring to make such payment shall attach a letter to the parks department requesting the payment of fees in-lieu of land dedication.

(ii) Upon receipt of the application, the Parks Department shall review the request and submit any and all recommendations concerning the payment of fees in-lieu of dedication to the city.

(iii) In the event of a dispute between an applicant who wants to make payment in-lieu, and a recommendation by the parks department that facilities should be provided, the BOMA shall make the final determination based on which option would generate the maximum community benefits.

(c) Time of Payment

The fees-in-lieu of dedication shall be paid prior to recording the first Final Plat for the subdivision to which the fees relate.

(d) Amount of Payment

(i) Where the payment of fees to the city is to be made in-lieu of dedication of land as permitted by this subsection, the developer shall provide to the city, at the developer's cost, a current written appraisal of the fair market value of the land to be developed.

(ii) Each appraisal shall be performed by a Tennessee-licensed real estate appraiser.

(iii) The Finance Department may waive the requirement of an appraisal where the subdivider or developer provides to the city documentation of the fair market value of the subject property, which in the opinion of the Finance Department reasonably estimates the land's fair market value.

(iv) The appraisal or documentation of the land's fair market value, along with other evidence that, in the city's opinion, aids in the determination of fair market value, may be used in the determination of the amount of any payment in-lieu of land dedication permitted by this subsection.

(v) Nothing in this subsection shall limit or preclude the BOMA from requiring a written appraisal notwithstanding a waiver of the appraisal requirement granted by the finance department.

(e) Disagreements as to Amount

In the case of disagreement between the city and the developer regarding the fair market value of the property, such determination shall be made by a special appraisal committee consisting of one professional appraiser appointed by the city administrator, one professional appraiser appointed by the applicant, and one professional appraiser appointed by the first two committee appointees. This committee shall view the land and hear the contentions of both the city and the applicant. The findings of the committee shall be by a majority vote and shall be certified to the BOMA in writing within 30 days of the date the third member is appointed to the committee. The costs of the appraiser appointed by the applicant shall be borne entirely by the developer; the city shall bear all other costs associated with the committee.

(f) Use of Funds

Fees received pursuant to this subsection shall be used only for the acquisition or development of public parks, greenways/blueways, open space sites, and related facilities.

5.6 FENCES AND WALLS

5.6.1 Purpose and Intent

This section sets forth the standards for fences and walls.

5.6.2 Applicability

(1) General

Except where expressly exempted, these standards shall apply to all development and redevelopment.

(2) Review for Compliance

Review for compliance with the standards of this section shall occur as a part of review of the Site Plan, Preliminary Plat, Development Plan, or Building Permit, as appropriate.

5.6.3 Location

(1) Permitted Locations

Fences and walls constructed in accordance with the standards in this section may be constructed within:

(a) A required yard or setback;

(b) A utility easement only through the express written consent from the utility or entity holding the easement; and

(c) A required landscape area or open space set-aside provided impact to existing or planted vegetation is minimized to the maximum extent practicable as determined by the Department of Planning and Sustainability.

(2) Prohibited Locations

No fence or wall shall be installed that:

(a) Encroaches into an alley right-of-way (except for temporary fencing necessary for public safety);

(b) Blocks or diverts a natural drainage flow on to or off of any other land;

(c) Compromises safety by blocking vision at street intersections or obstructs the visibility of vehicles entering or leaving driveways or alleys;

(d) Blocks access to any above ground or pad-mounted electrical transformer, equipment vault, or similar device;

(e) Removes, as determined by the Department of Planning and Sustainability, or significantly damages a tree located within a Tree Protection Zone; or

(f) Is located within six feet of a fire hydrant.

5.6.4 Basic Standards Applicable to All Fences and Walls

(1) Appearance

All fences and walls shall:

(a) Be constructed of any combination of brick, stone, masonry materials, treated wood posts and planks, rot-resistant wood (such as cypress or redwood), or metal, except that chain link fencing shall be coated with dark green or black vinyl when used for any use except detached residential;

(b) Be of a uniform architectural style and color palette compatible with the associated building;

(c) Be oriented such that the “finished” side of the fence or wall faces adjoining lots or the public right-of-way;

(d) For a completely opaque fence serving a nonresidential use, include either masonry columns every 50 feet on-center or less or a single row of evergreen shrubs with a maximum on-center spacing of five feet located on both sides of the fence;

(e) Be limited to a maximum opacity of 75 percent (that is, obscure no more than 75 percent of the view into the site) when located within a front yard or within 20 feet of a public street right-of-way (retaining walls, fences, and solid masonry walls shall be exempt from this standard); and

(f) Be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements.

(2) Maximum Height by Function and Location

(a) Height

Fences or walls shall not exceed the height as depicted in Table 5-8, Fence and Wall Height. For purposes of this subsection, height shall be measured from finished grade. The use of a berm to increase fence or wall height is prohibited.

TABLE 5-8: FENCE AND WALL HEIGHT

Fence or Wall Function		Maximum Height	
		Front Yard (feet) [`1]	Side Yard, Rear Yard, Side Street (feet) [1]
Dumpster, refuse area, loading area, or recycling container screen walls		The greater of: 8 feet or 2 feet taller than the container being screened	
Chain link fences		6	8
Retaining walls & grade transition walls [2]	Residential uses	2	6
	Nonresidential and mixed-uses	10 [3],[4]	
Parking lot screen fence or wall		At least 3; Max. of 6	
All other fences & walls	Residential uses	3	7
	Nonresidential and mixed-uses	6	8

NOTES:

[1] For the purposes of determining the maximum height of a fence or wall along a street, the height permitted along the side or secondary street shall not begin until the rear of the main body of structure.

[2] Retaining walls within the rights-of-way of collector, arterial, Mack Hatcher Parkway, or Interstate 65 are exempt from height limits.

[3] Changes in grade may be permitted to reach a maximum of 16 feet if two or more retaining walls are used, provided each wall is no greater than 8 feet tall and there is a minimum horizontal separation of six linear feet between the walls to allow for the planting of vegetation.

[4] A single row of evergreen shrubs with a maximum on-center spacing of five feet shall be located at the base of a retaining wall to soften its appearance. Shrubs shall be a minimum of 30 inches in height above ground level at the time of planting and shall typically grow to a minimum height of five to six feet within four years. Evergreen trees or groundcover may be permitted as an alternative to shrubs subject to the approval of the Department of Planning and Sustainability.

(b) Location

(i) **Front Yards**

A.) Fences or walls located between the primary street right-of-way and the front facade of the structure shall be subject to the height standards for fences or walls in front yards.

B.) Fences and walls located between a side street right-of-way and the side of a structure shall be subject to the height standards for fences and walls in front yards. For the purposes of this subsection, the "side of a structure" shall include the portion of a structure located between the front and rear façades.

(ii) **Side and Rear Yards**

Except on lots with a side street frontage, fences and walls located behind the front façade of the structure shall be subject to the height standards for fences and walls located in side or rear yards.

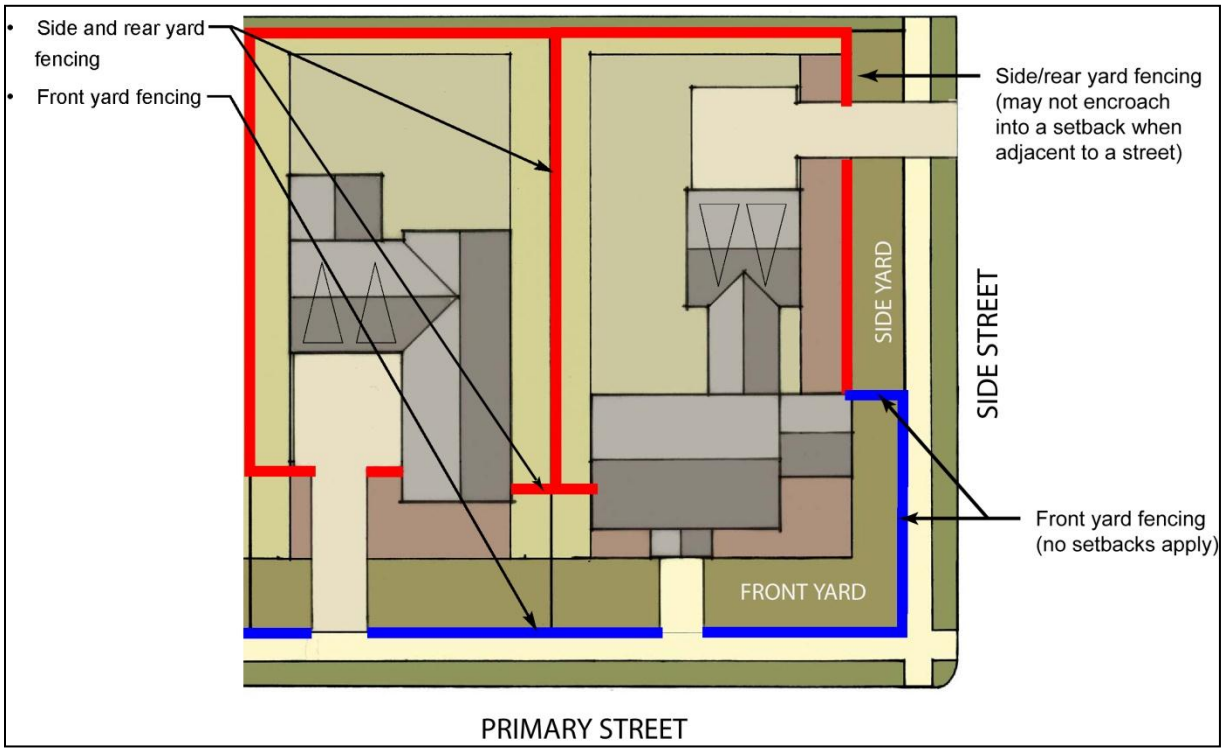


Figure 5-110: Fence and wall height is determined by the wall or fence's location relative to the streets fronting the lot and the structure's front and rear façades.

5.6.5 Fences and Walls Used for Screening Refuse Areas or Recyclable Containers

In addition to the basic standards applicable to all fences and walls, fences and walls used for screening dumpsters and refuse areas shall comply with the following standards:

(1) Walls used to screen trash dumpsters, refuse collection areas, or recycling containers shall:

(a) Fully screen all refuse containers from public view;

(b) Be constructed of masonry materials that match the main colors and materials of the associated building they serve;

(c) Include opaque gates designed to complement the wall or fence materials used; and

(d) Be supplemented with plantings around the perimeter located no more than five feet on-center, if located on a lot within a conventional area.

(2) Any enclosure intended for screening dumpsters, refuse areas, or recycling containers that contains a compaction unit shall include a floor drain within the containment pad that is tied directly to the sanitary sewer system in accordance with the standard specifications for sanitary sewers;

(3) Any enclosures provided for restaurants or other eating establishments shall be sized to accommodate the storage of grease barrels in addition to dumpsters and recycling containers.

(4) All nonresidential uses utilizing city garbage containers shall enclose all refuse collection and storage areas in accordance with this subsection.

(5) To allow for dumpster gates to remain closed as often as possible, either a pedestrian door or a wall offset for pedestrian access shall be provided.

Figure 5-111: This image demonstrates how dumpster enclosures can be constructed of high quality materials and provide a completely opaque screen to a height above the dumpsters or recycling containers.

5.6.6 Fences and Walls Used for Screening Vehicular Use Areas

In addition to the general standards applicable to all fences and walls, fences and walls used for screening vehicular use areas shall comply with the following standards:

(1) Traditional Areas

When vehicular use areas on lots within traditional areas are screened by a fence or wall (instead of vegetative material), the fence or wall shall use one or more of the following to satisfy the perimeter landscape requirements in Subsection 5.4.5, Vehicular Use Area Landscaping:

(a) A solid masonry wall with a minimum height of three feet and a maximum height of six feet located around the perimeter of the vehicular use area; or

(b) A decorative metal fence with a minimum height of three feet and a maximum height of six feet that shall be located within a two-foot-wide planting strip supplemented with 30-inch-high evergreen shrubs and planted between the fence and the lot line. The shrubs shall be planted a minimum distance apart of three feet on-center.

Figure 5-112: Masonry walls are an appropriate and optimal means of screening off-street surface parking areas on lots in traditional locations.

(2) Conventional Areas

When vehicular use areas on lots within conventional areas are screened by a fence or wall (instead of vegetative material), the fence or wall shall use one or more of the following to satisfy the perimeter landscape requirements in Subsection 5.4.5, Vehicular Use Area Landscaping:

(a) A masonry wall:

(i) With a minimum height of three feet and a maximum height of six feet;

(ii) With a minimum opacity of 75 percent of the entire wall surface along any single lot line; and

(iii) Located within a five-foot-wide strip around the perimeter of the vehicular use area.

(b) A decorative metal fence with a minimum height of three feet and a maximum height of six feet that shall be located within a four-foot-wide planting strip supplemented with 30 inch high evergreen shrubs and planted between the fence and the lot line. The shrubs shall be planted a minimum of three feet on-center.

Figure 5-113: This image demonstrates how ornamental fencing and landscape can provide effective screening of vehicular use areas.

(3) Major Intersections

Vehicular use areas that abut major intersections composed of two arterial streets or an arterial and collector street shall use a solid masonry wall with a minimum height of three feet and a maximum height of six feet located immediately adjacent to the street right-of-way edge. The wall shall extend the full distance of the vehicular use area (except for areas devoted to ingress and egress) and be designed so as not to encroach within the required sight distances.

5.6.7 Fences and Walls Used for Screening Site Features

In addition to the basic standards applicable to all fences and walls, fences and walls used for screening ground-based or building-mounted site features such as mechanical equipment, loading and service areas, or outdoor storage shall:

(1) Fully screen the site feature from all off-site views;

(2) Be the minimum height necessary to screen feature, but in no instance exceed the maximum height specified by Table 5-8, Fence and Wall Height; and

(3) Include evergreen shrubs planted a maximum of five feet on-center within a landscape strip five-feet-wide on lots within conventional areas.

5.6.8 Fences and Walls Within Buffers

(1) In addition to the basic standards applicable to all fences and walls, fences and walls used within perimeter landscape buffers shall maintain a minimum opacity of 75 percent along all adjacent lot lines.

(2) Fences or walls used as screening within a perimeter buffer shall incorporate masonry columns a maximum of every 50 feet on-center for any portions of a fence or wall located within 20 feet of public street right-of-way.

Figure 5-114: This fence incorporates masonry columns for added visual interest in areas close to streets.

5.6.9 Retaining Walls

In addition to the basic standards applicable to all fences and walls, retaining walls shall comply with the following standards:

(1) Cast-in-place concrete or smooth-face block retaining walls are prohibited within front yards unless they are clad with a masonry veneer wherever visible; and

(2) The color of segmental retaining walls shall match one of the primary colors used on the principal structure.

(3) Retaining walls shall be maintained in good repair and in safe condition at all times, so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land or public rights-of-way. In the event that a retaining wall is not maintained in reasonable order and condition, then the Department of Building and Neighborhood Services may serve written notice of the deficiencies upon the property owner. If the deficiencies cited by the Department of Building and Neighborhood Services have not been corrected within 30 days after written notice, then the department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the retaining wall. The entire cost of correcting the deficiency shall be a lien upon each of the properties from the date that the lien is filed in the Register's Office of Williamson County.

5.6.10 Prohibited Fencing and Gate Materials

(1) Permanent fences, gates, and walls constructed of chain link without vinyl coating or with plastic or metal slats shall be prohibited; however, chain link fencing used as temporary tree protection fencing is not required to be vinyl coated.

(2) Wire fences or above-ground electrified fences for the control of livestock shall be permitted only within the Agricultural (AG) district or as part of an approved Development Plan.

5.7 PROTECTION OF HISTORIC LANDS AND STRUCTURES

5.7.1 Purpose and Intent

The purpose of this section is to protect freestanding historic lands and structures typically located outside of historic districts from negative visual impacts associated with new development occurring in their proximity. It is the intent of these standards to indicate which lands and structures are appropriate for protection and to provide alternatives for the protection of historic lands and structures from negative visual impacts associated with adjacent development.

5.7.2 Applicability

The standards in this section shall apply to new development on lots:

(1) Containing National Register properties;

(2) Adjacent to lots containing National Register properties;

(3) Across a street from lots containing National Register properties; and

(4) Contiguous to or across the street from properties eligible for designation as a National Register property.

For the purposes of this section, National Register properties includes lands and sites listed in the National Register of Historic Places, as well as sites eligible for such designation as determined by the Tennessee Historical Commission.

5.7.3 Buffers

Except for land developed as a Traditional Neighborhood Development (TND), Hamlet, or Conservation Subdivision, development subject to this section shall provide a buffer consistent with the standards in Subsection 5.4.6, Buffers, between the new development and the historic resource(s) in accordance with the following standards:

Figure 5-115: Cluster development, a variation of the buffers approach, is an effective means of preserving open space near historic buildings.

(1) Buffer Class

New development subject to the planting standards in this section shall provide either a Type A, B, or C buffer, depending on the level of protection needed as determined by the HZC. The buffer shall incorporate the minimum planting materials associated with a site ten acres in size. (See Table 5-5, Minimum Buffer Standards.)

(2) Minimum Buffer Width

(a) Buffers required by this subsection shall have a minimum width of 75 feet unless otherwise specified by the HZC.

(b) Development on lots containing, adjacent to, or across the street from a National Historic Landmark shall provide a buffer with a minimum width of 100 feet.

(3) Buffer Location

Buffers used to protect historic lands and structures from new development shall be located in accordance with the following standards:

(a) In cases where the developing lots are adjacent to or across the street from lots containing historic lands or sites, the buffer shall be located along the property line of the developing lands unless an alternate location provides a superior amount of buffering.

(b) In cases where new development is proposed on the same lot as historic resources being buffered, the buffer shall be located as close to the boundary of the historic resources as is practicable given the context of the site and any topographic or environmental considerations.

(c) The Department of Planning and Sustainability may specify an alternate location for a required buffer on a case-by-case basis to provide maximum protection for the historic resources.

(4) Buffer Context

In addition to meeting the minimum planting standards specified by the HZC, buffers used by new development adjacent to historic sites and structures shall comply with the following buffer context standards as appropriate.

(a) Naturalistic Screening

Naturalistic screening is typically appropriate for a site that already has an abundance of mature vegetation, as opposed to open farm fields. Screening shall create a year-round visual obstruction between the historic building and incompatible new development. Minimum standards include the following:

(i) A double row of evergreen trees in which the rows are staggered so that trees overlap one another at maturity to create a solid screen;

(ii) Random tree spacing which, upon maturity, results in trees within each row creating a nearly solid visual screen;

(iii) Landscape of a sufficient height upon maturity that inappropriate development is visually screened, regardless of building heights or topography;

(iv) A minimum of two or more different indigenous tree species;

(v) Pruning of trees or shrubs near ground level shall be prohibited; and

(vi) Berms, fences, or walls shall not be used.

Figure 5-116: Carnton Plantation is well-buffered from adjoining development using a naturalistic screen.

(b) Farm-Field Boundary

The intent of this method of screening or area delineation is to replicate the tree-lined property boundaries historically prevalent throughout the county. Such boundaries are typically linear in form and dominated by deciduous trees. Also, they are usually informal in that instead of being consciously planted in rows, they generally evolved as leftover vegetation that resulted once neighboring fields were cultivated for agriculture. Standards for this approach include the following:

(i) Boundary areas shall be linear in form;

(ii) Boundary areas shall be dominated by deciduous trees, although native evergreens (such as cedars) may be included for diversity and visual screening purposes;

(iii) Trees are not required to be planted in a perfect row, and spacing between trees should have some irregularity;

(iv) Native shrubs shall be integrated into farm field boundaries; and

(v) Historically-based fences, such as rail and board fences and dry-stacked stone walls with a maximum height of three feet, may be included as part of the boundary. Stone walls should be consistent in design and stone type with historic precedents found in the county.

Figure 5-117: This aerial view highlights the historic pattern of farm-field boundaries.

(c) Estate Enclosure

This approach to screening and area delineation may be used in similar situations as with the farm-field boundary (open and relatively flat land), but lends itself more to situations in which the buffer zone, and perhaps the overall development site, is somewhat limited in land area. It is also more appropriate for historic buildings having classical architectural styling, such as Federal, Greek Revival, Italianate, Gothic Revival, and Classic Revival, as opposed to less formal vernacular styles, such as simple frame farm houses. Standards for the estate enclosure approach include the following:

(i) Boundary areas shall be linear in form;

(ii) Boundary areas shall be dominated by either deciduous trees or evergreens within any major segment of the boundary area, but should not have an informal mixture of both;

(iii) Trees shall be planted in a row, and spacing between trees should have some regularity;

(iv) While plant materials do not have to be native to the area, they should be of a species historically available and capable of adapting to the local environment;

(v) Hedgerows and fruit trees may also be used; and

(vi) Historically-based fences, such as board and picket fences and brick or stone walls, may be included as part of the boundary. Brick or stone walls should be consistent in design with historic precedents found in the county and should not exceed six feet in height.

5.7.4 Integrating Approach

New Traditional Neighborhood Development (TND), Hamlets, or Conservation Subdivisions may be integrated with historic lands or structures in accordance with the following standards:

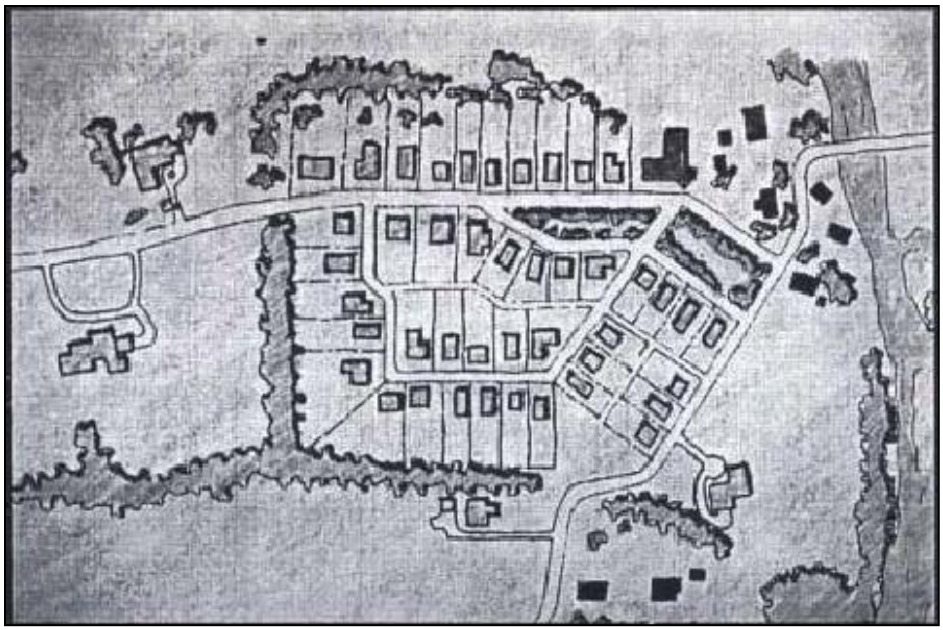


Figure 5-118: Traditional development patterns feature interconnected street systems, buildings that relate to the street, and green spaces serving as civic focal points. In this example from Bucks County, PA, several existing buildings and outbuildings (shown in black), have been incorporated with new homes.

(1) Consistent with Context

New development has been successfully integrated with historic lands or structures when it appears as if the balance of the site developed over time around the original historic feature as part of a natural evolution, and the historic feature benefits from the special site that permits it to serve as a focal point of the development.

Figure 5-119: The Kentlands, in Gaithersburg, MD, is an example of integrating new development. Two important goals are achieved: adjacent development uses pre-World War II planning principles, and the Kent Family home (to the left in the image) has retained prominence on the site.

(2) Retaining a Prominent Site for Historic Buildings

A historic building shall be made a focal point through one or more of the following techniques:

(a) The historic building should either front or be located on a neighborhood green or square;

(i) The green or square should have a geometric shape that respects the topography;

(ii) The green or square should be bounded by a public right-of-way, preferably a public street, for at least 75 percent of its perimeter;

(iii) The green or square should be a minimum of 25,000 square feet in area, preferably larger, if the historic building is located on it;

Figure 5-120: Magnolia Hall is an example of a highly significant building and landscape that would warrant extreme care if adjacent development were proposed.

(iv) In those cases in which the historic building fronts but is not located on a green or square, the green or square should be symmetrically centered on the historic building.

(b) If not oriented toward a green or square, the historic building should be located by some alternative means for accomplishing visual prominence, such as the following:

(i) At an entry or destination location within the development;

(ii) At a corner location that terminates a public vista as viewed down two or more streets. In such case, adjacent new buildings should be no closer to the historic building than a distance equal to twice the width of the front facade of the historic building;

(iii) Visual termination achieved through some other means;

(iv) On a lot that is at least 100 percent larger than the average nearby lot sizes; or

(c) Except when a corner lot is being created, adjacent new streets may not be located in a manner that results in the historic building turning its side or rear to the new street.

(3) Design of New Buildings

New buildings within view of the historic building shall be sympathetic in scale and architectural character with the historic building. However, the historic building should not be emulated to such an extent that it loses its prominence. Examples of design elements to be considered include the following:

(a) Rather than attempting to mirror the scale of the historic building, new buildings shall generally be subordinate in their perceived scale to the historic building;

(b) The roof pitch of new buildings shall be close to that of the historic building;

(c) The roof forms, materials, and colors of new buildings shall relate to the nearby historic building (for example, a slate-roofed historic building might be honored by an asphalt shingle that emulates slate in color and approximate thickness);

(d) The ratio of solids to voids (the ratio of solid wall area to openings such as doors and windows) for new structures shall be similar to that on the historic building;

(e) The doors and windows on new structures shall reflect the relationship and positioning of the historic building (for example, if the doors and windows of the historic building are symmetrically positioned, and upper-floor and lower-floor openings are vertically aligned with one another, new buildings should reflect the same symmetry and alignment);

(f) The proportion (height versus width) of the historic building's openings shall be respected in the facade design of nearby new buildings (for example, if windows and doors of the historic building have a height-to-width ratio of 2:1, then openings of nearby new building façades should be similarly proportioned);

(g) Key architectural components of the historic building, such as porches, dormers, and arches, shall be echoed by at least three of the nearby new buildings; and

(h) The materials of the historic building shall be respected (but not imitated entirely) by their use to some degree on nearby new buildings.

(4) Use of the Historic Building

The historic building shall retain enough prominence so that its future use is not in question. However, in those cases in which the building's prominence is particularly important, it is recommended that the building be used for purposes different than the primary use of nearby buildings.

(5) Contextual Streets and Driveways

New streets and driveways have been successfully integrated with historic lands or structures when it appears as if they were developed over time around the original historic feature as part of a natural evolution. Streets shall reflect the character of the historic resource (for example, streets without curb and gutter may be appropriate in rural or farm areas).

5.8 ENVIRONMENTAL PROTECTION STANDARDS

5.8.1 Hillside Development

(1) Purpose and Intent

Development occurring on hillsides can result in adverse effects by destruction of natural scenic beauty and unsightly developments, increased soil erosion, fire, and flood hazards, property damage from extensive soils slippage and subsidence, or traffic circulation problems. These standards are intended to regulate development in certain hillside areas as a means of preventing such adverse effects.

(2) Applicability

Except where exempted below, the standards in this section shall apply to development when any portion of the lot:

(a) Is located within a Hillcrest/Hillside (HHO) District and in a subdivision recorded before this ordinance was adopted;

(b) Is within 500 feet of a HHO District and contains naturally-occurring slopes of 14 percent or greater; or

(c) Contains naturally-occurring slopes of 14 percent or greater, and in the determination of the DRT, needs protection (based on the intent of this section), regardless of its proximity to a HHO District.

(3) Exemptions

The standards in this subsection shall not apply to the following:

(a) Man-Made Slopes

Pre-existing or post-development man-made slopes of 14 percent or less or

(b) Sites with Limited Benefit

If, in the determination of the DRT, the area of a lot comprised of slopes 14 percent or greater is so small that there is no meaningful benefit from the application of this subsection, the DRT may waive the applicability of this section. If an applicant disagrees with the decision of the DRT, the applicant may appeal the decision to the FMPC.

(4) Standards

Development on lots subject to these standards shall comply with the following standards:

(a) Lots with Slopes of 20 Percent or Greater

(i) Development on natural slopes of twenty percent or greater is prohibited.

(ii) Slope areas of twenty percent or greater may be credited towards informal open space set-aside requirements.

(b) Minimum Lot Size

Lots subject to the standards of this section containing natural slopes of 14 percent or greater shall be a minimum of two acres, shall maintain a minimum street frontage of 150 linear feet, and a minimum side yard setback equivalent to at least 25 percent of the lot's street frontage, regardless of the standards in the applicable base or overlay district. For lots on a cul-de-sac or curvilinear street, the street frontage shall be measured at the edge of the front setback. Lots shall not be mass graded to avoid this section.

(c) Critical Lot Plan Required

Prior to the issuance of a Building Permit, a Critical Lot Plan showing how graded areas will be stabilized shall be submitted to the Department of Building and Neighborhood Services for review by staff engineers. Lots shall not be mass graded to avoid this section.

(d) Cut and Fill

(i) Cut and fill shall be minimized by following existing contours.

(ii) In cases where fill is used in areas with natural slopes ranging from 14 percent to 19.99 percent, a geotechnical report shall be required prior to issuance of a Building Permit to ensure that proper fill and grading techniques were used.

(e) Retaining Walls

Retaining walls on lots subject to the standards of this subsection shall be provided in accordance with the standards in Section 5.6, Fences and Walls.

(f) Sidewalks

Sidewalks shall only be required along one side of the street in areas subject to the requirements of this subsection and may be waived completely if the street has a rural character and design speed conducive to pedestrian traffic.

(g) Color of Structures

Structures on lots subject to the standards of this subsection shall be designed in accordance with the standards in Subsection 5.3.5, Residential Development, and Subsection 5.3.6, Nonresidential and Mixed-Use Development.

(h) Maximum Slopes for Streets and Driveways

Streets shall not exceed the maximum permitted grades for streets in the subdivision regulations. The maximum slope permitted on a driveway shall be 14 percent and shall have landings at the top and bottom to prevent vehicles from scraping pavement. The maximum permitted grades for streets shall be in accordance with the Franklin Transportation and Street Technical Standards.

5.8.2 Riparian Setbacks

Development and land-disturbing activities shall comply with the standards in the Stormwater Management Ordinance.

5.8.3 Erosion and Sedimentation Control

Development and land-disturbing activities shall comply with the standards in the Stormwater Management Ordinance.

5.8.4 Stormwater Management Facilities

(1) These facilities shall be designed to be an integral and aesthetic part of the site landscape.

(2) Measures for aeration, such as fountain features, shall be used to reduce stagnation in retention ponds.

(3) Wet detention/retention areas may be planted with moisture tolerant plant material, trees and native grasses to enhance their presence within the built environment.

(4) Fencing associated with stormwater management facilities shall be provided in accordance with the standards in Section 5.6, Fences and Walls.

5.8.5 Floodplain Protection

(1) Statutory Authorization, Findings Of Fact, Purpose And Objectives

(a) Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Franklin Tennessee, Board of Mayor and Aldermen, do ordain as follows:

(b) Findings of Fact

(i) The Franklin, Tennessee, Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

(ii) Areas of the City of Franklin, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(iii) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(c) Statement of Purpose

It is the purpose of Section 5.8.5 of the Franklin Zoning Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This section is designed to:

(i) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(ii) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(iv) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(d) Objectives

The objectives of this section are:

(i) To protect human life, health, safety and property;

(ii) To minimize expenditure of public funds for costly flood control projects;

(iii) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(iv) To minimize prolonged business interruptions;

(v) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

(vi) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;

(vii) To ensure that potential homebuyers are notified that property is in a flood prone area;

(viii) To maintain eligibility for participation in the NFIP.

(2) General Provisions

(a) Application

Section 5.8.5 shall apply to all areas within the incorporated area of the City of Franklin Tennessee.

(b) Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified in the City of Franklin, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47187C0180F; 47187C0182F; 47187C0190F; 47187C0192F; 47187C0195F; 47187C0203F; 47187C0204F; 47187C0205F; 47187C0208F; 47187C0209F; 47187C0211F; 47187C0212F; 47187C0213F; 47187C0214F; 47187C0220F; 47187C0230F; 47187C0335F dated, September 29, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of Section 5.8.5.

(c) Requirement for Floodplain Development Permit

A Floodplain Development Permit shall be required in conformity with Section 5.8.5 prior to the commencement of any development or redevelopment activities.

(d) Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of Section 5.8.5 and other applicable regulations.

(e) Abrogation and Greater Restrictions

Section 5.8.5 is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where Section 5.8.5 conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation

In the interpretation and application of Section 5.8.5, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(g) Warning and Disclaimer of Liability

The degree of flood protection required by Section 5.8.5 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. Section 5.8.5 does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. Section 5.8.5 shall not create liability on the part of the City of Franklin, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on Section 5.8.5 or any administrative decision lawfully made hereunder.

(h) Penalties for Violation

Violation of the provisions of this Section 5.8.5, or failure to comply with any of its requirements, shall be in accordance with Chapter 7 of this ordinance.

(3) Administration

(a) Designation of Section 5.8.5 Administrator

The Floodplain Administrator shall be designated by the City Administrator, in writing, and is hereby appointed as the Administrator to implement the provisions of Section 5.8.5.

(b) Permit Procedures

Application for a Floodplain Development Permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The Floodplain Development Permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(i) **Application Stage**

A.) Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under Section 5.8.5.

B.) Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under Section 5.8.5.

C.) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Subsection 5.8.5(4) of this ordinance.

D.) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(ii) **Construction Stage**

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a nonresidential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(c) Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

A.) Review all Floodplain Development Permit to assure that the permit requirements of Section 5.8.5 have been satisfied, and that proposed building sites will be reasonably safe from flooding.

B.) Review proposed development or redevelopment to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

C.) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

D.) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

E.) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

F.) Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Subsection 5.8.5(3)(b) of this ordinance.

G.) Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Subsection 5.8.5(3)(b) of this ordinance.

H.) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Subsection 5.8.5(3)(b) of this ordinance.

I.) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.8.5.

J.) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Franklin, Tennessee FIRM meet the requirements of Section 5.8.5.

K.) Maintain all records pertaining to the provisions of Section 5.8.5 in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of Section 5.8.5 shall be maintained in a separate file or marked for expedited retrieval within combined files.

(4) Provisions For Flood Hazard Reduction

(a) General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of Section 5.8.5, shall meet the requirements of "new construction" as contained in Section 5.8.5;

10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions in Section 5.8.5, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Subsection 5.8.5(4) of this ordinance;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

(b) Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Subsection 5.8.5(4) of this ordinance, are required:

1. Residential Structures

   In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three (3) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

   Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 8.3 of this ordinance). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

2. Nonresidential Structures

   In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 8.3 of this ordinance). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 5.8.5(3) of this ordinance.

3. Enclosures

   All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

   a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
      i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
      ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
      iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
   b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
   c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Subsection 5.8.5(4) of this ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles
   a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved

manufactured home parks or subdivisions, must meet all the requirements of new construction.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
   i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
   ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 8.3 of this ordinance).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Subsection 5.8.5(4) of this ordinance.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
   i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
   ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
   iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

   Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

   a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
   b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
   d. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
   e. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots

or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Subsection 5.8.5(4) of this ordinance).

(c) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Subsection 5.8.5(2) of this ordinance, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Franklin, Tennessee and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 5.8.5(4) of this ordinance.

(d) Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Subsection 5.8.5(2) of this ordinance, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 5.8.5(4) of this ordinance.

(e) Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Subsection 5.8.5(2) of this ordinance, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Subsection 5.8.5(4) of this ordinance.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 8.3 of this ordinance). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 5.8.5(3)(b) of this ordinance. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Subsection 5.8.5(4) of this ordinance.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Franklin, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 5.8.5(4) of this ordinance. Within approximate A Zones, require that those subsections of Subsection 5.8.5(4) of this ordinance, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(f) Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Subsection 5.8.5(2) of this ordinance, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1’ – 3’) where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Subsection 5.8.5(4) of this ordinance, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number

specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 5.8.5(4) of this ordinance.

2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.8.5 and shall provide such certification to the Administrator as set forth above and as required in accordance with Subsection 5.8.5(3)(b) of this ordinance.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(g) Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Subsection 5.8.5(2) of this ordinance, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Subsections 5.8.5(3) and 5.8.5(4) of this ordinance, shall apply.

(h) Standards for Unmapped Streams

Located within the City of Franklin, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Subsections 5.8.5(3) and 5.8.5(4) of this ordinance.

(5) Appeals to the Board of Zoning Appeals

(a) Variance Procedures

In the case of a request for a variance to a provision within Section 5.8.5 the following shall apply:

i. The City of Franklin, Tennessee Municipal Board of Zoning Appeals (BZA) shall hear and decide appeals and requests for variances from the requirements of Section 5.8.5, as specified in Section 2.4.5 of this ordinance.

ii. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of Section 5.8.5 to preserve the historic character and design of the structure.

iii. In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of Section 5.8.5, and:

(a) The danger that materials may be swept onto other property to the injury of others;

(b) The danger to life and property due to flooding or erosion;

(c) The susceptibility of the proposed facility and its contents to flood damage;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(h) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

iv. Upon consideration of the factors listed above, and the purposes of Section 5.8.5, the BZA may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of Section 5.8.5.

v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Subsection 5.8.5(5) of this ordinance
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

(c) Zoning District Boundary Interpretations

1. The BZA may review questions relating to the district boundaries for the FWO and the FFO, delimited according the Zoning Map, as specified in Section 3.1.2 of the ordinance.

5.9 OFF-STREET PARKING AND LOADING

5.9.1 Purpose and Intent

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands, ensure the proper and uniform development of parking areas throughout the city, prevent the establishment of excessive amounts of off-street surface parking, and encourage appropriate infill and reinvestment within established areas, off-street parking and loading spaces for each use shall be provided in accordance with the standards established in this section.

5.9.2 Applicability

(1) General

The off-street parking and loading standards of this section shall apply to all new development and redevelopment in the city.

(2) Expansions and Alterations

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity, or where there is a change in use, and such expansion or change in use will result in increased vehicle trips.

(3) Parking in the CFCO District

Legally established uses within Special Areas 1 and 2 of the CFCO District in existence on the effective date of this ordinance shall be exempt from the requirement to provide off-street parking spaces. However, any additional square footage resulting from an addition, enlargement, or other alteration to an attached residential, nonresidential, or mixed-use building shall be subject to the minimum off-street parking requirements in Table 5-9, Minimum Off-Street Parking Standards. The additional spaces required shall be calculated only for the additional square footage. When new attached residential dwelling units are created, a maximum of two off-street parking spaces per dwelling unit shall be required. This provision shall not be construed to prevent the use of an Alternative Parking Plan (See Section 5.9.11.) to address off-street parking requirements.

(4) Exemption for Second-Story Residential on Main Street

Second- or third-story residential units included as part of a vertically-integrated mixed-use development along Main Street shall be exempt from the standards in Table 5-9, Minimum Off-Street Parking Standards.

5.9.3 General Standards for Off-street Parking, Stacking, and Loading Areas

(1) Use of Parking Area, Stacking Area, or Loading Space

All vehicular parking areas, stacking areas, and loading spaces required by this section shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work, vehicle service, or display of any kind, shall constitute a separate business use of the space, and may not be counted towards required off-street parking, stacking, or loading spaces.

(2) Identified as to Purpose and Location When Not Clearly Evident

Off-street parking areas of three or more spaces and off-street loading areas shall include painted lines, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles.

(3) Surfacing

(a) General

(i) All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material, except as provided for in Subsection 5.9.11(8), Alternative Materials.

(ii) Surfacing materials shall be maintained in a smooth, well-graded condition, except for approved porous paving.

(iii) Except on detached residential lots, development in the AG District, or as provided for in Subsection 5.9.11(8), Alternative Materials, gravel parking areas shall not be used to satisfy the minimum number of required off-street parking spaces.

(b) Spaces Exceeding Maximum Standards

Where the number of off-street parking spaces added during new development or redevelopment exceeds the minimum number allowed by Table 5-9, Minimum Off-Street Parking Standards, such spaces shall comply with the standards of Subsection 5.9.11, Alternative Parking Plan.

(4) Arrangement

(a) Convenient Access

(i) All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles. Any proposed traffic control devices, where necessary to promote the safe and efficient movement of traffic, shall be in conformance with the *Manual on Uniform Traffic Control Devices*.

(ii) Except for detached residential uses, townhouses, or where tandem parking is approved through an Alternative Parking Plan, off-street parking areas with three or more spaces shall be configured so that an automobile may be parked and un-parked without moving another automobile.

(iii) Off-street parking areas (including those serving detached residential uses), shall be designed to accommodate the minimum number of required parking spaces without use of the public right-of-way.

(iv) Except within allowable on-street parking areas, in no instance shall parking or maneuvering incidental to parking (except for ingress and egress) be on a public street or sidewalk.

(b) Backing onto Public Streets Prohibited

All off-street parking and loading areas, except on lots used for detached residential dwellings, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets.

(5) Drainage

All off-street parking and loading areas shall comply with the standards in the Stormwater Management Ordinance.

(6) Exterior Lighting

New or redeveloped off-street parking and loading areas shall be lighted so as to prevent glare or excessive light on adjacent land, and unless exempted, shall comply with the standards of Section 5.11, Exterior Lighting. This standard does not apply to parking and loading areas serving detached residential uses.

(7) Landscape

Except for parking areas on the same lot as a detached residential use , all off-street parking and loading areas shall be landscaped in accordance with Subsection 5.4.5, Vehicular Use Area Landscape.

(8) Curbs and Motor Vehicle Stops

All off-street parking and loading areas shall provide curbs or similar devices to prevent vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent land, or landscape areas. Motor vehicle stops are permitted only for handicap spaces or in parking structures. Nothing in this section shall prevent installation of stormwater quality facilities.

(9) Maintained in Good Repair

(a) Maintained at All Times

All off-street parking and loading areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding lots.

(b) Periodically Restored

All off-street parking and loading areas shall be periodically painted or otherwise maintained to retain a clear identification of separate parking stalls or loading areas.

(10) Maximum Slope

(a) Paved off-street parking areas shall not exceed a six percent slope.

(b) Within off-street parking areas on sloping sites (four percent or greater), parking bays shall run parallel to elevation contours.

(11) Review for Compliance

Review for compliance with the standards of this subsection shall occur at the time of Site Plan, or Development Plan review as appropriate.

(12) Construction of Off-street Parking and Loading Areas

All required off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve. In the case of phased development, off-street parking and loading areas shall only be provided for the portions of the development for which a Site Plan, or Development Plan is approved.

5.9.4 Off-Street Parking Standards

(1) Parking Plan Required

A parking plan (where appropriate), shall be submitted with an application for a Site Plan, Development Plan, or any development that is required to provide more than three off-street parking spaces. The plan may be included within the required Circulation Plan, and shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve. (See Section 5.10, Mobility and Circulation.)

(2) Minimum Number of Spaces Required

Unless otherwise expressly stated in this section, off-street parking spaces for non-industrial uses shall be provided in accordance with Table 5-9, Minimum Off-Street Parking Standards:

TABLE 5-9: MINIMUM OFF-STREET PARKING STANDARDS [1] [2] [3] [4] [6]

Use Type	Traditional Areas		Conventional Areas	
	Min. # Spaces / 1,000 sq. ft.	Additional Requirements	Min. # Spaces / 1,000 sq. ft.	Additional Requirements
Agricultural Uses				
Agricultural Use	---	Subsection 5.9.4(4)	---	Subsection 5.9.4(4)
Residential Uses				
Attached Dwelling	---	▪ 2/first bedroom ▪ 0.50 space/each additional bedroom	---	▪ 2/first bedroom ▪ 0.50 space/each additional bedroom
Detached Dwelling	---	▪ 2/unit	---	▪ 2/unit

TABLE 5-9: MINIMUM OFF-STREET PARKING STANDARDS [1] [2] [3] [4] [6]

Use Type	Traditional Areas		Conventional Areas	
	Min. # Spaces / 1,000 sq. ft.	Additional Requirements	Min. # Spaces / 1,000 sq. ft.	Additional Requirements
Elderly Housing	---	▪ 1.50/housing unit	---	▪ 1.50/housing unit
Group Home	---	Subsection 5.9.4(4)	---	Subsection 5.9.4(4)
Retirement Center	4	▪ 1/emp	4	▪ 1/emp
Temporary Care Facility	---	▪ 0.25/patient ▪ 1/emp	---	▪ 0.25/patient ▪ 1/emp
Institutional Uses				
Day Care Center	2	▪ 1/emp ▪ 5 stacking/ standing spaces	2	▪ 1/emp ▪ 5 stacking/ standing spaces
Institutional Use	---	Subsection 5.9.4(4)	---	Subsection 5.9.4(4)
Office Uses				
Office	2.85	---	4	---
Medical Office	---	Subsection 5.9.4(4)	---	Subsection 5.9.4(4)
Office Showroom	2	1/emp	2	1/emp
Commercial Uses				
Adult-Oriented Establishments	---	▪ 0.33/person of max. occupant load	---	▪ 0.33/person of max. occupant load
Automotive Fuel Sales	2.50	▪ 1/gasoline pump	3.33	▪ 1/gasoline pump
Automotive Svc Facility	2.50	▪ 1/gasoline pump	3.33	▪ 1/gasoline pump
Automotive Wash Facility	---	▪ 1 drying space/bay ▪ 2 stacking spaces/washing spaces/bay [5]	---	▪ 1 drying space/bay ▪ 2 stacking spaces/washing spaces/bay [5]
Bank	5	▪ 4 stacking spaces/drive-in lane	5	▪ 4 stacking spaces/drive-in lane
Barber and Beauty Svc	---	▪ 2/seat ▪ 1/emp	---	▪ 1/seat ▪ 1/emp
Bed and Breakfast Establishment	---	▪ 2 + 1/rented room	---	▪ 2 + 1/rented room
Building Materials	5	▪ 1/emp	5	▪ 1/emp
Convenience Stores	2.50	▪ 1/gasoline pump	3.33	▪ 1/gasoline pump
Equipment Rental	5	▪ 1/emp	5	▪ 1/emp
Extended Stay or All-Suite Hotel, Full Svc Hotel or Motel	---	▪ 1.00/guest room ▪ 0.75/emp on largest shift ▪ 0.17/person of max. occupant load in assembly areas	---	▪ 1/guest room ▪ 1/emp on largest shift ▪ 0.25/ person of max. occupant load in assembly areas

TABLE 5-9: MINIMUM OFF-STREET PARKING STANDARDS [1] [2] [3] [4] [6]

Use Type	Traditional Areas		Conventional Areas	
	Min. # Spaces / 1,000 sq. ft.	Additional Requirements	Min. # Spaces / 1,000 sq. ft.	Additional Requirements
Funeral Home	---	▪ 0.25/person of max. occupant load	---	▪ 0.25/person of max. occupant load
Nursery and Garden Center	5	▪ 1/emp	5	▪ 1/emp
Personal Services	2.50		3.33	
Restaurant	7.50 + 0.67/outdoor seat	▪ 0.75/emp on largest shift	10 + 0.67/outdoor seat	▪ 1/emp on largest shift
Restaurant, Drive In/Drive Through	---	▪ 0.67/seat (indoor and outdoor)	---	▪ 0.67/seat (indoor and outdoor)
Retail and/or Commercial Use	2.50 for structures up to 300,000 sf 2 for structures 300,000 or more sf	---	3.33 for structures up to 300,000 sf 2.67 for structures 300,000 or more sf	---
Self-Storage Facility	1	---	1	---
Theater	---	▪ 0.25/seat	---	▪ 0.33/seat
Vehicle Sales and Rental [7]	1.50	---	2	---
Veterinary/Kennel Facility	1.50	---	2	---
Industrial Uses				
Heavy and Light Industrial	---	Subsection 5.9.4(3)	---	Subsection 5.9.4(3)
Engine and Motor Repair	2.50	---	2	---
Self Storage Facility	3.00	▪ + .01/unit	4	▪ .01/unit
Wrecker Service	---	▪ 1/emp ▪ 1/vehicle in use	---	▪ 1/emp ▪ 1/vehicle in use
Manufacturing, Construction	---	Subsection 5.9.4(3)	---	Subsection 5.9.4(3)
General Warehouse	---	▪ 2/emp	---	▪ 2/emp

NOTES:

[1] Requirements are based on gross square feet.

[2] Unified developments may establish parking requirements as necessary, provided the minimum overall requirements shall be maintained.

[3] Decimals shall be rounded up to the next highest whole number.

[4] “emp” = employee

[5] A washing space is not a parking space.

TABLE 5-9: MINIMUM OFF-STREET PARKING STANDARDS [1] [2] [3] [4] [6]				
Use Type	**Traditional Areas**		**Conventional Areas**	
	Min. # Spaces / 1,000 sq. ft.	**Additional Requirements**	**Min. # Spaces / 1,000 sq. ft.**	**Additional Requirements**
[6] Uses with variable parking demand characteristics may be permitted to install fewer spaces than required by Subsection 5.9.4(4); however, sufficient area shall be reserved in accordance with Subsection 5.9.11(4) to allow for adequate parking to be installed upon a change in use or increased parking demand over time. [7] The parking requirements in the Vehicle Sales and Rental use type shall be based on Customer and Employee parking. Parking for the display of inventory shall not be counted in the total parking requirement, but shall be labeled as Inventory Parking. All other standards of this ordinance shall apply to the Inventory Parking.				

(3) Off-Street Parking Standards for Selected Service and Industrial Uses

Uses subject to the alternative off-street parking standards shall provide the minimum number of spaces identified in Table 5-10, Off-Street Parking Standards for Selected Industrial Uses:

TABLE 5-10: OFF-STREET PARKING STANDARDS FOR SELECTED INDUSTRIAL USES	
"SF" = Square Feet	
Use or Activity [1]	**Required Number of Spaces [2]**
Office or administrative area	1 per every 300 sf
Indoor sales area	1 per every 200 sf
Indoor storage/warehousing/assembly/vehicular service/manufacturing area: 1-3,000 square feet 3,001-5,000 square feet 5,001-10,000 square feet 10,001 + square feet	 1 per every 250 sf 1 per every 500 sf 1 per every 750 sf 1 per every 1,250 sf
Outdoor sales/display/storage area (3,000 square feet or less)	1 per every 750 sf
Outdoor sales/display/storage area (more than 3,000 square feet)	1 per every 1,000 sf
NOTE: [1] Uses with variable parking demand characteristics may be permitted to install fewer spaces than required by Subsection 5.9.4(4); however, sufficient area shall be reserved in accordance with Subsection 5.9.11(4) to allow for adequate parking to be installed upon a change sin use or increased parking demand over time. [2] The total number of required spaces is cumulative based on the variety of different functions present in a single use.	

(4) Uses with Variable Parking Demand Characteristics

(a) Uses that reference this subsection in Table 5-9, Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Department of Planning and Sustainability shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the Department of Planning and Sustainability, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

(b) In approving a parking requirement for a proposed use that is less than identified in table 5-9 or Table 5-10, sufficient area shall be reserved in accordance with Subsection 5.9.11(4) to allow for adequate parking to be installed upon a change in use or increased parking demand over time.

(5) Mixed Uses

Unless otherwise approved, lots containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision shall not limit the ability to submit an Alternative Parking Plan to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.

(6) Maximum Number of Spaces Permitted

In no event shall an attached residential, nonresidential, or mixed-use development provide more than 120 percent of the minimum number of parking spaces established in Table 5-9, Minimum Off-Street Parking Standards, as surface spaces except through the approval of an Alternative Parking Plan. (See Subsection 5.9.11.)

(a) Additional Requirements

(i) Any off-street surface parking spaces provided in excess of the maximum number of off-street parking spaces required in Table 5-9, Minimum Off-Street Parking Standards, shall comply with the standards of Subsection 5.9.11(1), Provision Over the Maximum Allowed.

(ii) Off-street surface parking spaces provided in excess of the maximum number of spaces shall be pervious.

(7) Compact Spaces

Within lots of 20 or more spaces, up to 25 percent of the minimum number of required off-street parking spaces identified in Table 5-9, Minimum Off-Street Parking Standards, may be provided as compact car spaces, provided the following standards are met:

(a) Minimum Dimensions

(i) Each compact car parking space shall have minimum dimensions in accordance with Table 5-11, Dimensional Standards for Parking Spaces and Aisles;

(ii) The minimum width of compact spaces shall be increased to eight feet and seven inches for spaces at a 60 degree angle to the aisle serving them, and ten feet and six inches for spaces at a 45 degree angle to aisle serving them;

(b) Location

Compact car parking spaces shall be located no closer to the primary building entrance than any standard parking spaces; and

(c) Designated

All compact car spaces shall be designated by signage or pavement marking.

(8) Placement

The location or placement of off-street parking areas on a development site shall be limited in accordance with the placement standards in Section 5.3, Building and Site Design Standards.

5.9.5 Computation of Required Off-Street Parking Spaces

(1) Fractions

When measurements of the number of required parking spaces result in fractions, the space standard shall be rounded upward to the next highest whole number.

(2) Different Use Areas

Except as provided for in this subsection, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.

(3) Combinations of Uses

If the Department of Planning and Sustainability determines that a proposed use represents a combination of uses listed in Table 5-9, Minimum Off-Street Parking Standards, the minimum and maximum parking space standards shall be those that would apply if the two (or more) uses were developed separately, unless the Department of Planning and Sustainability determines that a lower standard would be adequate because of differences in peak operating hours.

(4) On-Street Parking

Except on detached residential lots, lots in the CFCO District, traditional areas, mixed-use developments, Hamlets, Conservation Subdivisions, TND's, TOD's, or as part of an Alternative Parking Plan, on-street parking on streets, shall not be used to satisfy the off-street parking standards of this subsection.

(5) Parking Based on Seating

When the standards use seating as a unit of measurement, all calculations shall be based on the occupant load of the areas used for seating.

(6) Parking Based on Floor Area

Except as provided for in this subsection, when the standards use amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area.

(7) Parking Based on Occupants

Except as provided for in this subsection, when the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum fire-rated capacity.

(8) Determination by Department of Planning and Sustainability

(a) Parking standards for uses not specifically listed in Table 5-9, Minimum Off-Street Parking Standards, shall be determined by the Department of Planning and Sustainability based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association or the American Planning Association.

(b) The Department of Planning and Sustainability may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

5.9.6 Stacking Spaces for Drive-through and Related Uses

In addition to meeting the off-street parking standards in Table 5-9, Minimum Off-Street Parking Standards, uses with drive-through facilities or similar auto-orientation, including, but not limited to, financial institutions, automotive service or wash facilities, restaurants with a drive through, dry cleaners, and pharmacies shall provide adequate automobile stacking spaces on site and shall be arranged so that no vehicle stacking area shall cause automobiles to queue within public rights-of-way.

5.9.7 Accessible Parking Spaces for Disabled Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities in accordance with the applicable building code administered by the Department of Building and Neighborhood Services.

5.9.8 Dimensional Standards for Parking Spaces and Aisles

(1) General

The dimensions for standard car parking spaces and parking lot aisles shall comply with Table 5-11, Dimensional Standards for Parking Spaces and Aisles:

TABLE 5-11: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Parking Angle	Stall Width (Ft)	Stall Depth (Ft)	Min. and Max. Aisle Width (Ft)
Parallel	8	22	20-24 for two way [1]
45 degrees	12.7	25	16-20 for one way
60 degrees	10.4	22 [5]	16-20 for one way
90 degrees	9 [2]	18 [4], [5]	20-24 for two way [1] [3]
Compact	8.5	18	20-24 for two way [1]

NOTES:
[1] Aisle widths are provided for two-way traffic. In cases where traffic is proposed for one-way travel, then the width of the aisle may be reduced by one-half.
[2] The minimum width for 90 degree parking stalls adjacent to a landscape island or green space shall be 10 feet.

TABLE 5-11: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	**Stall Width (Ft)**	**Stall Depth (Ft)**	**Min. and Max. Aisle Width (Ft)**
[3] In TND developments driveways shall be a maximum of 20 feet in width. Aisles shall be 24 feet wide outside of TNDs.			
[4] When a parking stall abuts a sidewalk that is seven feet in width or wider, the stall depth may be reduced to 16 feet			
[5] Stall depth to wall shall be at least 19 feet.			

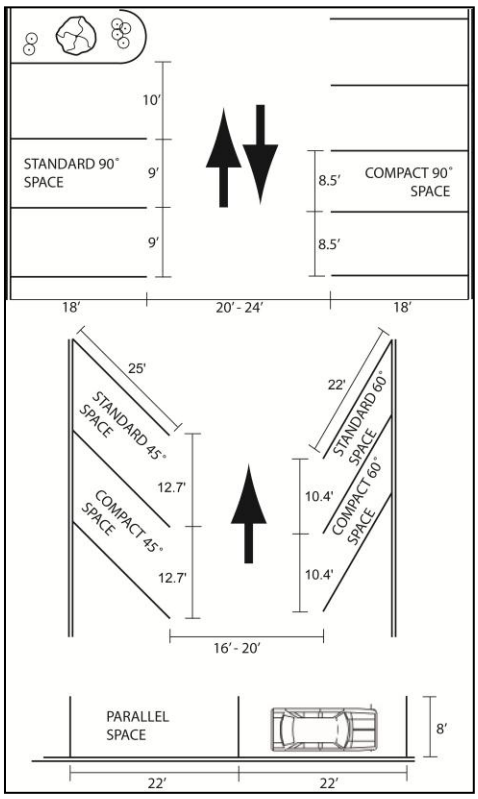


Figure 5-121: This illustration depicts the required configuration for off-street surface parking spaces.

(2) Dimensional Adjustments

Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard space width be less than eight feet. Reduction in design standards shall be subject to approval by Department of Building and Neighborhood Services.

(3) Primary Drive Aisles

Primary drive aisles within large off-street surface parking lots of 250 or more spaces located in conventional areas shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. They shall also meet the following standards:

(a) Primary drive aisles shall have a maximum cross section of 40 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;

(b) Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);

(c) Sidewalks meeting the standards in Section 5.10, Mobility and Circulation, shall be provided adjacent to the building's front facade; and

(d) Street trees planted in accordance with the standards in Subsection 5.4.8, Street Trees, shall be provided along both sides of the primary drive aisle except that understory trees may be used adjacent to the building façade within 40 feet of building entrances.

Figure 5-122: Primary drive aisles are designed to appear as an extension of the public street network through the inclusion of sidewalks, "street" trees, and parallel parking spaces where appropriate.

5.9.9 Pedestrian Pathways

Surface parking lots containing 250 or more surface parking spaces shall provide at least one paved pedestrian pathway with a minimum width of five feet to the primary entrance of the building(s) being served by the parking lot. The pedestrian pathway shall be located within a landscaping island and shall serve to connect the primary building entrance with the sidewalk system around the site.

Figure 5-123: A pedestrian pathway connects the building entrance with the off-site sidewalk system.

5.9.10 Bicycle Facilities

Developments with surface parking areas with 50 or more spaces shall provide bicycle parking facilities, which shall comply with the following standards:

(1) Location

Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than one hundred linear feet from the primary building entrance;

(2) Number of Spaces

Bicycle parking spaces shall be provided at the following rates:

(a) On lots within traditional areas, one bicycle parking space per every ten off-street parking spaces; and

(b) On lots within conventional areas, one bicycle parking space per every 20 off-street parking spaces.

(3) Securing Device

Include a rack or other device to enable bicycles to be secured.

5.9.11 Alternative Parking Plan

The Department of Planning and Sustainability shall be authorized to approve an Alternative Parking Plan, that proposes alternatives to providing the number of off-street parking spaces required by Table 5-9, Minimum Off-Street Parking Standards, in accordance with the standards listed below. Nothing in this subsection shall limit the use of one or more of the following off-street parking alternatives by a single use.

(1) Provision Over the Maximum Allowed

Requests to provide more than the maximum number of off-street parking spaces required by Subsection 5.9.4(6), Maximum Number of Spaces Permitted, shall comply with the following:

(a) Parking Demand Study

Requests for exceeding the maximum number of required off-street parking spaces shall be accompanied by a Parking Demand Study demonstrating how the maximum number of parking spaces specified by Subsection 5.9.4(6), Maximum Number of Spaces Permitted, is insufficient for the proposed development.

(b) Minimum Amount Required

Requests to exceed the maximum number of off-street spaces allowed are limited to the minimum number of additional spaces required as recommended in the required Parking Demand Study.

(c) Surfaced with Alternative Materials

All off-street parking spaces provided in excess of the maximum specified in Subsection 5.9.4(6), Maximum Number of Spaces Permitted, are surfaced with a pervious surfacing material acceptable to the city.

(2) Shared Parking

Requests for shared parking shall comply with the following standards:

(a) Proximity to Use

Shared parking spaces shall be located within 1,320 linear feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.

(b) Same or More Intensive Use

A shared parking area shall be located on a site with the same or more intensive zone district classification than required for the primary uses served.

(i) Applicants requesting to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

A.) The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent.

B.) Directional signage that complies with the standards of this ordinance shall be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to use these spaces.

(ii) A Shared Parking Plan shall be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 5-9, Minimum Off-Street Parking Standards.

(3) Off-Site Parking for Nonresidential Uses

All off-street parking areas for any nonresidential use shall be provided on the same lot as the use it serves. However, parking may be allowed on another lot where there are practical difficulties in the location of the parking area or if public safety or public convenience, or both, are better served by a remote location. Off-site parking for nonresidential and mixed-uses shall comply with the following standards:

(a) Same Ownership

The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking.

(b) Pedestrian Way Required

A pedestrian way, not more than 600 feet in length, is established from the parking area to the use to be served.

(c) No Undue Hazard

The parking area is convenient to use without causing unreasonable:

(i) Hazard to pedestrians;

(ii) Hazard to vehicular traffic;

(iii) Traffic congestion;

(iv) Interference with commercial activity or convenient access to other parking areas in the vicinity;

(v) Detriment to the appropriate use of business lands in the vicinity; or

(vi) Detriment to any abutting residential neighborhood.

(4) Deferred Parking

An applicant may submit a request to defer the construction of up to 50 percent of the required number of parking spaces specified in Table 5-9, Minimum Off-Street Parking Standards, or Table 5-10, Off-Street parking Standards for Selected Industrial Uses, if the request complies with the following standards:

(a) Reserve Parking Plan

The request is accompanied by a Reserve Parking Plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if needed.

(b) Parking Demand Study

Adequate assurance is provided that within 16 months after the initial Certificate of Occupancy is issued for the proposed development, the applicant will submit a Parking Demand Study to the Department of Planning and Sustainability that demonstrates the parking demand for the development and the adequacy of existing parking spaces. If the study indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces shall not be required. If the study indicates additional parking is required, it shall be provided consistent with the Reserve Parking Plan and the standards of this section.

(c) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

(d) Landscape Required

If ultimately developed for off-street parking purposes, areas reserved for future parking shall be landscaped with an appropriate ground cover and shall comply with all relevant landscape standards of this ordinance.

(5) Parking Structures

The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves. Ground floor parking provided in a parking structure shall be screened, insofar as practicable, from surrounding uses and from public view as required by Subsection 5.4.5, Vehicular Use Area Landscape. In addition, for uses located on the same lot as the structure, the conditions required for shared parking shall apply. For uses located on a different lot as the structure, the conditions required for off-site parking shall apply.

(6) Valet and Tandem Parking

An off-street parking program utilizing limited tandem parking for commercial uses shall comply with the following standards:

(a) The development served shall provide 75 or more parking spaces;

(b) No more than 30 percent of the total number of spaces shall be designated as tandem; and

(c) A valet parking attendant must be on duty during hours of operation.

(7) On-Street Parking

The use of on-street parking to meet a portion of the minimum off-street parking requirements is permitted if it complies with the following:

(a) Adequate on-street or structured parking exists within 500 linear feet from the primary entrance of the proposed use;

(b) The proposed development is located within the CFCO District, a traditional area, an MN, ML, or MX District, or is a TND, TOD, Hamlet, or Conservation Subdivision;

(c) Except within the CFCO District, no more than 25 percent of the off-street parking space requirement is met through the use of on-street parking; and

(d) There is no negative impact to existing or planned traffic circulation patterns.

(8) Alternative Materials

The use of pervious or semi-pervious parking area surfacing materials, including but not limited to grass, mulch, “grasscrete”, ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete may be approved for the required vehicular surface area on a lot provided that such areas are properly maintained. Decorative dust-free gravel used in conjunction with reinforced matting, grid pavers, or pervious asphalt, is permitted as an alternative parking area surfacing material in the CFCO and traditional areas. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

Figure 5-124: Pervious or semi-pervious surfacing materials such as grasscrete or grasspave may be used as an alternative surfacing material for surface parking areas.

5.9.12 Loading Space Standards

(1) Applicability

Unless waived by the Department of Planning and Sustainability or the FMPC, nonresidential uses shall provide loading/unloading facilities in accordance with this subsection.

(2) Number of Required Off-street Loading Berths

The minimum number of loading spaces or berths shall be provided on-site for all developments specified in Table 5-12, Loading and Unloading Requirements, depending on the use or its gross floor area. The applicant may provide a greater number of spaces than those required by this subsection.

TABLE 5-12: LOADING AND UNLOADING REQUIREMENTS

Gross Square Feet of Structure	Min. # of Required Berths [1]
3,000-25,000	1
25,001-90,000	2
90,001-155,000	3

TABLE 5-12: LOADING AND UNLOADING REQUIREMENTS	
Gross Square Feet of Structure	**Min. # of Required Berths [1]**
155,001-240,000	4
240,001-325,000	5
325,001-410,000	6
410,001-500,000	7
Each 100,000 above 500,000	1
NOTES: [1] Unified developments may establish off-street loading/unloading requirements as necessary, provided that the minimum number of berths overall shall be maintained.	

(3) Standards

(a) Minimum Dimensions

(i) Except for industrial uses, each loading berth or space required by this subsection shall be at least 12 feet wide by 25 feet long (or deep), with at least 14 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

(ii) Industrial uses shall provide loading berths at least 12 feet wide and 55 feet long, with at least 14 feet of overhead clearance.

(b) Location

Within traditional areas, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

(c) Delineation of Loading Spaces

All loading spaces shall be delineated by signage and striping and labeling of the pavement.

(d) Access to a Street

All loading areas shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

(e) Paving

The ground surface of loading areas shall be paved with a durable, dust-free and hard material such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

5.10 MOBILITY AND CIRCULATION

5.10.1 Purpose and Intent

The purpose for this section is to establish mobility and circulation standards that treat alternative modes of travel (including walking) with the same degree of importance as that afforded to motor vehicles. This section is intended to:

(1) Provide safe, efficient, and convenient vehicular, bicycle, and pedestrian access and circulation patterns within and between developments;

(2) Foster a pedestrian-friendly distribution of land uses and street network;

(3) Create a safe, continuous network of pedestrian walkways within and between developments;

(4) Reduce interference with through traffic by other vehicles, bicycles, or pedestrians entering, leaving, and crossing streets;

(5) Establish a pedestrian network that offers clear circulation paths from the parking areas to building entries that creates a friendlier, more inviting image;

(6) Assure safe access to and from streets by emergency vehicles; and

(7) Establish a requirement for the preparation of a Circulation Plan that addresses transit, bicycle, pedestrian, and vehicular circulation both within a development and with surrounding developments.

5.10.2 Applicability

The standards in this section shall apply to development on all lots in the city, as well as to public and private street rights-of-way.

5.10.3 Circulation Plan Required

(1) Except for new detached and attached residential uses with less than three dwellings, all new development and redevelopment in the city shall prepare a Circulation Plan.

(2) The Circulation Plan shall address street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.

(3) The DRT may waive the requirement for a Circulation Plan on a case-by-case basis in the event that a new development has no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

(4) A Circulation Plan shall be submitted with the Concept Plan, Preliminary Plat, Final Plat, Site Plan, or Development Plan as indicated in the Administrative Manual.

(5) Traffic Impact Analysis

As a part of the required Circulation Plan, the City Engineer may require, at no cost to the city, a traffic impact study to be prepared in accordance with the following standards:

(a) When Required

Traffic impact studies to assess the traffic impacts of a proposed access to adjoining and nearby streets and intersections shall be required when:

(i) The expected number of trips generated by a proposed land use exceeds an estimated 1,000 vehicle trips per day or 100 peak hour vehicle trips per day; or

(ii) A proposed land use generates less than 1,000 vehicle trips per day, or 100 peak hour vehicle trips per day when:

A.) The use is on a site located at or near existing or planned signalized intersections; or

B.) The proposed land use may constitute a threat or danger to the safe and efficient flow of traffic.

(iii) The City Engineer may waive this provision if a recent, valid traffic study has been completed from which needed traffic impacts can be extrapolated.

(b) Preparation

A traffic impact study shall be prepared by a qualified registered professional engineer using the standard format specified by the Institute of Transportation Engineers (ITE) publication *Traffic Access and Impact Studies for Site Development*, in accordance with the following:

(i) **Initial Meeting**

Prior to preparation of a traffic impact study, the preparer shall review the following with the Engineering Department:

A.) Study methodologies and assumptions;

B.) The study area designation;

C.) The study horizon year;

D.) The time periods to be analyzed;

E.) Other approved developments in progress; and

F.) Planned or on-going relevant roadway projects.

(ii) **Memorandum of Understanding (MOU)**

A.) Following initial review with the Engineering Department, the study preparer shall submit a MOU documenting the concepts discussed during the initial review.

B.) Following approval of the MOU by the Engineering Department, the study may be prepared.

(iii) **Data**

Traffic impact studies shall be prepared utilizing traffic data that are consistent with:

A.) The land use and density data as referenced in the most current edition of *Trip Generation*, published by the Institute of Transportation Engineers;

B.) Current city and state traffic counts for surrounding streets;

C.) The marketing study for the proposed land use; and

D.) Any additional traffic counts performed as a part of preparing the study.

(c) Minimum Requirements

Unless otherwise specified by the Engineering Department, the study shall address:

(i) Trip generation and directional distribution;

(ii) Traffic assignment to streets and access locations;

(iii) Twenty-four-hour and a.m. and p.m. peak hour, including mid-day peak hour for nonresidential development, traffic forecasting (on-site and off-site);

(iv) Capacity analysis and level of service for adjoining streets, and nearby intersections (including at least one signalized intersection beyond the project boundary) before and after the proposed full development;

(v) Recommendations for street improvements and traffic control installation, a warrant analysis for new signals included in the study, and modifications to existing signals; and

(vi) Recommendations for Intelligent Transportation System (ITS) elements in accordance with the ITS Master Plan.

(d) Minimum Level of Service Standards

The following minimum levels of service shall be maintained before, during, and after new development or redevelopment subject to the standards in this subsection:

(i) **Roadway and Intersection Operation**

All roadway segments and intersections shall maintain at least a Level of Service C.

(ii) **Intersection Turning Movements**

Lanes used for turning movements within intersections shall maintain a minimum Level of Service D.

(iii) **Less than Minimum Background Conditions**

Where forecasted conditions without the site traffic indicate levels of service below the acceptable minimum threshold, the developer shall perform all improvements necessary to restore the pre-development level of operation.

5.10.4 Connectivity

(1) Internal Street Connectivity

(a) Circulation Plans for development on lots in the CFCO District shall provide for multiple connections to the existing city street network wherever possible.

(b) Except for lots within the CFCO District, Circulation Plans prepared for all new development shall maintain internal street connectivity through the use of a connectivity index, in accordance with the following standards.

(i) All development shall achieve a connectivity index score of 1.65 or greater;

(ii) The connectivity index for a development is calculated by dividing its links by its nodes. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development, private streets in gated sections, or alleys shall not be counted as links. One link beyond every node that exists in the development and provides access to the street network shall be included in the index calculation.

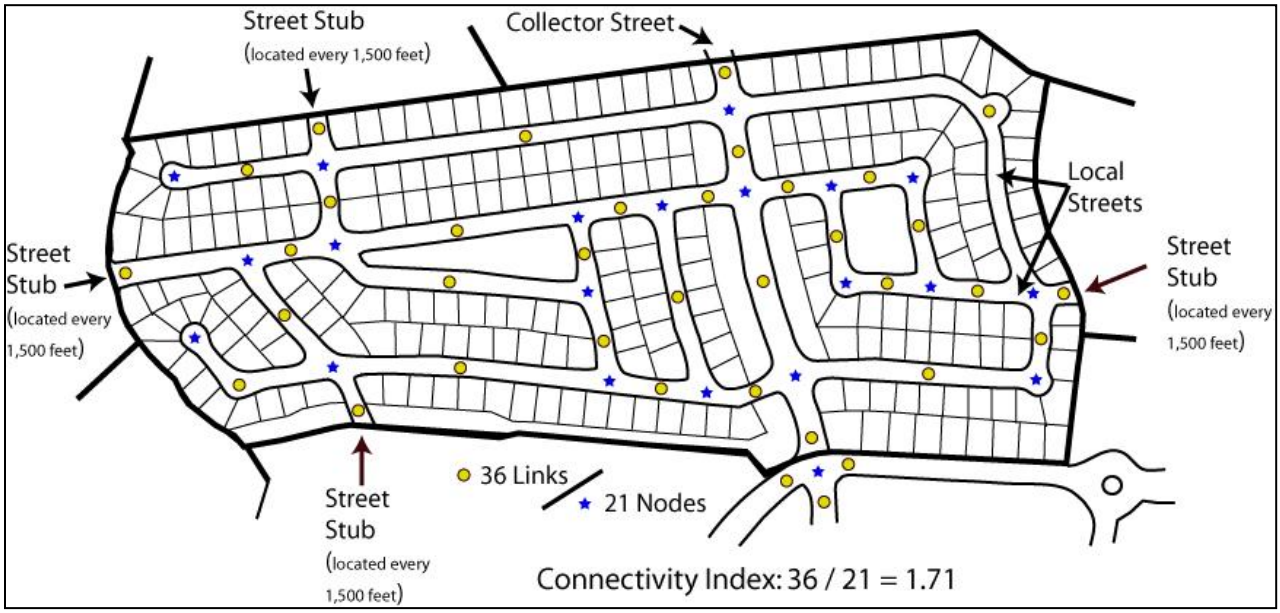
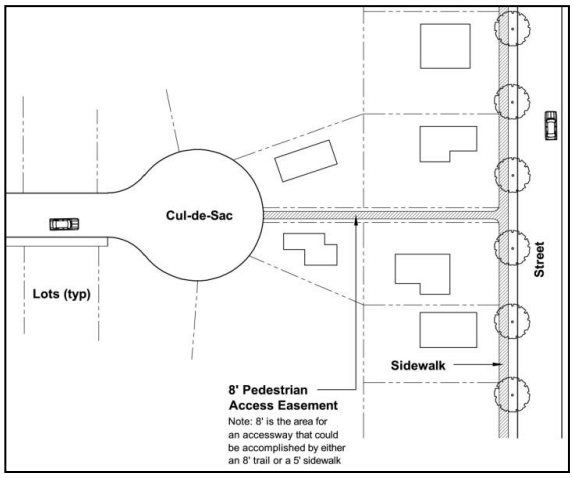


Figure 5-125: This figure provides an example of how to calculate the connectivity index. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 (36/21 = 1.71). In addition, each side of the development includes at least one street stub or connection to the greater street system every 1,500 feet.

(iii) The connectivity index standard of 1.65 or greater may be reduced by the DRT if the owner/developer demonstrates it is impossible or impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns. If an applicant disagrees with the decision of the DRT, the applicant may appeal the decision to the FMPC or the BOMA (depending upon the type of application).

(iv) Whenever cul-de-sac streets are created, at least one eight-foot-wide pedestrian access/public utility easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway.

Figure 5-126: Pedestrian accessways from cul-de-sac heads to the larger pedestrian system help preserve pedestrian connectivity where street connections cannot be made.



(v) Temporary dead end streets terminating at the perimeter of a development shall be counted as a link. In no case shall a temporary dead end street terminating at a point internal to the development be counted as a link.

(c) Gated Streets

Gated streets, or sections of neighborhoods with gated private streets, are permitted provided the development achieves and maintains the minimum connectivity index score in Subsection (b) above.

(2) External Street Connectivity

In addition to the internal street connectivity requirements, Circulation Plans for all new development, except for lots within the CFCO District, shall maintain external street connectivity in accordance with the following standards:

(a) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections. Traffic calming measures shall be integrated into the development to mitigate the impact of potential future "cut-through" traffic.

(b) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, HHO Districts, riparian buffers, required Tree Protection Zones, slopes exceeding 14 percent, or other unique site conditions preventing a street connection in the determination of the DRT.

(c) Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Engineering Department. If an applicant disagrees with the decision of the Engineering Department regarding traffic calming, the applicant may appeal the decision to the FMPC or BOMA, depending on the type of application.

(d) Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.

(e) Shared commercial/residential connections with arterials shall be primarily oriented towards commercial centers.

(f) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "STREET TO BE EXTENDED BY THE AUTHORITY OF THE CITY OF FRANKLIN" to inform property owners.

(g) The Final Subdivision Plat and the deeds for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

(3) Cross Access Between Adjacent Uses

To encourage shared parking and shared access points on public streets, circulation plans prepared for all new attached residential, nonresidential, and mixed-use development shall comply with the following standards:

(a) Except on lots within the LI and HI Districts, internal vehicular circulation areas shall be designed to allow for cross-access to adjacent lots with attached residential, nonresidential, or mixed-uses.

(b) A stub for future cross access shall be provided from the vehicular use area to all adjacent vacant land designated for attached residential, nonresidential, or mixed-uses.

(c) A minimum distance of 40 feet shall be required between a cross-access way and driveway entrance apron.

(d) Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 22 feet or through two one-way aisles each with a minimum width of 11 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket.

(e) When cross-access is determined to be impractical by the DRT on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. If an applicant disagrees with the determination of the DRT, the applicant may appeal the decision to the FMPC or BOMA, depending on the type of application.

(f) A cross-access easement must be recorded prior to issuance of a Certificate of Occupancy for the development.

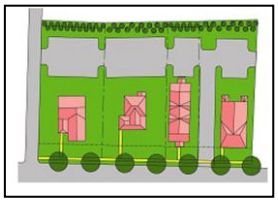


Figure 5-127: Cross-access ways between surface parking lots serving different developments promote better access management and facilitate pedestrian activity.

5.10.5 Block Standards

Circulation plans associated with developments of two or more lots shall comply with the standards in Subsection 2.2.2 of the Subdivision Regulations, as well as the following block standards:

(1) Block Length

Except for areas that contain steep slopes, the average block length in a development shall not exceed 600 linear feet between the right-of-way edges of intersecting streets. Except in cases where environmental or topographic constraints exist or the property has an irregular shape, no individual block shall exceed a maximum length of 800 linear feet.

(2) Block Width

To the maximum extent practicable, the width of any block shall be sufficient to permit at least two tiers of lots of appropriate depth for the base district exclusive of any public alleys, watercourses, or other rights-of-way located outside platted lots. This standard shall not apply to areas that contain steep slopes where it is more desirable to reduce environmental impacts.

(3) Internal Mid-Block Pedestrian Access

In cases where a block length exceeds 600 feet, sidewalks in easements or on open space lots shall be provided mid-block internally to connect parallel streets on the long side of the block.

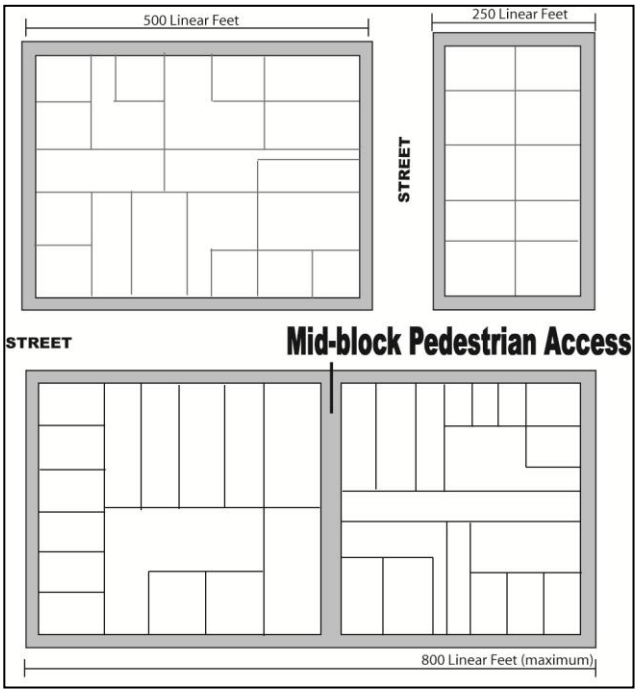


Figure 5-128: Mid-block pedestrian accessways help maintain pedestrian access within long blocks.

5.10.6 Internal Pedestrian Circulation

All attached residential, nonresidential, and mixed-use development shall comply with the following standards:

(1) Continuous Pathways Required

Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with primary building entrances.

(2) Connection to Public Sidewalk System

At least one internal pedestrian walkway with a minimum width of five feet shall be provided from the on-site pedestrian network to the public sidewalk system. In the case of corner lots, a connection shall be made to the sidewalk of both streets.

(3) Distinguished from Driving Surfaces

All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(4) Connection to Private Trail Systems

Internal pedestrian walkways are encouraged to connect with planned or existing private trail systems in adjacent developments.

5.10.7 Minimum Street Standards

New streets proposed in a circulation plan shall comply with the following standards:

(1) Designation of Streets

All streets shall bear one of the following designations:

(a) Arterial Streets

Streets designated as arterial on the Major Thoroughfare Plan of the City of Franklin (FMTP) shall be considered to be arterial streets.

(b) Collector Streets

Streets designated as collector on the FMTP, shall be considered to be collector streets.

(c) Local Streets

All other streets formally accepted for perpetual maintenance by the city and not designated as an arterial or a collector street, shall be considered to be local streets.

(2) Street Design

(a) Public street design shall conform to the arrangement, width, and location standards specified in the Franklin Transportation and Street Technical Standards.

(b) In instances where a new street is not indicated on the FMTP, it should support a rectangular grid or modified grid street network to the maximum extent practicable. Curvilinear street networks should only be used when:

(i) Topographic or environmental constraints make use of the grid pattern undesirable;

(ii) Established development patterns on adjacent lands make the grid pattern infeasible; or

(iii) Used in conjunction with a grid pattern to limit exceptionally long vistas exceeding 1,200 feet down straight streets.

(3) Private Streets

Private streets shall be built to the same standards as required for public streets.

(4) Arterial and Collector Street Location

If an arterial or collector street is located within or adjacent to a development, the development shall continue the street to a logical termination point.

(5) Maximum Street Width

Street widths shall be kept to a minimum while still allowing for cars to move safely in order to calm traffic, reduce the street-crossing distance for pedestrians, minimize stormwater runoff created by excessive impervious areas, and minimize taxpayer costs for maintaining unnecessary paved surfaces.

Figure 5-129: Narrow streets are more attractive to pedestrians, reduce stormwater runoff, and minimize maintenance costs.

(6) Striping

All streets within public rights-of-way shall use thermoplastic materials for lane striping.

(7) Poles, Bridges, and Barriers

(a) Traffic poles, whether provided by the city or developer should be black or dark green in color.

(b) All bridge or safety barriers shall be stacked stone, concrete with a decorative finish, or shall be painted dark green or black.

5.10.8 Alley and Cul-de-Sac Layout

Circulation plans for developments that use alleys or cul-de-sacs shall comply with the following standards:

(1) Cul-de-Sacs

Cul-de-sacs shall comply with the following standards:

(a) Cul-de-sacs shall be designed according to the Franklin Transportation and Street Technical Standards.

(b) In traditional areas, cul-de-sacs shall be permitted where existing development, floodplains, wetlands, HHO Districts, riparian buffers, required Tree Protection Zones, slopes exceeding 14 percent, or other unique site conditions prevent a street connection; however, the minimum connectivity index score shall be maintained. (See Subsection 5.10.4, Connectivity.)

(c) In conventional areas, cul-de-sacs shall be permitted in developments where the minimum connectivity index score can be maintained. (See Subsection 5.10.4, Connectivity.)

(d) Cul-de-sac streets shall not extend for more than 500 feet as measured from the center of the cul-de-sac turn around to the nearest right-of way boundary of the adjoining street right-of-way intersection.

(e) Cul-de-sac or temporary dead end streets shall not serve more than 20 lots in a development.

(f) Cul-de-sac streets shall terminate in a circular turn around.

(g) Cul-de-sacs shall have curbed planting islands containing least one tree. Nothing in this subsection shall prevent installation of stormwater quality facilities.

Figure 5-130: Cul-de-sacs are most appropriately used in areas of steep topography and where stream crossings are prohibited, as shown in this image.

(2) Alleys

(a) General Standards

(i) Alleys shall be designed according to the Franklin Transportation and Street Technical Standards.

(ii) Garages accessed from alleys shall be designed in accordance with Subsection 5.3.5 (2)(d), Garage Standards.

(iii) “T-shaped” alleys, where one alley terminates into another alley, shall be prohibited except where permitted by the Franklin Transportation and Street Technical Standards.

(iv) Alleys shall not be included within the connectivity index calculation. (See Subsection 5.10.4, Connectivity.)

(v) Structures shall be labeled with the street name and house number along the alley.

(vi) Garbage and utility service shall be served from alleys in developments where alleys are located; however, water utilities may be served from the front of the structure.

(vii) Garbage cans shall be placed on 2-foot by 2-foot concrete pads located on each lot.

(viii) No vehicle, fence, structure, vegetation, or wall shall be erected, maintained, or planted within the alley right-of-way or within two feet of the edge of the alley's pavement/curb, whichever is greater.

(ix) Mailboxes shall be:

A.) Either be located in the alley, or in mailbox gangs adjacent to the alley; and

B.) Located at least two feet from the concrete pads so as to avoid conflicts with garbage collection.

(b) Residential Development

Alleys shall be required to serve detached residential lots in conventional areas with a lot width of 50 feet or less, detached residential lots in traditional areas with lot widths of 40 feet or less, and attached dwellings in traditional and conventional areas, except where topographic or environmental constraints make use of alleys undesirable.

Figure 5-131: Alleys allow service functions to occur at the rear of dwellings and reduce the impact of cars, driveways, and garage doors on streets.

(i) **Nonresidential and Mixed-Use Development**

Alleys or service lanes are encouraged for commercial development to provide areas for utilitarian functions and delivery services separate from the realm of pedestrians and general traffic.

Figure 5-132: Alleys serving nonresidential uses provide space for deliveries, trash removal, and other functions, and help to limit traffic impacts and negative visual impacts along streets.

5.10.9 Visibility at Intersections

Circulation plans prepared for new development shall comply with the minimum visibility standards in the Franklin Transportation and Street Technical Standards.

5.10.10 Traffic Calming Measures

Circulation plans prepared for new streets serving residential, nonresidential, and mixed-use development shall comply with the standards for traffic calming in the Franklin Transportation and Street Technical Standards.

5.10.11 Vehicular Access Standards

Circulation Plans shall comply with the vehicular access standards in the Franklin Transportation and Street Technical Standards.

5.10.12 Driveway Design Criteria

The Circulation Plan shall provide for compliance with the driveway design standards in the Franklin Transportation and Street Technical Standards.

5.10.13 Sidewalks

(1) Location of Public Sidewalks

Sidewalks are required on both sides of all streets except Mack Hatcher Parkway, Interstate 65, rural roads, alleys, and the undeveloped edge of neighborhood parkways and shall comply with the standards in this subsection.

(2) Conventional Areas

Sidewalks shall be set back a minimum of five feet behind the street curb along lots within conventional areas. The intervening space between the back of the curb and the edge of the sidewalk is intended for the placement of street trees in accordance with Subsection 5.4.8, Street Trees.

(3) Traditional Areas

(a) Along residential lots within traditional areas, sidewalks shall be set back a minimum of five feet behind the street curb. The intervening space between the back of the curb and the edge of the sidewalk is intended for the placement of street trees in accordance with Subsection 5.4.8, Street Trees.

(b) Along nonresidential and mixed-use lots within traditional areas, sidewalks may be located at the back of the curb. In no instance shall the intervening space between the back of the curb and the façade of a building be less than ten feet.

(c) Lots shall provide street trees in accordance with the standards in Subsection 5.4.8, Street Trees.

(4) Minimum Width

Sidewalks running along lots, contiguous to buildings, or abutting off-street parking lots shall meet the following minimum width standards:

(a) In no instance shall a sidewalk located within a public street-right-of-way have a minimum width less than five feet.

(b) Sidewalks running in a perpendicular direction from off-street parking spaces shall have a minimum width of seven feet.

(c) Sidewalks abutting a nonresidential or mixed-use structure shall have a minimum width of eight feet.

(d) Sidewalks designed as multiuse paths shall have a minimum width of ten feet. The width may be reduced to eight feet in portions of the path to minimize disturbance to existing vegetation or other environmental constraints.

(5) Configuration

(a) Sidewalks shall be constructed of concrete, brick, textured pavers or a combination of these materials and shall be raised above the adjacent street level.

(b) Pedestrian street crossings at all intersections may be raised above the adjacent street level as a traffic-calming measure.

(c) Sidewalks shall connect with existing or planned sidewalks at property boundaries.

(d) Sidewalks shall connect building entries within and between developments.

(e) Except where brick or pavers are used, all public sidewalks shall maintain a brushed concrete finish for safety.

(6) Payment In-Lieu of Sidewalks

(a) General

The payment of fees, in-lieu of installing a required public sidewalk, may occur at the request of the developer with approval of the engineering department, upon finding that:

(i) The street is designated as a state highway or route subject to widening or improvement in the foreseeable future;

(ii) The street is planned for improvement per the Major Thoroughfare Plan;

(iii) Alternate on-site pedestrian facilities, such as trails, greenway, or multiuse paths, are adequate; or

(iv) The right-of-way, developing lot, or lot abutting a proposed sidewalk is not suitable for sidewalks due to floodplains, wetlands, HHO Districts, riparian buffers, required tree canopy retention areas, slopes exceeding 14 percent, or other unique site conditions.

(b) Procedure for Approval

The payment of such fees in-lieu shall be reviewed and approved as part of the Site Plan, Development Plan, or Final Plat. Any applicant proposing to make such payment shall attach a letter to the Engineering Department requesting the payment of fees in-lieu of installing the sidewalk. Upon receipt of the application, the Engineering Department shall review the request and submit recommendations concerning the payment of fees in-lieu of installing the sidewalk. In the event of a dispute between an applicant who wants to make payment in-lieu, and a recommendation by the Engineering Department that facilities should be provided, the FMPC shall make the final determination.

(c) Time of Payment

The fees in-lieu of sidewalks shall be paid prior to recording the Final Plat or prior to the issuance of a Building Permit for a nonresidential or mixed-use development.

(d) Amount of Payment

Where the payment of fees to the city is to be made in-lieu of installing a sidewalk as permitted by this subsection, the Engineering Department shall estimate the cost for installing the sidewalk.

(e) Disagreements as to Amount

In the case of disagreement between the city and the applicant regarding the cost for installing the sidewalk, the BOMA shall make the final determination of the acceptable in-lieu fee.

(f) Use of Funds

Fees received pursuant to this subsection shall be used only for the development of new sidewalks and multi-use paths.

Figure 5-133: Textured pavers are an appropriate design element that can be used to accentuate pedestrian crossings.

5.10.14 Transit

Developments shall include a trolley shelter every 1,200 linear feet along streets served by trolleys if warranted in the opinion of the City Engineer. Upon application, the applicant shall provide a notarized statement verifying that the Franklin Transit Authority has been notified of the proposed trolley shelter. A statement confirming the viability and availability of the site as a current or future trolley stop, and the appropriateness of the design of the shelter, shall be obtained from the appropriate authority. If the stop is not viable, then the FMPC may waive the trolley shelter requirement.

5.10.15 Access Permit Required/Appeals

(1) No curbs or rights-of-way shall be cut, paved, or otherwise altered for the purposes of obtaining access until a permit approving the access cut has been secured from the Department of Building and Neighborhood Services for residential uses, or the Engineering Department for nonresidential uses, and any other governmental agency owning or controlling street right-of-way.

(2) Whenever the Department of Building and Neighborhood Services disapproves the location and design of a residential access, or when it is claimed that an equally good or more desirable access plan can be employed, or when it is claimed that the true intent and meaning of this ordinance have been misconstrued or wrongly interpreted, then the property owner, or his duly authorized agent, may appeal the decision of the Department of Building and Neighborhood Services to the BZA.

5.11 EXTERIOR LIGHTING

5.11.1 Purpose

All exterior lighting shall be designed and installed to maintain adequate, safe illumination levels in public areas and on private lands, utilizing durable light fixtures and minimal mounting heights that minimize objectionable off-site glare.

5.11.2 Applicability

(1) General

Unless exempted, the provisions of this section shall apply to multifamily residential, nonresidential, and mixed-use development.

(2) Public and Private Lighting Distinguished

For the purposes of this section, public light poles and fixtures shall refer to lighting intended to illuminate rights-of-way or streets, and private lighting fixtures shall refer lighting intended to illuminate private parking areas and access drives.

5.11.3 Exemptions

Lighting and fixtures identified as historic by the Department of Planning and Sustainability, or approved as part of a Certificate of Appropriateness (See Subsection 2.4.9.) shall be exempt from the standards of this section.

5.11.4 General Standards for Exterior Lighting

(1) Lighting Plan Required

A Lighting Plan shall be submitted with an application for a Site Plan, or Development Plan, whichever is appropriate.

(2) Illumination Direction

Lighting shall:

(a) Be arranged to minimize glare and reflection upon adjacent lands;

(b) Be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated;

(c) Not distribute light onto surrounding lands beyond an angle of 35 degrees from a vertical plane; and

(d) Use low-wattage architectural lighting for upwardly-directed lighting intended to illuminate structures or landscape elements.

(3) Equipment and Location

(a) Public lighting poles or light standards shall be of a type approved by the Middle Tennessee Electric Membership Corporation (MTEMC). The final installation location and quantity of all street lights shall be determined by MTEMC.

(b) Private lighting poles may be located within landscaped areas or planting islands, but in no instance shall poles be located in a manner that conflicts with required landscape such as canopy trees.

(c) Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures along pedestrian walkways.

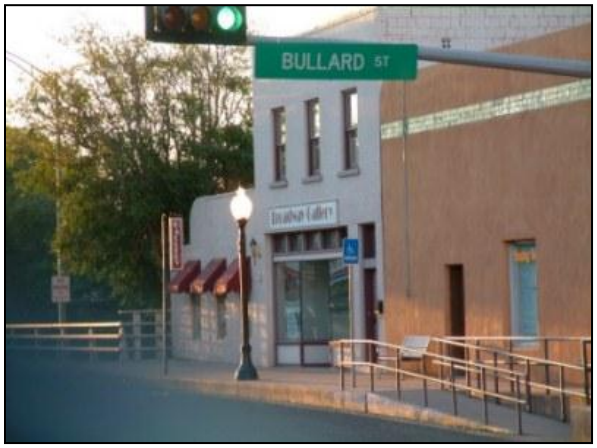


Figure 5-134: Pedestrian-scale lighting is appropriate along sidewalks and in other pedestrian areas such as plazas.

(d) No exterior lighting shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness, or color.

(4) Maximum Lighting Height

(a) Public and Private Lighting in Residential Areas

Public and private lighting in residential and mixed-use developments shall not exceed 20 feet in height, measured from finished grade to highest part of fixture or pole assembly.

(b) Public Lighting Fixtures in Nonresidential and Mixed Use Areas

The height and style of public lighting fixtures serving nonresidential and mixed uses shall be exempt from the standards in this subsection.

(c) Private Lighting Fixtures in Nonresidential and Mixed Use Areas

For nonresidential and mixed use developments private fixtures shall not exceed 30 feet in height, measured from finished grade to highest part of fixture or pole assembly. Light fixtures shall not exceed 20 feet in height within 50 feet of detached residential dwelling units or vacant land that is zoned to permit detached residential structures. If, due to topographical or other issues, the illumination is intrusive within 50 feet of detached residential dwellings, additional shielding of the private fixtures shall be required.

(5) Lighting Fixtures

(a) Lighting fixtures shall be compatible with the character, scale, and function of both the principal structure and surrounding area.

(b) Public and private lighting fixtures in residential developments shall be a pedestrian-scale ornamental fixture.

(i) Shoe-box and cobra-head style fixtures shall be prohibited as public lighting within residential developments.

(ii) Ornamental style light fixtures shall include internal lamp shielding, such as metal louvers or glass reflectors, to reduce objectionable glare; however, ornamental style light fixtures that reply on prismatic glass, acrylic, or polycarbonate outer globes as their only lamp shielding method are prohibited.

(c) Public fixtures serving nonresidential and mixed uses shall be exempt from the standards in this section.

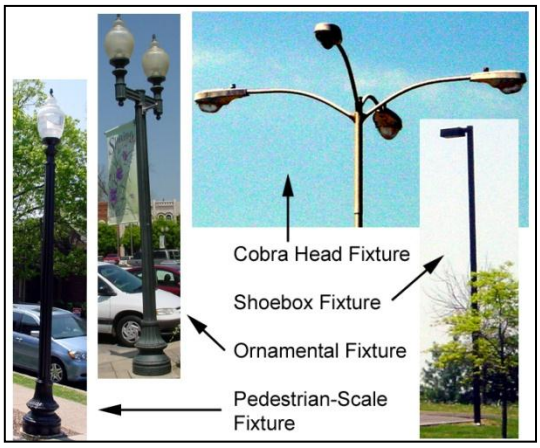


Figure 5-135: This image demonstrates the different forms of lighting fixtures.

(6) Shielding

(a) Interior

No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.

(b) Canopies

Within a canopy structure, lenses of light sources shall be flush with the canopy or recessed.

(c) Awnings

Awnings or canopies used for building accents over doors, windows, or similar features, shall not be internally illuminated (i.e., from underneath or behind the awning).

(7) Light Levels

All lighting shall have the intensities and uniformity ratio consistent with the *Lighting Handbook* of the Illuminations Engineering Society of North America (IESNA), and shall be designed and located so that the illumination measured in footcandles at the finished grade shall comply with the standards in Table 5-13, Minimum and Maximum Illumination Values. The illumination shall take into account changes in finished grade, walls, building, and other existing or proposed site conditions.

TABLE 5-13: MINIMUM AND MAXIMUM ILLUMINATION VALUES (IN FOOTCANDLES)

Use	Minimum light levels in Parking Lots	Maximum light levels in Parking Lots	Maximum Illumination at Property Line (excluding rights-of-way)	Maximum Illumination at Right-of-Way
Attached Residential Uses	0.2	10.0	1.0	1.0
Commercial, Retail, Office, Industrial Institutional (including athletic fields), Agricultural and Mixed Uses	0.2 [1]	10.0 [2]	1.0	2.0

NOTES:
[1] Agricultural uses may be exempted from the minimum light level required in parking lots.
[2] Athletic Fields, Automotive Fuel Sales, Vehicular Sales and Rental, Banks, Automated Teller Machines/Kiosks, and other uses warranted under Section 5.11.7 may be exempted from the maximum light level allowed in parking lots.

(8) Hue

Metal halide, color-corrected mercury-vapor, color-corrected high-pressure sodium, and low-pressure sodium are allowable forms of exterior lighting; however, for private fixtures, different types of light color shall not be mixed within a development site.

5.11.5 Wall-mounted Lights

Wall-mounted lights shall be screened by the building's architectural features or contain a 35 degree cutoff shield to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Table 5-13, Minimum and Maximum Illumination Values.

5.11.6 Floodlights and Spotlights

Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the right-of-way. On-site lighting may be used to accent architectural elements of building(s). Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands of the adjacent right-of-way. Floodlights or other type of lighting attached to light poles that illuminate a nonresidential site or building(s) are prohibited.

5.11.7 Exemptions for a Security Plan

Government facilities, parks and open areas, public safety, uses where sensitive or dangerous materials are stored, or other uses that may warrant illumination levels higher than the maximum permitted, may submit to the Department of Planning and Sustainability a Site Security Plan requesting exterior lighting that deviates from the standards in this subsection. The Department of Planning and Sustainability shall approve the Site Security Plan, or approve it with conditions, upon a finding:

(1) Necessary for Public Safety

The deviation from the standards in this subsection are necessary for the adequate protection of the public;

(2) Site or Area Conditions

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and

(3) No Significant Adverse Effect

The deviation from the standards in this subsection indicated in the site security plan are the minimum required and will not have a significant adverse effect on neighboring lands.

5.11.8 Illumination of Outdoor Sports Fields, Courts, and Performance Areas

In addition to the requirements of Table 5-13, Minimum and Maximum Illumination Values, lighting of outdoor sports fields, courts, and performance areas shall comply with the following standards:

(1) All lighting fixtures shall be equipped with a glare control package (e.g., louvres, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area; and

(2) The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

5.11.9 Sign Lighting

Lighting fixtures illuminating signs shall comply with the standards of this subsection, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

5.12 SIGNS

5.12.1 Purpose

Regulating the location, size, placement, and physical characteristics of signs is necessary to enable the public to locate goods, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial without difficulty and confusion, to encourage the general attractiveness of the community, to enhance public safety, and to protect property values. Accordingly, this section establishes regulations governing the display of signs that will:

(1) Promote and protect the public health, safety, comfort, morals, and convenience;

(2) Enhance the economy and the business and industry of the city by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public;

(3) Restrict signs and lights that will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;

(4) Reduce conflict among signs and light and between public and private information systems; and

(5) Promote signs that are compatible with their surroundings.

5.12.2 General Visual Quality

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(1) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;

(2) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(3) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

5.12.3 Applicability

This ordinance shall apply within all base districts. However, if the HZC has formulated and the BOMA have approved written sign guidelines to be used in the HPO District, then those guidelines shall take precedence within the HPO District.

5.12.4 Intent

It is not the intent or purpose of this ordinance to regulate the message displayed on any sign or the content.

5.12.5 Sign Design and Calculating Sign Area and Height

(1) Attached Letters and Graphics

When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

Figure 5-136: Sign area is determined by drawing a box (indicated by the dashed line) around all type and markings associated with the sign.

(2) Clearance From Electrical Lines

Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions of the National Electrical Code, as revised.

(3) Double-Faced Signs

When two signs of the same shape and dimensions are mounted or displayed back to back, or in a V shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) Height for Freestanding Signs

The maximum permitted height for freestanding signs shall be measured from the level of the centerline of the adjacent street to the highest point of the highest element of the sign.

(5) Sign Area

Sign area shall include the total area of the sign, including the background, frame, ornamentation, and copy area.

(6) Illumination

Sign illumination shall only be achieved through the following standards:

(a) General

Sign illumination may be achieved via any means, with the provision that the requirements of this subsection are met.

(b) Illumination

(i) Signs shall be allowed to be illuminated. However, no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public.

(ii) Externally illuminated. For freestanding signs, external illumination shall be achieved via a white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be so bright as to cause glare on or other nuisances to adjacent land uses.

(iii) Internally illuminated. For freestanding signs, the main copy area or face of internally illuminated signs shall be opaque to prohibit light penetration into areas other than letters, numbers, logos, and accent lines. The lighting source providing the internal illumination shall not move, change color, or create any nuisance.

(iv) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with Article 600 of the National Electrical Code.

(c) Prohibited Signage

Exposed neon and LED that is visible is prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(7) Building Materials for Sign Backgrounds, Frames, Supports and Ornamentation

(a) Quality and Impact

Building materials for signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.

(b) Design

The various parts of signs shall be compatible in design quality. Signs shall not be in the shape of a sponsor name or motif (e.g., soda bottles, hamburgers, boot, and so forth).

(c) Appropriate Materials

The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation:

(i) Brick;

(ii) Natural stone, including panels, or imitation stone;

(iii) Stained split-face block;

(iv) Wood;

(v) Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;

(vi) Metal panels, when used in combination with brick, split-face block, or stone; and

(vii) Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

(d) Prohibited Materials

The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

(i) Exposed metal poles, when not enclosed by a masonry veneer;
(ii) Smooth-face concrete blocks, whether painted or unpainted;
(iii) Metal panels, when used without brick, split-face block, or stone; and
(iv) Plastic, or other synthetic materials, when used without brick, split face block, or stone.

5.12.6 Premises and Sign Maintenance

(1) Premises Maintenance

Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) Structure Maintenance

Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition, including the periodic application of paint or other weatherproofing materials to prevent rust or other decay. The Department of Building and Neighborhood Services may order the removal of a sign that is not maintained in accordance with the provisions of this ordinance. The removal or expense incurred to assure compliance shall be at the expense of the owner of the sign or occupant or property owner where the sign is situated, or any one or all of them, who shall be jointly and severally liable for the expense.

(3) Sign Area or Other Maintenance

The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, or otherwise decayed condition and shall be repaired or removed within 90 days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the Department of Building and Neighborhood Services ordering the repair or removal. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within the time specified in the notice, then the sign may be removed or altered to comply by the Department of Building and Neighborhood Services.

(4) Maintenance of Banners and Flags

Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within 30 days of receipt of notice.

(5) Notice to Remove Unsafe Signs

If the Department of Building and Neighborhood Services finds that a sign is unsafe, insecure, or is a menace to the public, then it shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Correction of the condition which caused the notice shall be effected within ten days after receipt of the notice. If the condition is not corrected after ten days, then the Department of Building and Neighborhood Services is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located, whenever it determines that the sign is an immediate peril to persons or property.

(6) Signs Placed in Right-of-Way

Signs illegally placed in the public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Department of Building and Neighborhood Services.

(7) Change of Use

Nonconforming signs shall be brought into compliance once a change of use of the premises occurs.

5.12.7 Summary Table of Sign Standards

Table 5-14, Summary Table of Sign Standards, sets out the minimum requirements for signs in the City:

TABLE 5-18: SUMMARY TABLE OF SIGN STANDARDS

Sign or Device	Base District	Maximum Number	Maximum Sign Area (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Maximum Setback (in Ft)	Timing	Conditions
ATTACHED							
Ballfield Fence	All	See Conditions	See Conditions	See Conditions	See Conditions	NA	5.12.10(1)
Awning	All Non-residential	1 per building side	Total of 1 sq ft per linear ft of building side	Shall not project above or below awning or roofline; max 16 when located within 200 ft of a residential district	Max 10 from building	NA	NA
Canopy	All Non-residential	1 per canopy face	25percent of canopy face	Shall not project above or below canopy or roofline; max	NA	NA	NA

TABLE 5-18: SUMMARY TABLE OF SIGN STANDARDS							
Sign or Device	**Base District**	**Maximum Number**	**Maximum Sign Area (in Sq Ft per Side, Total)**	**Maximum Height (in Ft)**	**Maximum Setback (in Ft)**	**Timing**	**Conditions**
				16 when located within 200 ft of a residential district			
Convenience	All Non-residential	NA	4.5	6	Right-of-way	NA	NA
Hanging	All Non-residential	1 per building face per tenant	3, 6	Min 8 from ground; max roofline	Max 4 from building	NA	NA
Window	All	NA	NA	NA	NA	NA	NA
If not otherwise regulated	All Non-residential	1 per building side	Total of 1 sq ft per linear ft of building side	Shall not project above or below canopy or roofline; max 16 when located within 200 ft of a residential district	Max 1 from building	NA	NA
FREESTANDING							
Development	All	2 per entrance	32, 64	6	Right-of-way	NA	5.12.10(2)
Flag	All	3 per lot	Max length ¼ of pole height	40 pole height, 20 for rooftop pole	Right-of-way	NA	NA
Convenience	All Non-residential	1 per entrance/ exit	4.5, 9	6	Right-of-way	NA	NA
If not otherwise regulated	All Non-residential	1 per lot per street	32, 64	6	Right-of-way	NA	5.12.11(7)
TEMPORARY							
Development -in-progress	All	1 per contractor or supplier per entrance and 1 per pod of develop-ment	32, 64	6	Right-of-way	Non-residential: Remove within 1 year. Residential : Remove after 80% build-out,	NA

TABLE 5-18: SUMMARY TABLE OF SIGN STANDARDS							
Sign or Device	**Base District**	**Maximum Number**	**Maximum Sign Area (in Sq Ft per Side, Total)**	**Maximum Height (in Ft)**	**Maximum Setback (in Ft)**	**Timing**	**Conditions**
						or 3 years, whichever occurs first.	
If not otherwise regulated	All	2	6, 12	6	Right-of-way	NA	NA
If not otherwise regulated	All Nonresidential	2	32, 64	6	Right-of-way	NA	NA
Notes: NA = Not Applicable							

5.12.8 Visibility

(1) Prevent Obstruction

Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door window, fire escape or other means of egress, light, or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement.

(2) Protection of Vegetation and Trees

No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:

(a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate; or

(b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or

(c) In any area where trees or shrubs are required to remain under a permit issued under this ordinance.

5.12.9 Signs Prohibited in All Base Districts

The following signs shall be prohibited and may neither be erected nor maintained:

(1) Bench signs;

(2) Freestanding canopy signs;

(3) Government-imitation signs;

(4) Inflatable animated characters or similar balloon-type devices larger than 18 inches in diameter that require tethering;/

(5) Moving signs;

(6) Noisy mechanical devices;
(7) Parked-vehicle signs;
(8) Roof signs, including signs painted on roofs or that extend above the highest point of a roof;
(9) Searchlights;
(10) Signs erected in a public right-of-way, except for those placed by or on behalf of a governmental entity;
(11) Signs interfering or blocking the sight of directional, instructional, or warning signs;
(12) Signs on natural features such as trees, other living vegetation, and rocks;
(13) String lighting;
(14) Trailer signs;
(15) Trash receptacle signs; and
(16) Any sign not specified in this ordinance and that is not a lawful nonconforming sign.

5.12.10 Signs Allowed in All Base Districts

(1) Attached Ballfield Fence Signs

The following provisions shall apply to all signs attached to ballfield fences:

(a) Signs shall face into the ballfield;
(b) No sign shall be higher than the top of the fence; and
(c) The backs of ballfield fence signs shall be the same color.

(2) Freestanding Development Signs

The following provisions shall apply to all freestanding development signage:

(a) Maximum of two per entrance;
(b) Maximum sign area of 32 square feet per side, with a total of 64 square feet;
(c) Maximum height of six feet;
(d) Minimum setback at the right-of-way line;
(e) Constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls; and
(f) Either a pole base or an encompassing finished masonry frame shall be permitted. However, the base shall not exceed twenty-five percent of the sign face area. In no case shall this percentage change the permitted sign face area.

(3) Freestanding Flags

The following provisions shall apply to all freestanding flags:

(a) Maximum of three per lot;
(b) Maximum sign area (in square feet) of one-fourth the height of the pole (e.g. 40 foot pole= max. 10 sq. ft. area);
(c) Maximum pole height of 40 feet or 20 feet for rooftop poles; and
(d) Minimum setback at the right-of-way line per applicable district regulations.

(4) Temporary Development-In-Progress Signs

The following provisions shall apply to all temporary development-in-progress signs:

(a) Maximum of one per contractor or supplier per entrance and one per pod of development;
(b) Maximum sign area of 32 square feet per side, with a total of 64 square feet;

(c) Maximum height of six feet;

(d) Minimum setback at the right-of-way line per applicable district regulations;

(e) Signs in nonresidential projects removed within one year; and

(f) Signs in nonresidential projects removed after 80 percent of buildout, or three years, whichever occurs first.

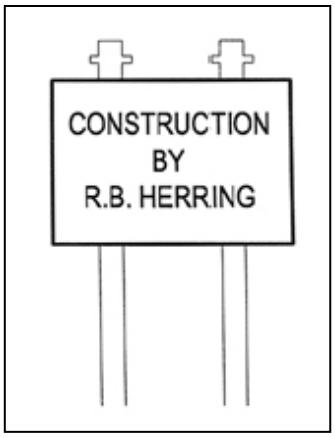


Figure 5-137: Example of a temporary, development-in-progress sign.

(5) Temporary Signs, If Not Otherwise Regulated

The following provisions shall apply to all temporary signs, if not otherwise regulated:

(a) Maximum sign area of six square feet per side, with a total of 12 square feet;

(b) Maximum height of six feet;

(c) Minimum setback at the right-of-way line per applicable district regulations; and

(d) No more than two such signs shall be allowed per lot.

5.12.11 Signs Allowed In All Nonresidential Districts

(1) Attached Awning Signs

The following provisions shall apply to all attached awning signs:

(a) Maximum of one per awning;

(b) Maximum sign area of 25 percent of the awning face in addition to the allowable building signage;

(c) Shall not extend beyond ten feet from the building.

(2) Canopy Signs

(a) Face-mounted Canopy Signs. The following provisions shall apply to all face mounted canopy signs:

(i) Maximum of one per canopy face;

(ii) Maximum sign area of 25 percent of the canopy face; and

(iii) Shall not project above or below the canopy or roofline with a maximum height of 16 square feet when located within 200 feet of a residential district.

(b) Roof-mounted Pedestrian Canopy and Portico Signs for canopies and porticos that are an integral part of the building structure. The following provisions shall apply to all Pedestrian Canopy and Portico roof-mounted signs where the canopy or portico are attached to the primary building structure:

(i) Limited to building name or tenant identification;

(ii) Maximum one sign per canopy or portico provided no face-mounted signage exists on the canopy, portico, or building;

(iii) Maximum sign area is limited to one square foot per lineal foot of building side and is included in total of attached building signage;

(iv) Does not project above the building/structure roofline or top of parapet wall;

(v) Sign may project up to ten feet from the face of the building, but in no case extend past the face of the canopy or portico; and

(vi) Shall be in proportion with the building architecture and elevation as determined by the Building Official or their designee.

(vii) Only dimensional letters, numbers, and logos are permitted.

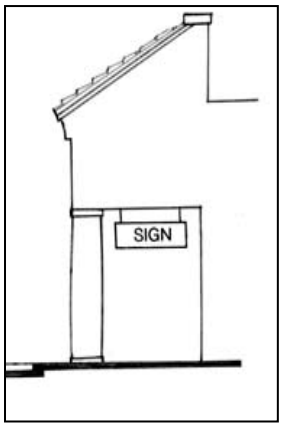


Figure 5-139: Attached hanging signs are appropriate in pedestrian areas.

(3) Attached Convenience Signs

The following provisions shall apply to all convenience signs:

(a) Maximum sign area of four-and-one-half square feet;

(b) Maximum height of six feet; and

(c) Minimum setback at the right-of-way line.

(4) Attached Hanging Signs

The following provisions shall apply to all attached hanging signs:

(a) Maximum of one per building face per tenant;

(b) Maximum sign area of three square feet, with an aggregate of six square feet;

(c) Minimum of eight feet off the ground, and the maximum height shall be at the roofline; and

(d) Shall not extend beyond four feet from the building.

(5) Attached Signs, If Not Otherwise Regulated

The following provisions shall apply to all attached signs, if not otherwise regulated:

(a) Maximum of one sign per building side;

(b) Maximum sign area of one square foot per linear foot of building side;

(c) Not projected above or below canopy or roofline;

(d) Maximum height of 16 feet when located within 200 feet of a residential district; and

(e) Shall not extend beyond one foot from the building.

(6) Freestanding Convenience Signs

The following provisions shall apply to all freestanding convenience signs:

(a) Maximum of one per entrance and one per exit;

(b) Maximum sign area of four-and-one-half square feet per side, with a total of nine square feet;

(c) Maximum height of six feet; and

(d) Minimum setback at the right-of-way line per applicable district regulations.

(7) Freestanding Signs, If Not Otherwise Regulated

(a) Maximum of one sign per lot per street;

(b) Maximum sign face area of 32 square feet per side, with a total of 64 square feet;

(c) Maximum height of the sign face area shall be six feet;

(d) Minimum setback at the right-of-way line per applicable district regulations;

(e) Constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls; and

(f) Either a pole base or an encompassing finished masonry frame shall be permitted

(g) The maximum overall area of a freestanding sign encompassed by a finished masonry frame shall be 100 square feet.

(h) The maximum height of a freestanding sign encompassed by a finished masonry frame shall be eight feet above the centerline of the adjacent public right-of-way.

(8) Temporary Signs

The following provisions shall apply to all temporary signs:

(a) Maximum sign area of 32 square feet per side, with a total of 64 square feet;

(b) Maximum height of six feet;

(c) Minimum setback at the right-of-way line per applicable district regulations; and

(d) No more than two such signs allowed per lot.

(9) Window Signs

All window signage shall comply with the following requirements:

(a) Signs shall be located fully within the interior of the building and attached directly to or mounted within 12 inches of the inside of commercial-type businesses.

(b) Except as provided in this section, window signage may be painted on the interior of the window with easily removable paint, constructed of paper, cloth, or other like material, or internally illuminated provided the signage is UL-approved, non-animated, does not flash, blink or otherwise contain attention-getting features.

(c) Signs shall not exceed 25 percent of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 25 percent. Building elevations that face public parking lots or street rights-of-way shall be considered separately.

(d) Signs visible through the window or door and that identify the nature of the establishment's business, names of professionals, hours of operations, etc., shall not to exceed six square feet in total area and shall not be included in the total window sign area.

(e) Interior neon signs are allowed in retail businesses by permit only and shall meet all of the requirements of this section. A window that has neon tubing along its perimeter shall have the entire window included in the total window sign area.

(f) LED electronic message center window signs are prohibited.

5.13 UNDERGROUND UTILITIES

5.13.1 Applicability

Except in the HI District, within new developments and for off-site lines constructed as a result of, or to provide service to, the new development, all utilities, such as cable television, electrical (excluding transformers), gas, sewer, telephone, and water lines, shall be placed underground.

5.13.2 Option to Require Assessment of Cost Difference

In the event that the city or any public utility within the city elects at its own expense to install underground utilities along or adjoining any street on the FMTP, then, upon the subdivision of the property in question, the city through the subdivision regulations, may require as a condition of plat approval the payment of an assessment by the property owner (or Performance Agreement with adequate surety established) representing the additional cost to the utility of placing the service underground over the normal cost of extending the service to the property in question.

Figure 5-140: Overhead utilities can create visual clutter.

CHAPTER 6: PERFORMANCE AGREEMENTS

6.1 PERFORMANCE AGREEMENT

6.1.1 The Performance Agreement shall be in the amount of 110 percent of the actual estimated cost as determined by the Department of Planning and Sustainability and based on the recommendations of city departments. The Performance Agreement shall also secure site improvements and private access improvements required pursuant to this ordinance, including necessary off-site improvements.

6.1.2 At the time the applicant requests to enter into a Performance Agreement, the applicant shall submit a letter to the Department of Planning and Sustainability in which he agrees to have a registered professional engineer or landscape architect, depending on the type of improvements, involved in the construction phase of the project for the purpose of monitoring construction in order to determine conformity with approved plans and specifications.

6.1.3 The period within which required improvements shall be completed shall not exceed one year from the date the Performance Agreement is signed; however, extensions and reductions may be approved by the Department of Planning and Sustainability in accordance with this chapter.

6.1.4 The Performance Agreement shall name the city as obligee and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The Performance Agreement shall remain in force in its full face amount until improvements are completed and accepted by the Department of Planning and Sustainability or appropriate city departments, whichever is applicable. The Performance Agreement may be reduced as provided in Section 6.3, Reduction or Release of Performance Agreements.

6.2 SURETY REQUIRED

6.2.1 A Performance Agreement authorized by the Department of Planning and Sustainability shall be secured by either an irrevocable standby letter of credit with an automatically renewable feature, (often termed as an “evergreen” letter of credit), a cashier’s check, or other method of surety deemed adequate by the Department of Planning and Sustainability. The beneficiary of the surety shall be the City of Franklin.

6.2.2 The financial institution shall permit the letter of credit to be presented for collection at a place physically located within Williamson or Davidson County, Tennessee.

6.3 REDUCTION OR RELEASE OF PERFORMANCE AGREEMENT AND SURETY

6.3.1 Except for maintenance obligations, which are governed by Section 6.4, Maintenance Obligations, the Performance Agreement may be reduced one time by the Department of Planning and Sustainability as provided in Section 2.4.7, Performance Agreements.

6.3.2 A request for reduction of the surety or release of the Performance Agreement shall be submitted to the Department of Planning and Sustainability. The appropriate city department may release the Performance Agreement, extend the Performance Agreement, or reduce a surety.

6.3.3 Extensions of Performance Agreements shall be as determined by the appropriate city departments but shall be for no greater than one year.

6.3.4 Except for maintenance obligations, which are governed by Section 6.4, a request for reduction of the surety or release of the Performance Agreement shall not be granted until all of the following have been completed:

(1) The applicant shall present a letter to the Department of Planning and Sustainability requesting reduction of the surety, including the percentage amount of completion of the improvement, or release of the Performance Agreement, including a written statement from the engineer or landscape architect employed by the applicant stating that the improvements have been installed in accordance with the approved plans and specifications.

(a) Once such a written statement from the engineer has been received, an inspection by the applicable city department shall be performed at no cost to the applicant.

(b) During the landscape inspection season, as established in the Administrative Manual, once such a written statement from the landscape architect has been received, an inspection by the applicable city department shall be performed at no cost to the applicant.

(2) The appropriate city department has submitted a statement to the Department of Planning and Sustainability indicating that the required public improvements and required landscaping have been inspected and satisfactorily completed in accordance with the approved plan. Final topping of a street may be permitted when at least 90 percent of the lots in the subdivision, or the section or sections thereof for which the Performance Agreement was established, have been built out, that is, Certificates of Occupancy have been issued for the homes located on the lots in question. The Performance Agreements for street improvements may be released when final topping is completed and accepted, provided that a maintenance obligation is established.

(3) Assurances have been obtained through affidavits, releases, or waivers of liens from all contractors and subcontractors of the filing of public disclaimers, that liens will not be filed against the dedicated land or improvements after they are accepted by the Department of Planning and Sustainability or other appropriate city department.

6.3.5 Once such a written statement from the engineer or the landscape architect has been received stating that the public improvements**,** applicable private infrastructure or landscape have been installed in accordance with the plans and specifications approved by the appropriate city departments, an inspection by the relevant department shall be performed at no cost to the applicant.

6.3.6 At the time an extension, reduction or release of a Performance Agreement is approved, the Department of Planning and Sustainability or other appropriate city department, whichever is applicable, shall establish the expiration date of the maintenance obligation or Performance Agreement (as applicable). However, the maintenance obligation or Performance Agreement shall not have an expiration date of greater than one year.

6.3.7 No Performance Agreement for public improvements or applicable private infrastructure shall be reduced to less than twenty-five percent (25%) of its full-face amount, irrespective of the estimated cost of completing the improvements. The amount of reduction shall range from fifty percent (50%) to seventy-five percent (75%) of its full-face amount, contingent upon the actual amount of completion of the improvements. An amount equal to ten percent (10%) of the original amount as established by the FMPC or Administrative Action shall be deducted from the reduction to account for possible future inflation costs.

6.3.8 Performance Agreements for landscape shall not be reduced to less than 75 percent of its full-face amount, irrespective of the estimated cost of completing the improvements.

6.3.9 The applicant's costs incurred in connection with a request for the extension, reduction of the surety or release of the Performance Agreement and surety (that is, landscape architect or engineering inspections fees, legal fees, and so forth) shall be borne by the applicant, regardless of whether his request is ultimately granted.

6.4 MAINTENANCE OBLIGATIONS

Upon the release of the Performance Agreement, the applicant shall be required to maintain the completed improvements and required landscape to insure against defects in workmanship and materials. Maintenance obligations shall be applied in accordance with the following standards:

(1) The maintenance obligation shall remain in effect for a period of one year or until final release of the maintenance obligation by the Department of Planning and Sustainability or other appropriate city departments, whichever period is longer.

(2) Such maintenance obligation shall be in an amount satisfactory to the Department of Planning and Sustainability or other appropriate city departments, whichever is applicable. However, landscaping improvements shall not be less than 25 percent of the original full face amount or $3,000.00, whichever is greater, or for all other improvements, ten percent of the original full-face amount or $2,500.00, whichever is greater.

(3) Upon the request of the applicant, or automatically after a period of one year from the release of the Performance Agreement, whichever is greater, the Department of Planning and Sustainability shall consider the release of the maintenance obligation.

(4) The Department of Planning and Sustainability, upon the recommendation of the appropriate city department, may release or extend a maintenance obligation.

(5) Extensions of maintenance obligations shall be as determined by the appropriate city departments but shall be for no greater than one year from the date of issuance.

(6) Prior to making a decision on a request to extend or release a maintenance obligation, the Department of Planning and Sustainability shall provide public notification of the request on the city's website at least seven days prior to taking action on the request. The Department of Planning and Sustainability shall provide regular reports to the FMPC related to administrative actions agreements.

6.5 FAILURE TO COMPLETE IMPROVEMENTS

The Department of Planning and Sustainability may declare the agreement to be in default and notify the FMPC of the need to call the agreement and surety in accordance with Section 2.4, Specific Development Review Procedures.

CHAPTER 7: ENFORCEMENT

7.1 ENFORCING OFFICER

The provisions of this ordinance shall be administered and enforced by the Department of Building and Neighborhood Services. The Department of Building and Neighborhood Services shall have the authority to make inspections of structures or premises necessary to carry out its duties in order to enforce this ordinance. The Department of Building and Neighborhood Services shall be authorized to designate state inspection officials as authorized representatives to provide review services for institutional and educational occupancies, as defined by the building codes.

7.2 BUILDING PERMIT REQUIRED

It shall be unlawful to commence the construction or alteration of a building, including an accessory building, until the Department of Building and Neighborhood Services has issued a Building Permit.

7.3 ISSUANCE OF A BUILDING PERMIT

In applying to the Department of Building and Neighborhood Services for a Building Permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, and location of the lot to be built upon, and the shape, size, height, and location of existing buildings and buildings proposed to be constructed or altered. The applicant shall also state the existing and proposed uses of buildings on the permit application and supply any other information required by the Department of Building and Neighborhood Services for determining compliance with this ordinance, or information required by the Administrative Manual. If the proposed construction is in conformity with the provisions of this ordinance, and other ordinances of the city, then the Department of Building and Neighborhood Services shall issue a Building Permit. If the Building Permit is refused, then the Department of Building and Neighborhood Services shall state the refusal in writing, with the cause.

7.4 CERTIFICATE OF OCCUPANCY

Upon the completion of the construction or alteration of a building or structure for which a Building Permit has been granted, application shall be made to the Department of Building and Neighborhood Services for a Certificate of Occupancy. Within five business days of the application, the Department of Building and Neighborhood Services and the fire marshal shall make a final inspection and shall issue a Certificate of Occupancy if the building or structure conforms to this ordinance, other applicable ordinances, and to the statements made in the application for the Building Permit. If the certificate is refused, then the Department of Building and Neighborhood Services or Fire Marshal shall state the cause of refusal in writing. No lot or building hereafter erected or altered in its use shall be used until a Certificate of Occupancy has been granted.

7.5 PENALTIES

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined under the general penalty clauses of the Franklin Municipal Code. Every day a violation continues shall constitute a separate offense.

7.6 REMEDIES

In case a building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land used in violation of this ordinance, then the City Attorney, or other appropriate authority, or adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to effectuate the requirements of this ordinance.

CHAPTER 8: RULES OF CONSTRUCTION AND DEFINITIONS

8.1 RULES OF INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

8.1.1 Meanings and Intent

All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general purposes set forth in Section 1.2, Purpose, and the specific purpose statements set forth throughout this ordinance. When a specific subsection of these regulations gives a different meaning than the general definition provided in this chapter, the specific subsection's meaning and application of the term shall control.

8.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

8.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

8.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.

8.1.5 References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.1.6 Delegation of Authority

Any act authorized by this ordinance to be carried out by a specific official of the city may be carried out by a professional-level designee of such official.

8.1.7 Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.1.8 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Franklin, unless otherwise indicated.

8.1.9 Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

8.1.10 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions or events apply; and

(2) “Or” indicates that one or more of the connected items, conditions, provisions or events apply.

8.1.11 Tenses, Plurals, and Gender

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

8.2 GLOSSARY

Table 8.1 lists the abbreviations used in this ordinance. Terms are defined in Subsection 8.3:

TABLE 8.1: ABBREVIATIONS

Abbreviation	Term
ACI	Aggregate Caliper Inch
AG	Agricultural District
ANSI	American National Standards Institute
BCCO	Berrys Chapel Character Overlay
BOMA	City of Franklin Board of Mayor and Aldermen
BZA	Board of Zoning Appeals
CAO	Columbia Avenue Overlay
CC	Central Commercial District
CFCO	Central Franklin Character Area Overlay
CI	Civic and Institutional District
CNCO	Carnton Character Area Overlay
COA	Certificate of Appropriateness
CRZ	Critical Root Zone
DBH	Diameter at Breast Height
DRT	Department Review Team

TABLE 8.1: ABBREVIATIONS	
Abbreviation	**Term**
EIFS	Exterior Insulation Finish Systems
ER	Estate Residential District
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FFO	Floodway Fringe Overlay
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FMPC	Franklin Municipal Planning Commission
FMTP	Franklin Major Thoroughfare Plan
FWO	Floodway Overlay
GC	General Commercial District
GCCO	Goose Creek Overlay
GO	General Office District
HHO	Hillcrest/Hillside Overlay
HI	Heavy Industrial District
HPO	Historic Preservation Overlay
HTO	Height Overlay District
HVAC	Heating Ventilation Air Conditioning
HZC	Historic Zoning Commission
IESNA	Illuminations Engineering Society of America
ISA	International Society of Arboriculture
ITE	Institute of Traffic Engineers
ITS	Intelligent Transportation Systems
LI	Light Industrial District
MECO	McEwen Character Overlay
ML	Local Mixed-Use District
MLCO	McLemore Character Overlay
MN	Neighborhood Mixed-Use District
MOU	Memorandum of Understanding
MX	Regional Mixed-Use District
MTEMC	Middle Tennessee Electric Membership Corporation
NAVD	North American Vertical Datum
NC	Neighborhood Commercial District
NCO	Neighborhood Conservation Overlay District
NGVD	National Geodetic Vertical Datum
OR	Office Residential District

TABLE 8.1: ABBREVIATIONS	
Abbreviation	**Term**
PUD	Planned Unit Development
R-1	Low Density Residential District
R-2	Medium Residential District
R-3	High Residential District
R-6	Historic Core Residential District
ROW	Right-of-Way
RX	Residential Variety District
SOCO	Southall Character Overlay
SRO	Scientific Research Overlay
SWCO	Seward Hall Character Overlay
TCA	Tennessee Code, Annotated
TDOT	Tennessee Department of Transportation
TND	Traditional Neighborhood Development
TOD	Transit Oriented Development
WHCO	West Harpeth Character Overlay

8.3 DEFINITIONS AND USE CLASSIFICATIONS

Abutting

The condition of two adjoining parcels having a common property line or boundary including cases where two or more parcels adjoin a corner, but not including cases where adjoining lots are separated by a street or alley.

Access

A private driveway or other point of vehicle access, such as a street, that intersects or connects to the general street system.

Access Plan

A plan that designates access location to a street through detailed engineering design and in conformance with this ordinance.

Accessory Use

A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Accessory Structure

A structure that is subordinate in use and square footage to a principal structure or permitted use. If the accessory structure is within the FFO Zoning District, it shall conform to the following:

(1) Only be used for parking of vehicles and storage.

(2) Be designed to have low flood damage potential.

(3) Be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(4) Be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

Active Park Facility

A park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, golf courses, and other active sports facilities with the exception of bike and hike trails.

Active Recreation Uses

Uses or structures intended for specific active recreational uses such as play grounds, ball fields, tennis courts, and similar uses typically located in formal open space set-aside areas or within dedicated park land.

Activity Center

Physically and aesthetically unified areas, where all elements and land uses are designed to function as an integrated whole (rather than as a series of unconnected, unrelated developments). Activity centers consist of commercial, institutional, and office uses as well as attached residential uses for the population that supports nonresidential uses.

Addition (to an existing building)

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

Adjacent

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, or street.

Administrative Manual

A document maintained by the Department of Planning and Sustainability that serves as a user’s guide to this ordinance. The Administrative Manual may contain copies of application forms, fees, schedule and contact information, as well as interpretations of the intent behind standards in the this ordinance or Franklin Municipal Code.

Adult-Oriented Establishment

A Use Type with the same meaning as the term “adult-oriented establishment,” as used in T.C.A. Section 7-51-1102, and in construing this term, the definitions contained in T.C.A. Sections 7-51-1102 (1) – (6) and (9) –(26), are likewise incorporated by reference into and made a part of this ordinance.

Aggregate Caliper Inch (ACI)

The combined total number of inches of existing andproposed trees used to meet a landscape requirement within a required landscape area. Caliper inch sizes for individual proposed trees are measured as indicated in the *American Standard for Nursery Stock* (ANSI 260.1-2004). Caliper inch sizes for existing trees shall be measured in Diameter at Breast Height (DBH).

Agricultural Uses

Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products grown on the premises.

Alcove

A recess in a wall, or partly enclosed extension connected to or forming part of a room, often curved and often used to house sculpture, a seat, or a fountain.

Alley

See “Street, Alley”.

Alley Setback (TND)

The portion of a lot measured inwards from an alley right-of-way line to a location on the lot within which no permanent structures are permitted.

Alteration

A change, addition, or modification in construction, structure, or occupancy.

Amendment

A change in the wording, context, or substance of this ordinance, or a change in the district boundaries or district classifications upon the zoning map.

Amenity Features

Plazas, seating elements, decorative pavement features, or similar features that can be used by lots within traditional areas to meet the formal open space set-aside requirements.

American Nurseryman Standards

The standards related to size and planting for newly planted landscaping material as referenced in *The American Standard for Nursery Stock* (ANSI Z60.1-2004) prepared by the American Nursery and Landscape Association.

Alternative Tower Structure

Man-made trees, bell steeples, clock towers, light poles and similarly designed mounting structures that camouflage or conceal the presence of antennas or towers.

Animal, Companion

Any dog or cat, or other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

Animal, Farm

A domesticated animal intentionally reared in an agricultural setting to make produce such as food, or for its labor. This use includes animals, such as cattle or horses, raised for home use or for profit.

Antenna

An exterior transmitting or receiving device mounted on a building, structure, or tower that radiate or capture analog or digital signals, electromagnetic waves, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

Applicant

The owner of property, or the authorized representative of the owner, applying for development approval.

Approach Taper

The longitudinal distance from the point where the traffic approaching a left- or right-turn storage lane must shift laterally to the point where the bay taper begins.

Appurtenance

The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, decks, stoops, steps, porches, bay windows, roof overhangs, awnings, and similar features.

Arcade

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

Architectural Lighting

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

Architecturally Indiscernible

In regards to telecommunication towers and antennas, architecturally indiscernible means that the antenna and the structure supporting the antenna are architecturally harmonious with respect to the material, height, bulk, scale, and design to the building or structure where located.

Area of Shallow Flooding

An area designated as a AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Flood-Related Erosion Hazard

The land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard

Areas of land in the floodplain subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM and further divided into Zones A, AO, AH, A1-30, AE or A99 on the FIRM.

Assessed Value

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Williamson County Property Appraiser's office for the purposes of taxation.

Assisted Living Facility

A combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. Such facilities may include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters.

Attached Dwelling

Structures intended for occupancy by more than one family, including duplexes, townhouses, triplexes, stacked flats, apartments, lofts, condominiums, and other multifamily structures. Attached dwellings may also be found on upper floors of mixed-use buildings. Accessory dwellings are incidental to the principal attached dwelling and are not considered to be attached dwellings.

Attached Residential Development

All forms of residential development except for detached single-family detached dwellings or accessory dwelling units. Attached residential development includes duplexes, triplexes, stacked flats, lofts, townhouses, apartments, condominiums, patio homes, live/work units, and similar forms of housing.

Automated Teller Machine (ATM)

An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it.

Automotive Body Shop

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

Automotive Fuel Sales

An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other merchandise or perform minor repair work.

Automotive Repair

Any activity related to the regular maintenance or repair of an automobile (except exterior washing) occurring indoors or outdoors.

Automotive Service Facility

A building, structure, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to body, fender, muffler, upholstery work, oil change and lubrication, tire service and sales, installation of accessory, or engine repair.

Automotive Wash Facility

An area or structure equipped with automatic or self-service facilities for washing automobiles.

Awning

A non-permanent structure affixed to a building for decoration or protection from the elements directly above windows and doorways.

Balcony

A porch or other enclosed outdoor use area associated with the upper floors of a building.

Balloon

A stationary or mobile inflated device used to attract attention.

Banner

See “Sign, Banner”.

Barbershop

See “Beauty Shop”.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

Basement

The portion of a building located below ground level on all sides.

Bay Taper

The longitudinal distance from the point where the transition into a left turn or a right-turn storage lane begins to the point where the full width of the left-turn or the right-turn storage lane begins.

Beauty Shop

An establishment wherein cosmetology is offered or practiced on a regular basis for compensation, and may include barber shops, salons, and spas.

Bed and Breakfast Establishment

An owner-occupied detached dwelling in which the owner rents rooms to overnight guests and may offer meals only to those guests.

Belfry

See “Steeple”.

Berm

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Best Management Practices

Structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to control nonpoint source pollutants such as those found in stormwater runoff.

Bio-Retention Device

A stormwater management best management practice that uses soil and plants to remove pollutants from stormwater runoff. Such devices include constructed wetlands, sand filters, and level spreaders.

Block

A parcel of land composed of one or more individual lots entirely surrounded by streets or by any combination of streets, parks, watercourses, or railroad right-of-way.

Block Face

The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

Blueway

A linear open space such as a greenway located adjacent to the bank of a stream or other watercourse.

Boarding

Any premises where companion animals, such as dogs and cats, are housed, trained, or bred for a fee or compensation, but not for hospitalization and recovery purposes.

BOMA

The City of Franklin Board of Mayor and Aldermen.

Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces typically associated with flooding, without causing damage to the elevated portion of the building or supporting foundation system.

Buffer

Vegetative material, structures (e.g., walls, fences), berms, or any combination of these elements located on a linear strip of land that are used to separate and screen incompatible uses from one another .

Buffer, Riparian

The area of natural or planted vegetation adjacent to a natural watercourse as measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams, rivers, lakes, ponds, or wetlands which is intended to remain undisturbed.

Building

A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.

Building Base

The structural elements, design features, and materials associated with the first floor elevation of a building façade.

Building Cap

The structural elements, design features, and materials associated with the top floor elevation of a building façade.

Building Coverage

The gross area of a lot or parcel of land occupied by all of the ground floor of a building or structure that is under roof. As a percentage, it is the relationship between the ground floor area of the building under roof and the net area of the site.

Building Façade

See “Façade.”

Building Footprint

The area of a lot or parcel of land included within the surrounding exterior walls or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

Building Permit

A permit required by this ordinance prior to commencement of certain types of construction.

Building Step-Back

The linear organization of building form within a single building that establishes portions of a building with a higher or lower height in a deliberate progression from one side of the building to the other. Buildings may be “stepped-back” from the street edge, from a lot line, or from adjacent buildings.

Building Wall

The entire surface area, including windows and floors, of an exterior wall of a building.

Building Wall Offset

See “Wall, Offset.”

BZA

The City of Franklin Board of Zoning Appeals.

Caliper

A horticultural method of measuring the diameter of the trunk of a nursery-grown tree for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter and 12 inches above the ground for trees greater than four inches in diameter.

Canopy

A permanent, but not completely enclosed structure that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall.

Canopy Tree

A tree that has an expected height at maturity greater than 40 feet and which produces significant shade because it has a crown that is oval, round, vase-shaped, or umbrella-shaped.

Caretaker's Quarters

An accessory dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

Car Port

A roofed structure not more than 75 percent enclosed by walls and attached to or adjacent to the principal structure that is provided for the purpose of sheltering one or more motor vehicles.

Cemetery

Land used or intended to be used for burying the remains of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

Certificate of Occupancy

The final permit or authorization issued by the city allowing occupancy or use of a building, and certifying that the building has been constructed in accordance with all applicable requirements.

Channel

A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is the water that is flowing within the limits of the defined channel.

Change of Use

The act of replacing a use in favor of another use as listed in Table 3-2, Permitted Uses.

Character Area

A geographic division of the city, as delineated in the land use plan, based on a set of established or desired qualities such as natural resources, land use patterns, infrastructure, and other elements.

Charitable, Fraternal, or Social Organization

A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members, and guests.

Chicane (Neckdown)

See "Street Chicane".

Circulation Plan

A plan required for all new development that considers internal and external connections for pedestrian, vehicular, and bicycle transportation systems. A Circulation Plan is not necessarily a separate plan sheet, but may be inclusive of information and data, as specified in this ordinance, that may be provided on a site layout or other applicable plan sheet on a Concept Plan, Regulating Plan, or Site Plan, so long as the information required by this ordinance is plainly delineated or provided with the submittal components.

City Street System

The network of public existing arterial, collector, and local streets within the city.

Civic Amenity Feature

A formal garden, plaza, public art, fountain, seating area, or similar use typically provided on a corner of an intersection or in front of a building.

Clinic

An establishment providing medical, psychiatric, or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

Close

A small square or rectangular space providing road access to several lots, and performing the same function as a cul-de-sac. It can include landscaping, seating areas, and other recreation features in addition to vehicular use area.

Department of Building and Neighborhood Services

The City of Franklin Department of Building and Neighborhood Services.

Color, Accent

A material or color used on a buildings trim.

Color, Main

A material or color used on a building's walls and constituting more than 50 percent of the color on such walls.

Commercial

Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

Commercial Kennel

A facility for the boarding, breeding, raising, grooming, selling, training or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Compact Car Spaces

Off-street parking spaces with a minimum square footage of approximately 153 square feet intended for small or compact cars.

Concealed Device

Communication equipment that is concealed within a building or structure so that it is architecturally indiscernible.

Conservation Areas

The portions of a site developed as a conservation subdivision that contain sensitive natural features to be protected through open space set aside or dedication.

Conservation Easement

The grant of a property right stipulating that the described land will remain in its natural state and precluding or limiting future or additional development.

Conservation Subdivision

The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation or recreation purposes in accordance with Subsection 5.3.8, Conservation Subdivision.

Continuous Visual Screen

Opaque screening of vehicular use areas by vegetative material, berms, or structures (walls and fences), or a combination of these items designed to completely obstruct off-site views of the vehicular use area, and that is devoid of gaps rendering the screening ineffective.

Convenience Store

A retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Conventional Area

Portions of the city that are appropriate for, or characterized by, development that is typically segregated by use, two stories or less in height, automobile-oriented, and served primarily by curvilinear streets as described in Section 5.1, Traditional and Conventional Areas Distinguished.

Copy

Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

Copy Area

The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

Cornice

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Correctional Facility

A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of city or county law enforcement and are typically government-owned.

Crawlspace

An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

Critical Lot Plan

An administratively reviewed plan for lots in a recorded subdivision that, as identified during the approval of a Development Plan, Site Plan, Preliminary Plat, or Final Plat, are difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and are subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil.

Critical Root Zone (CRZ)

A circular area measured outward from a tree trunk representing the essential area of the roots that shall be maintained for the tree's survival. The CRZ is measured one foot of radial distance for every inch of tree DBH, with a minimum of ten feet.

Cross Access

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

Cross Access Easement

An easement or other development right offered to one party by another party that allows ingress and egress across private lands. Cross access easements are typically granted over or across surface parking lots.

Cross Section (TND)

A vertical plane cut through a space or buildings illustrating widths and heights of the diagrammed elements.

Cross Walk

A right-of-way within or connecting blocks generally ten feet in width or greater that is marked and intended for public use primarily by pedestrians.

Cupola

A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

Curb Radius

The circular arc that connects the intersection of two curbed streets or the intersection of a curbed street and a curbed driveway.

Curb Return

The arc of a public or private street where it intersects with another street.

Curvilinear Street Network

A system of higher and lower order streets that are arranged in conformity with topographic or environmental elements such as streams, lakes, wetlands, or areas of higher elevation. Typically, streets in such street networks are not arranged in a repeating pattern and not all streets connect to each other.

Cut

A portion of land surface or area from which earth has been removed or will be removed by excavation; or, the depth below original ground surface to the excavated surface.

Day Care Center

A facility designed to provide care and instruction for children or adults.

Density

The number of residential dwelling units per acre.

Departure Taper

The longitudinal distance from the point where through traffic beyond an intersection begins to shift laterally to the point where the through lane is adjacent and parallel to the centerline.

Design Compatibility

A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

Detached Dwelling

Principal structures (other than a mobile home) intended for occupancy by a single family, located on a separate lot or parcel from any other structures intended for the same use, and not sharing any common structural elements with any other structure intended for occupation by another family. Accessory dwellings are incidental to the principal detached dwelling and are not considered to be detached dwellings.

Detached Residential Development

Development including single-family detached structures and any allowable accessory dwelling units.

Detention Basin

A dry basin or constructed depression that temporarily detains stormwater runoff and releases it gradually into a watercourse or storm water facility following storm events.

Developer

Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land.

Development

The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, portion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land.

Diameter at Breast Height (DBH)

The measurement of the diameter of a tree trunk taken at a height of four-and-one-half feet above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

Direct Pedestrian Access

Pedestrian access to a use or facility from the larger pedestrian network via an improved pedestrian pathway, including but not limited to a sidewalk, multi-purpose trail, recreational trail, or other access easement. Such pedestrian pathways may be located within the public right-of-way, or other public or private access easement.

Downtown

That portion of Franklin located within the Central Franklin Character Overlay (CFCO District) that serves as the traditional city center.

Drainage, Positive

An area that has been graded or shaped to prevent pooling of stormwater runoff.

Dripline

A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

Driveway

A vehicular accessway or series of accessways providing ingress and egress to a use or development from a public street, private street, or vehicular use area associated with another use. Such accessway may be the primary drive aisle, or may be a separate driveway.

DRT

The City of Franklin Department Review Team made up of representatives from the Department of Planning and Sustainability, the Engineering Department, the Department of Building and Neighborhood Services, and other departments or agencies of the city.

Dwelling

A house, apartment building, or other building designated or used primarily for human habitation. Dwelling does not include hotels, motels, or other structures designed for transient residence.

Dwelling Unit

An area within a structure designed and constructed to be occupied by one family or other single housekeeping unit as may be permitted by this ordinance. A structure may consist of one detached singe-family dwelling unit; or more than one attached dwelling units in the case of duplexes, townhouses, triplexes, stacked flats, apartments, lofts, condominiums, and other multifamily structures; or such dwelling units as may be permitted in an assisted living facility. Dwelling does not include hotels, motels, group homes, correctional facilities, nursing/convalescent home, rehabilitation centers, or other structures designed for transient residence.

Dwelling, Multiple-Family (Apartment)

A type of attached dwelling containing five or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

Dwelling, Townhouse

A type of attached dwelling, in which two or more individual dwelling units are located on individual lots, but attached by one or more common party walls which are shared by one or more unit for more than 50 percent of their total linear distance along the lot line. The habitable spaces of different dwelling units are typically arranged on a side-by-side rather than a stacked configuration.

Easement

A grant by a landowner to another landowner or to the public for the right to occupy or use designated land for specific purposes such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Educational Facility

A public, parochial, private, charitable, or nonprofit school, college, or university, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Effluent

A discharge of liquid waste, with or without treatment, into containers or onto the land.

Elevated Building

A building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Elevation

The front, side, or rear of a structure.

Emergency Flood Insurance Program

The program as implemented on an emergency basis in accordance with section 1336 of the Emergency Flood Insurance Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Encroachment

The portion of a structure that intrudes into a required setback, right-of-way, or easement; the placement of vehicles or equipment into a Tree Protection Zone; or the point at which a driveway accesses a public street.

Engine and Motor Repair Facility

A facility used for the assembly or repair of engines or motors.

Entitlement

The right to develop density and/or intensity as granted by the BOMA in the PUD process.

Environmentally Sensitive Areas

Lands containing specimen trees, steep slopes, wetlands, watercourses, floodplains, habitat of endangered or threatened species, hillcrests, and similar features.

Erosion

The process of the gradual wearing away of land masses.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants. Buildings are not included in this definition.

Estate Enclosure

A technique for screening historically significant lands and structures from adjacent development through the use of formal tree rows and fences. (See Subsection 5.7.4 (4)(c), Estate Enclosure.)

Existing Construction within the FWO or FFO Zoning Districts

Any structure for which the "start of construction" commenced before the effective date of the initial floodplain management ordinance, dated 9/14/76, adopted by the City of

Franklin as a basis for participation in the National Flood Insurance Program (NFIP). This term applies to the provisions of Section 5.8.5 of this ordinance.

Existing Grade

The slope or elevation of existing ground surface prior to cutting or filling.

Existing Structures

See Existing Construction.

Existing Tree Canopy

The existing vegetative canopy or tree cover composed of crowns of healthy, self-supporting, woody vegetation existing within a Tree Protection Zone.

Extended Stay or All-Suite Hotel

An establishment providing lodging in which the guest rooms have a separate sleeping and living areas, including limited kitchen facilities.

Façade

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Face Brick

Nonstructural brick or similar masonry material that is applied as a veneer to a wall or foundation as a decorative element.

Fair Market Value

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

Family

One or more persons occupying a premises and living as a single, nonprofit, housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, hotel, or other structures designed for transient residence.

(1) A dwelling unit will be considered a single-family residence only if its permanent occupants are limited to one of the following categories:

- **(a)** One individual.
- **(b)** Any number of persons related by blood, marriage, adoption or foster care.
- **(c)** A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the “primary occupant(s)” for the purposes of this section; plus no more than one person who is not related to the primary occupant(s); all of whom occupy the dwelling unit and function as a single housekeeping unit with common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the “primary occupants” of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.

(d) Not more than eight unrelated mentally retarded, mentally handicapped or physically handicapped persons (as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of T.C.A. § 13-24-102. Such a residence may also be occupied by three additional persons acting as houseparents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a for-profit commercial enterprise shall not be a permitted use within a residential zoning district. As used in this section, "mentally handicapped" does not include:

(i) Persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in T.C.A. § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.

(ii) The current, illegal use of a controlled substance.

(2) If a person:

(a) Occupies a dwelling for more than 21 days within any 12-month period;

(b) Registers to vote using the address of a dwelling;

(c) Receives mail at a dwelling;

(d) Registers a vehicle or applies for a driver's license using the address of the dwelling; or

(e) Is registered to attend school, using the address of the dwelling; then such person is considered to be a permanent occupant of a dwelling for purposes of this section, and shall be subject to the limitations on the number of permanent occupants established herein.

(3) The following are not considered to be single-family residences:

(a) Boarding houses.

(b) Apartment houses.

(c) Dwelling units in which one or more rooms are rented to unrelated tenants.

(d) Dwelling units in which separate portions are designated for or used as separate housekeeping units.

(e) Structures or portions of structures which are designed or constructed for any of the above purposes; and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, "single-family residence" may include a dwelling unit which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling unit, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. If more than one meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family residence.

Farm-Field Boundary

A technique of screening historically significant lands or structures from adjacent development through the use of a combination of open areas or fields, and tree-lined boundaries. (See Subsection 5.7.4 (4)(b), Farm-Field Boundary.)

Farm Produce Stand

See “Produce Stand”.

Fence

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Fencerow

See “Hedgerow”.

Fill

A portion of land surface or area to which soil, rock, or other materials have been or will be added; the height above original ground surface after the material has been or will be added; or the material used for the purposes of filling.

Finished Floor Elevation

The height of the lowest floor serving habitable space within a structure or building.

Flag

Bunting or fabric of distinctive color and design and used as an emblem, standard, decoration, or symbol and which is hoisted on a permanent flagpole or otherwise displayed from a building.

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination

A determination by the Department of Building and Neighborhood Services of the water surface elevations of the base flood; that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM)

An official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

Flood Insurance Studies

The study presented to the city at a public hearing May 24, 1979, with subsequent amendments, and entitled Flood Insurance Study, City of Franklin, Tennessee, Williamson County, dated March 22, 1979; also the area within the corporate limits of the city but shown within the study entitled Flood Insurance Study, Williamson County, Tennessee, Unincorporated Areas, dated July 15, 1988, with subsequent amendments. The Floodway (FWO) and Floodway Fringe (FFO) Districts placed on the Zoning Map of Franklin, Tennessee, are meant to be the same areas expressly

delimited in these studies and which are made a part of this ordinance as if set forth herein verbatim.

Floodplain or Flood-prone Area

Any land area susceptible to being inundated by water from any source.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood-related Erosion

The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or Flood-related Erosion Prone Area

A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management

The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and flood plain management regulations.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor

The top surface of an enclosed area in a building, including the basement (i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction). The term does not include the floor of a garage used solely for parking vehicles.

Floor Area

The area located within the inside perimeter of the exterior walls of a structure and including the area occupied by closets, corridors, stairs and other features protected by enclosed surfaces. The floor area is considered to be exclusive of those areas that are open and unobstructed to the sky. The floor area includes the area of all floors, including the attic and the basement.

FMPC

The City of Franklin Municipal Planning Commission.

Food Sales (as an Accessory use)

The sale of prepared or processed food, snacks, baked goods, or other products intended for human consumption either for or not for profit, whether prepared on or off site as an accessory or subordinate activity to the principal use.

Foot-candle

A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Forecourt

A courtyard or open space area located in front of a building or group of buildings that is intended as an entry feature or as a way to buffer the building entrance from street traffic.

Franklin Major Thoroughfare Plan (FMTP)

See “Major Thoroughfare Plan.”

Freeboard

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Front Façade

See “Primary Building Façade”.

Front Façade Zone (TND)

An area in which the front façade of a structure must be located. This area is a prescribed distance measured from the required front yard setback.

Full Service Hotel or Motel

An establishment providing lodging that includes a 24-hour front desk attendant, restaurant, room service, laundry and dry cleaning services, health club, swimming pool, and concierge/guest services.

Functionally Dependent Use

A use that cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Funeral Home

An establishment engaged in undertaking services, such as preparing the human dead for burial, and arranging and managing funerals.

Garage

An outbuilding or accessory structure used for the parking or storage of vehicles.

Garage, Rear-Loaded

An outbuilding or accessory structure that faces the rear of the lot. for the purpose of parking vehicles

Garage, Side-Loaded

An outbuilding or accessory structure that faces the side of the lot for the purpose of parking vehicles.

Garage, Street-Facing

An outbuilding or accessory structure that faces the street from which the structure derives its street address for the purpose of parking vehicles.

Gazebo

A freestanding, roofed, usually open-sided structure providing seating or an area for gathering.

General Warehouses

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

General Warranty Deed

A deed that guarantees the title from the seller to the city as part of the dedication of public parkland or greenway land.

Genus

A taxonomic category ranking of types of vegetation below a family and above a species and generally consisting of a group of species exhibiting similar characteristics.

Glare

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

Glazing

The portion of an exterior building surface occupied by glass or windows.

Grading

An operation or occurrence by which existing site elevations are changed, or where ground cover, natural or man-made is removed, or a watercourse or body of water, either natural or man-made, which is relocated on a site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof and shall apply to the land in its cut or filled condition.

Grade Transition Wall (TND)

Landscape element made of natural, impervious materials such as stone or brick and used to mitigate differences in elevation.

Grid Street Pattern

See “Rectangular Street Grid Network”.

Greenbelt

An undisturbed area of existing vegetation surrounding a development that is left intact as a buffer.

Greenway

Linear undeveloped area linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and areas immediately adjacent to the pathway.

Gross Development Area

The outer extents or limits of a development project that may or may not include resource land that is not developable.

Gross Dwelling Units Per Acre

The number of dwelling units per total acre including all lands for development, streets, right-of-ways, easements, open space, and other public or private dedications.

Gross Floor Area

The sum of the gross area for each story of a building measured from the exterior limits of the faces of the structure. Floor area does not include basements, structured parking, or surface parking spaces.

Ground Cover

Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Group Home

A facility that provides for the care and supervision, on a temporary or permanent basis, of groups of more than six, but not more than 20, persons not defined as a family, who are handicapped, aged, disabled, or need foster care (includes home health hospice.)

Growing Season

See “Planting Season”.

Guyed Tower

A structure composed of three or four support legs, that is “guyed” by wires to anchors in the ground placed at distances radially from the tower and is used to support telecommunications equipment and antennas.

Hamlet

An existing or planned compact settlement, of predominantly residential uses, that is intended to provide housing and limited commercial services for surrounding agricultural and rural lands.

Heavy Industrial Use

A use characterized by a manufacturing or compounding process of raw materials that often involves outdoor operations as part of the process.

Hedge

A group of shrubs planted in a continuous line or in groups that forms a continuous compact, dense, living barrier that demarcates an area from on-site or off-site views.

Hedgerow

A series of trees and other woody vegetation that have been planted or intentionally allowed to grow in a straight line relative to one another for the express purpose of demarcating a boundary or serving as a windbreak.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

Hillcrest

The summit line of a hill or mountain.

Historic Structure

Any building, structure, site, district, area, or land of architectural, historical, archaeological, or cultural importance or value and which the city protects, enhances, and preserves in the interest of the culture, prosperity, education, and general welfare of the citizens. It may be inclusive of, but not limited to, any of the following criteria:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on the City of Franklin, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   (a) By the approved Tennessee program as determined by the Secretary of the Interior or

   (b) Directly by the Secretary of the Interior.

Hollywood Drive

A form of driveway composed of two parallel tracks composed of impervious surface (e.g., gravel, asphalt, or concrete) with grass or other pervious surface between the tracks.

Home Occupation

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and that does not adversely or perceptively affect the character of the lot or surrounding area.

Homeowner Association

An incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.

Hospitals

A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

Hotel

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses typically include a high level of guest services and on-site amenities such as pools, restaurants, fitness centers, and similar features. Guest rooms are usually accessible from an indoor corridor.

Hue

The visible color emitted from an artificial source of exterior lighting.

HZC

The City of Franklin Historic Zoning Commission.

Illumination

The calling of attention to a sign or device by means of brightening or shining with light or a luminous substance.

Intensity

The amount of nonresidential building square footage.

Impervious Surface

Buildings, parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel, or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

Impoundment

A structure typically built below grade that is intended to retain or detain a watercourse or stormwater runoff.

Improvement

Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of the betterment.

Indoor Food Sales

The sale of prepared food products as an accessory use within a structure housing a different principal use.

Industrial Services

Businesses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Industrial service firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Also includes firms such as contractors and building maintenance services and similar establishments engaged in performance of services off-site..

Infill development

New development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures.

Infrastructure

Public improvements for water, sewer, drainage, streets, sidewalks, and similar facilities.

Inset Parallel Parking

Parallel parking existing between projecting curbs at intersections and crosswalks.

Intermittent Stream

A stream or other watercourse that does not hold water for 365 days a year, but does convey water during periods of heavier rainfall.

Interstate

A controlled access highway that is part of the federal interstate highway system.

Invasive Exotic Pest Plants Publication

A document published by the Tennessee Exotic Pest Plant Council that specifies nuisance plants that shall not be used toward meeting the landscaping requirements in this ordinance.

Kiosk

A freestanding electronic self-service information machine or area where information is posted.

Knee Wall

A half-wall or other building wall with a height of less than one story that is used to screen service areas, mechanical equipment, or other building features required to be obscured from view.

Land

The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land Disturbance

See “Land-Disturbing Activity”.

Land-Disturbing Activity

Use of the land by a person for development that results in a change in the natural cover or topography and that may cause or contribute to loss of vegetation, accelerated erosion, or sedimentation.

Land Use Plan

The City of Franklin Land Use Plan. “Land Use Plan” shall also include the Central Franklin Area Plan.

Landscape

Vegetation, whether existing or planted that is located on a lot or site. Landscape includes areas used by such vegetation that are occupied by a ground cover such as mulch, pine straw, or living ground cover.

Landscape Strip, Perimeter

See “Buffer, Perimeter Landscaping”.

Landscape Island

An area within a surface parking lot that is designated for trees, shrubs, and groundcover.

Landscape Surface Area

The portion of a lot not covered by impervious surface that is available for accommodating landscape material.

Landscape Surface Ratio

The ratio derived by dividing the landscape surface area by the gross site area.

Lane, Acceleration

A speed-change lane, including tapered areas, for the purpose of enabling vehicles entering streets to increase their speed to a rate where they can more safely merge with through traffic.

Lane, Deceleration

A speed-change lane, including tapered areas, for the purpose of enabling a vehicle to make a safer right-turn movement from a street by permitting the vehicle to slow down in a dedicated lane separate from the primary through traffic lanes of the street.

Lane, Left-turn Storage

An additional dedicated traffic lane located on the inside of the primary through traffic lanes used to store vehicles with left-turning movements across the opposite traffic lanes in a manner so as to minimize interference with traffic using the through travel lanes.

Lanes, Travel

Portions of a public or private street intended solely for the movement of vehicles, not parking or standing.

Lattice Tower

A structure composed of three or four support legs with crossed frame design.

Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system that consists of a levee, or levees, and associated structures, such as closure, and drainage devices, that are constructed and operated in accordance with sound engineering practices.

Light Industrial Use

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties.

Lighting, Private

Exterior lights and lighting fixtures intended to illuminate private on-site parking areas, access drives, and other on-site areas.

Lighting, Public

Exterior lights and lighting fixtures intended to illuminate public and private street and other rights-of-way.

Liner Buildings

A series of smaller buildings located along the primary façade of a larger structure or as stand-alone perimeter structures positioned to break up the structure's mass. (See Subsection 5.3.6 (11), Large-Scale Development.)

Link

As used in calculation of a connectivity index (See Section 5.10, Mobility and Circulation.), the portion of a street located between two nodes.

Loading Area

Any entrance/exit into or out of a building that is used for the loading or unloading of materials by trucks or other vehicles.

Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

Lot

A parcel of land occupied, or intended to be occupied, by one main building, or a group of main buildings, including open spaces as required by this ordinance and other regulations and ordinances and having its principal frontage on a street.

Lot, Corner

A lot located at the intersection of and abutting two or more streets.

Lot, Double Frontage

A lot, other than a corner lot, with frontage on more than one street.

Lot of Record

A lot or tract of land, described by deed and/or subdivision plat, filed in the Register's Office, Williamson County, Tennessee.

Lot of Record, Nonconforming

A lot of record that was legally established before July 1, 2008, or any subsequent amendment thereof, that does not comply with the lot area standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards.

Lowest Floor

The floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access, or storage, in an area other than a basement area, is not considered to be the lowest floor of a building, provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Lumen

A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp.

Mailbox Gang

Two or more mailboxes located within a common supporting structure.

Main Body (TND)

As used in Subsection 5.3.10, Traditional Neighborhood Development, the primary mass of a traditional house. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

Major Intersection

An intersection of one or more arterial street with another arterial, collector, or interstate.

Major Thoroughfare Plan

The official plan map maintained by the city that displays the location and cross-section of existing, proposed, and intended major public streets, including but not limited to arterial streets, collector streets, parkways, highways, and interstates.

Manufactured/Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle". For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Manufactured/Mobile Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Manufactured/Mobile Home Park or Subdivision, Existing

A manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance, dated 9/14/76, adopted by the City of Franklin as a basis for that community’s participation in the NFIP. For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Manufactured/Mobile Home Park or Subdivision, Expansion to an Existing

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Manufactured Home Park or Subdivision, New

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on the effective date of the initial floodplain management ordinance, dated 9/14/76, and includes any subsequent improvements to such structure. For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Manufactured Home Parks or Subdivisions, Substantially Improved Existing

The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. For the purposes of this definition, “Manufactured Home” and “Mobile Home” shall be considered interchangeable.

Mass Grading

Any stripping, cutting, filling, or stockpiling of earth or stone as a means of establishing new grades over a significant portion of a lot or site prior to new construction.

Maximum Extent Practicable

No feasible or practical alternative exists, as determined by the Department of Planning and Sustainability, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Measurement

A straight line from one lot line to another, from a building or structure to a lot line, or from a building or structure to another building or structure unless otherwise stated.

Median

A portion of a street separating the opposing traffic flow and designed to prevent crossover movements by vehicles.

Median Driveway

A vehicular access or driveway that includes a median within its center provided as a technique to control traffic, limit turning movements, or provide safe harbor for pedestrians.

Mixed-Use Building

A structure containing a residential use and a commercial, institutional, or industrial use.

Mixed-Use Development

A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

Mobile Service Provider Office

A permitted home occupation use, as specified in Section 4.1.6(5) of this ordinance, that is limited to the office of a professional service that is carried out in transitory locations. Examples include, but are not limited to mobile automotive detailing services and mobile pet grooming services.

Modified Grid Street Network

A hybrid system of higher and lower order streets including elements of both a rectangular grid street network and a curvilinear street network where streets are not arranged in a rigid grid pattern at right-angles to one another, but which are arranged in some relationship to one another where most streets are connected and dead end streets are minimized.

Monopole

A structure composed of a single pole used to support telecommunications equipment and antennas.

Mortuary

An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

Motel

A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit. Guest rooms are accessible from an outdoor parking area.

Motor Vehicle Stop

Curbing, wheel stop, or other ground-mounted device located at the head of an off-street parking space that is intended to prevent the front or back end of an automobile from interfering with required vehicular use area landscaping or pedestrian access.

Mulch

See “Groundcover”.

Multi-phase Development

A development consisting of two or more distinct phases intended to occur in a sequential order.

National Geodetic Vertical Datum (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

National Historic Landmark

Nationally significant historic places designated by the Secretary of the Interior, because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States.

National Register Property

Lands or structures listed in the National Register Properties which is a list maintained by the Secretary of the Interior composed of buildings, sites, structures, objects, and districts of national, state, or local significance in American history, architecture, archaeology, engineering, and culture.

Natural Slope

The changes in grade or elevation on a lot or site that result from natural processes, not land-disturbing activities.

Neighborhood Traffic Circle

A raised island that is typically landscaped and located within the intersection of two or more streets and is sometimes proposed as a traffic calming measure.

Net Density

The total amount of residential units that may be accommodated on a site or lot once all other bulk, dimensional, landscaping, right-of-way dedication, and open space set-aside requirements have been factored in.

Net Developable Area

The portion of a lot or development site that is available for development after resource and open space areas (e.g., Tree Protection Zone, riparian setbacks, HHO District, floodplains, and open space set-aside) are removed.

Net Façade Area

The portion of a building wall that excludes doors, glazing, awnings, and similar treatments.

Neon

Lights, tubes, or other devices used to emit neon light.

New Construction within the FFO Zoning District

Any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance, dated 9/14/76, and includes any subsequent improvements to such structure. This term applies to the provisions of Section 5.8.5 of this ordinance.

Node

A terminus in a street such as a cul-de-sac, a street stub, or an intersection with another street. (See Section 5.10, Mobility and Circulation.)

Nonconformity

An existing use, structure, lot of record, or sign that does not conform with one or more provisions of this ordinance.

Nonconforming Sign

See “Sign, Nonconforming”.

Nonconforming Structure

A structure or portion thereof, not including signs, legally developed before the effective date of this ordinance, or any amendment thereto, but that does not comply with the dimensional standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards.

Nonconforming Use

The use of a building or land lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Nonresidential Use

A use of land by a civic, commercial, office, industrial, or institutional enterprise.

North American Vertical Datum (NAVD)

As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

Nursing/Convalescent Home

A privately operated establishment providing long-term personal or nursing care for the elderly or for other individuals incapacitated in some manner for medical reasons, as

determined and licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

Nuisance Tree

A tree that interferes with the quiet enjoyment of real or personal property or public infrastructure.

Office Uses

An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

Offsets

See “Wall offsets”.

One Hundred Year Flood

Floods of a large magnitude that are only expected to be equaled or exceeded once (on average) during any 100-year period.

Opacity

A measurement indicating the degree of obscuration of light or visibility.

Opaque Screen

A device or materials, unable to been seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or rights-of-way.

Open Space, Common

Formal or informal open space used for active or passive recreational uses or resource protection purposes and not including the minimum lot area required for any housing type or street right-of-way.

Open Space, Formal

Formal open space is a generally planned and structured area that includes formally designed landscape plantings. The space is regularly maintained and may include streetscape furnishings (e.g., benches, lighting, and sculptures), recreational improvements (e.g., playground, swimming pool, tennis courts), and street improvements.

Open Space, Informal

Areas designated for undisturbed natural features, including wetlands, rock outcrops, pastoral areas, floodplains, lakes, streams, rivers, and wildlife habitat; utility and conservation easements; and for passive recreation uses including walking trails, pathways, and picnic areas. Such areas typically require little or no maintenance.

Open Space, Private

Space on each building lot that is for the private use of inhabitants.

Open Space Lot

A single lot or group of lots intended to contain formal or informal open space set-asides.

Open Space Set-Aside

Portion of a proposed development required for reservation as permanent open space by Section 5.5, Open Space Standards.

Outbuilding (TND)

Any accessory structure located on a lot.

Outdoor Display and Sales

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

Outdoor Storage

The keeping, in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles or equipment for sale in a sales lot.

Parallel Access Drive

A minor way, like an alley, or local street which parallels a main street, and is intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street. (See Subsection 5.3, Building and Site Design Standards).

Parapet or Parapet Wall

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parcel

See “Lot”.

Parking, Deferred

A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.

Parking, Off-Site

An off-street parking area intended to serve one or more nonresidential use provided on a different parcel or lot than the use(s) it is intended to serve.

Parking, Inventory

Parking for the display of inventory items, as allowed in Vehicle Sales and Rental. Inventory parking shall not be calculated in the site parking requirements, but all other standards of this ordinance apply to this type of parking.

Parking, Shared

Off-street parking facilities shared by two or more uses that are in proximity to one another and the parking area, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization of the parking area by the other use(s).

Parking, Tandem

A parking space within a group of two or more parking spaces arranged one behind the other.

Parking Bay

A parking area consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking Demand Study

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

Parking Lot

See “Vehicular Use Area”.

Parking Lot Drive Aisle

A vehicular accessway located within an off-street parking or vehicular use area that serves individual parking stalls and driveways.

Parking Space, Accessible

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

Parking Space, Off-Street

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

Parking Space, On-Street

A location or area within the right-of-way of a public or private street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

Parking Structure

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Parkway

Informal open space areas that contain undisturbed vegetation typically bounded by streets or pedestrian walkways.

Passive Parks and Open Space

As used in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, passive parks and open space shall mean a park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields. However, passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Pastoral Areas

Areas of open space typically occupied by fields, meadows, pastures, or other open lands free of tree canopy cover.

Pathway, Pedestrian

Interconnected paved walkways that provide a pedestrian passage through blocks running from street-to-street, vehicular use areas, or other locations.

Pattern Book

Document that may accompany a Development Plan as part of a Planned Unit Development (PUD) that conveys the design goals of a project, and includes, but is not limited to, illustrations or renderings of proposed buildings and use types, floor plans for dwelling units, building materials and colors, signage, square footages of structures, street lighting details, and typical streetscapes.

Peak Business Period

The portion of the day when a business receives most of its vehicular traffic from customers.

Pedestrian

A person traveling on foot under their own locomotion.

Pedestrian-Oriented (Friendly) Development

Development designed with an emphasis primarily on sidewalks and pedestrian access to the site and building rather than on vehicular access and parking. In most cases, the building is built close to the street edge, building walls along the sidewalk include large windows, and the main entrance is oriented to the sidewalk.

Pedestrian Pathway

See “Pathway, Pedestrian”.

Pedestrian-Scale Lighting

Devices intended to provide exterior lighting that are lower in height than typical street lighting and located proximate to pedestrian areas such as sidewalks, open space areas, or plazas.

Penthouse Screen

A wall or other enclosure atop a building designed to conceal roof-mounted mechanical equipment or storage areas too tall to be hidden behind a parapet wall.

Perennial Stream

A stream or other channel that holds flowing water 365 days a year.

Person

For the purposes of enforcing this Ordinance in accordance with Chapter 7: Enforcement, “person” includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Chapter 7: Enforcement, for violating this ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the land on which the violation occurs. For all other purposes, “person” means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

Personal Services

Establishments that primarily engage in providing services generally involving the care of the person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Pervious Surface

A surface that absorbs water or allows the passage of water through it to the ground below.

Pier

Posts, columns, or similar devices designed to elevate a building or structure above the grade level.

Pilaster

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

Place of Public Assembly

An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, and other similar activities, including buildings in which such functions and activities are held.

Department of Planning and Sustainability

City of Franklin Department of Planning and Sustainability.

Planting Season

The dormant time of the year for trees beginning with leaf drop and ending with bud break; which is generally late fall (November) to early spring (March), and excluding winter months when the ground is frozen.

Planting Strip

Areas intended for the placement of required vegetation.

Platted Lot

A lot shown on a recorded final plat.

Plaza

A public square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

Porch

A projection from an outside wall of a dwelling that is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached) for the purpose of providing shade or shelter from the elements.

Portable Shipping Container

A large metal or wooden container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

Portico

A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

Primary Façade

The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

Primary Drive Aisle

A primary drive aisle that extends from the facade of the building containing the primary entrance to the greater street network or to a surface parking lot greater than one parking bay wide.

Primary Entrance

A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

Primary Façade Materials

The predominant or most extensive exterior building materials used to clad a building façade.

Prime Agricultural Lands

Lands actively engaged in direct production of agricultural goods or products.

Principal Building

A building in which the principal use of the lot is conducted on which it is situated.

Principal Use

The primary use or activity taking place on a lot. The principal use does not include any accessory uses occurring on the same lot.

Produce Stand

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.

Property Owner Association

See "Homeowner Association".

Public Access Easement

See "Easement".

Public Building or Use

Any facility, including but not limited to buildings, property, and roads, that are leased or otherwise operated or funded by a governmental body or public entity.

Public Facilities

A use conducted by, or a facility owned by a governmental agency that provides a governmental function, activity, service, or public benefit.

Public Improvements

See "Public Facilities."

Public Park

Land dedicated to the city for recreational use by the public-at-large.

Public Street Network

See "City Street System".

Qualified Arborist

A qualified arborist shall mean any International Society of Arboriculture (ISA) Certified Arborist, ISA Board Certified Master Arborist, or current member of the American Society of Consulting Arborists.

Radius Return

The points where the radius connecting two intersecting streets becomes tangent to the street.

Rear Wing (TND)

See "Side or Rear Wing".

Reasonably Safe from Flooding

Base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Recessed Entrance

A point of access into or out of a structure located behind the primary front façade plane.

Recreation Facility, Neighborhood

A recreational facility for use by residents and guests of a particular residential development, including both indoor and outdoor facilities.

Recreational Facility, Private

Recreation facilities operated as a business and open to the general public for a fee.

Recreational Vehicle

A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck;

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Rectangular Grid Street Network

A system of higher and lower order streets arranged at right angles to one another and evenly spaced so as to form a grid over the landscape. Typically, higher order through streets are located at the periphery and are transected by lower order or local streets which provide for localized mobility within the higher order streets.

Recycling Drop-Off Center

A small collection facility typically treated as an accessory to another principal use where recyclable materials are purchased or accepted from the public.

Redevelopment

Any proposed expansion, addition, renovation, or major change to an existing building, structure, or aspect of development.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Rehabilitation Center

A facility that provides formal, organized, services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated, as determined and licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

Replacement Trees

See “Trees, Replacement”.

Required Landscaping Area

Portion of a site, lot, or a development that is occupied by or is required to be occupied by required landscaping, including site landscaping, vehicular use area landscaping, perimeter landscape buffers, streetscape landscaping, street trees, or screening devices composed of vegetative materials.

Residential Character

A building form, neighborhood, or area that is intended primarily for habitation, and includes human-scaled detailing, pedestrian orientation, and attributes intended to encourage human activity and interaction.

Restaurant

An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carryout.

Restaurant, Drive-In/Drive-Through

An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.

Retail and Commercial Uses

Establishments primarily engaged in the sale of goods and materials to the general public. Retail and commercial uses may include, but are not limited to bookstores, antique stores, convenience stores, bakeries, grocery stores, and similar uses.

Retaining Wall

A wall or similar device used at a grade change to hold the soil on the uphill-side of the wall from slumping, sliding, or falling, and includes, but is not limited to segmental walls, masonry walls, poured-in-place walls, boulder walls, stacked railroad ties, and pre-split rock walls.

Retention Pond

A stormwater holding area, either natural or manmade, that retains water throughout the year and that does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

Reverse Frontage

Orientation of a building on a lot bounded by more than one street that results in the rear of the building abutting or facing a street.

Ridgeline

See “Hillcrest”.

Right-of-Way (ROW)

An area owned or maintained by the city, county, the State of Tennessee, federal government, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

Riparian Buffer

See “Buffer, Riparian”.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roof Forms

The type, arrangement of ridges or parapet walls, or materials used on a roof.

Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projection. This definition relates to standards in Chapter 5: Development Standards, and does not determine the point on a roof used for the measurement of height in Subsection 3.3.1, Measurements, Computations, and Exceptions.

Roof, Mansard

A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Roundabout

A circular intersection characterized by yield traffic control, channelized approaches, and geometric curvature to slow travel speeds within the intersection.

Rural Character

The development patterns, architecture, and arrangement of land uses such as agriculture and undeveloped lands found in sparsely settled areas with a population density of less than 100 people per square mile of land.

Rural Road

Local, collector, or arterial streets without curbing or existing sidewalks and with roadside drainage swales. Rural roads are neither state highways or routes nor planned for improvement per the Major Thoroughfare Plan (MTP).

Rustic Wood

Treated or untreated wood with a roughhewn finish, such as cedar. Smooth wood siding shall not be considered rustic.

Satellite Dish Antennas

A round or parabolic antenna and its supporting structure for the purposes of sending or receiving radio or electromagnetic signals.

Screening

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapets, penthouse enclosures, features of a building, or densely planted vegetation.

Seasonal Sales

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

Secondary Entrance

An entrance to a building that is subordinate to the primary entrance and is typically located on a building side that does not face the primary street (the street from which the building obtains its street address).

Self-Storage Facility

A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

Service Uses

Establishments that engage primarily in rendering services to businesses including, but not limited to printers, equipment rental, protective services, mailing, photo finishing, and similar uses.

Severe Pruning

The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

Shared Access Easement

A method of providing ingress or egress to a multi-building or multi-lot development through a common drive or accessway within an access easement.

Shared Parking

See "Parking, Shared."

Shed

An outbuilding or other structure that is accessory to a principal use on the same lot.

Shoebox-Style Lighting Fixture

An exterior lighting device in the shape of a box that is typically mounted on a pole and constructed to direct illumination to a discrete area directly beneath the lighting fixture.

Shrub

A woody plant, growing 18 inches to 15 feet in height at maturity, consisting of several small stems emerging from the ground or small branches near the ground. Shrubs may be deciduous or evergreen.

Side or Rear Wing (TND)

Massing forms of a house subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are usually one to one and a half stories and are set back from the front facade of the house. Wings are limited to a maximum width of one third the width of the main facade.

Side Street

See "Street, Secondary".

Side Street Setback (TND)

The distance from the side street property line to the side façade of the house or side façade zone. The side street setback does not contain permanent structures with the exception of fences, garden walls, bay windows, porches and terraces.

Sight Triangle

The area located at the intersection of two streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists.

Sign

Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity or to communicate information of any kind.

Sign Area or Sign Face

The entire area of a single, contiguous perimeter enclosing the extreme limits of an emblem, representation, wording, or any figure of similar character, together with any color or material forming an integral part of the display or used to differentiate the sign from the background (such as a wall) against which it is placed. The supports and uprights are not included in determining the sign area or sign face.

Sign, Abandoned

A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 90 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Sign, Attached

A sign that is permanently affixed to or painted o a building, canopy, or wall and having a permanent or changeable copy face.

Sign, Awning

A sign that is part of or attached to the face of an awning and constructed in the same fabric or material as the awning.

Sign, Applied Letter

A sign on which individual letters are mounted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign and that does not project more than 12 inches from such building or structure.

Sign, Banner

A sign made of flexible material used to advertise a business event or a product for sale.

Sign, Bench

A sign affixed to or painted on a bench.

Sign, Canopy

A structure constructed of rigid materials, that is attached to and supported by a building, columns, poles, or braces extended to the ground.

Sign, Convenience

A sign displayed only for the direction, safety, and convenience of the public. Convenience signs may include, but not be limited to address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

Sign, Development

A sign located at the entrance to a development and constructed of masonry or natural materials, except for attached letters or logos.

Sign, Development-in-Progress

A sign advertising the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

Sign, Façade-Mounted

A sign mounted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign and that does not project more than 12 inches from such building or structure.

Sign, Façade-Painted

A sign painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign.

Sign, Freestanding

A sign supported by a sign structure secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Sign, Ground-Mounted

A sign placed upon or supported by the ground independent of any other structure.

Sign, Government Imitation

A sign that copies, imitates, or in any way approximates an official highway sign or carries the words “Stop” or “Danger.” Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

Sign, Hanging

A sign mounted on beams, brackets, or poles projecting from a building.

Sign, Home Occupation

A sign erected for the purpose of identifying an allowed home occupation.

Sign, Integral

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

Sign, Moving

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

Sign, Nonconforming

A sign constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected and complied with the sign regulations in effect at the time it was erected, but is no longer in compliance.

Sign, Parked Vehicle

Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This does not pertain to signs placed on or affixed to vehicles, where the sign is incidental to the primary use of the vehicle or trailer or to exclude the advertising of the vehicle for sale.

Sign, Permanent

A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

Sign, Political

A temporary sign erected on private property for the purpose of supporting a political candidate or stating a position regarding a political issue or similar purpose.

Sign, Portable

A sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily movable, not permanently attached thereto and that is usually a two-sided sign. Also includes any single or double surface painted or poster panel type sign or any variation thereof.

Sign, Projecting

See “Sign, Hanging.”

Sign, Public

A sign of a noncommercial nature and in the public interest, erected by a governmental entity or agency (e.g., safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, city-sponsored farmer's market, and similar signs).

Sign, Real Estate

A temporary sign pertaining to the sale, lease, or rental of property and includes, but is not limited to, real estate directional, open house, and open house directional signs.

Sign, Roof

An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Sign, Temporary

A sign that is intended for temporary use and a limited period, as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, holiday decorations, political signs, portable signs, real estate signs, and special event signs.

Sign, Trash Receptacle

A sign affixed to, or painted on, a trash receptacle and containing only the company name or logo of the trash-collecting firm.

Sign, Windblown

A banner, flag, fluttering object, gas balloon, moored blimp, moving object, pennant, revolving object, ribbon, rotating object, spinner, streamer, or any similar object or structure that is designed to inform or attract the attention of persons not on the premises on which it is located.

Sign, Window

A sign placed within, affixed to, in contact with, or located within three feet of a window and intended to be seen from the exterior.

Sign Surface Area

The entire area of a sign structure measured by the square, rectangle, semicircle, or parallelogram thereof and comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding the base or apron, supports, and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be defined as that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.

Site Landscape

Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions.

Silviculture

The farming of trees in accordance with Tennessee Department of Agriculture Forestry Division requirements.

Sleeping Room

A room or group of rooms forming a single habitable unit that is used, or intended to be used, for sleeping and living, but not for cooking or eating purposes, and that is let individually as a unit within a bed and breakfast establishment or similar use.

Slope

The degree of deviation of surface from the horizontal, usually expressed in percent or a ratio.

Slope, Natural

See “Natural Slope”.

Slope, Steep

Any slope exceeding 14 percent.

Soils, Unbuildable

Soils or other substrate that are not suitable for accommodating buildings or other structures.

Special Area

A geographic division of a character area, as defined in this chapter.

Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Special Hazard Area

An area having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Specimen Tree

See “Tree, Specimen.”

Spire

A tall, pyramidal, polygonal, or conical structure rising from a tower, turret, or roof (usually of an institutional use) and terminating in a point.

Square

Formal open space that provides safe and accessible places for the public to meet or gather. It may provide shelters, benches, landscaping, public art, plantings, hardscape, and greens or other flat level surfaces.

Stacking/Standing Area

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is typically not permitted within the stacking/standing area.

Start of Construction

Includes substantial improvement of a structure, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured/mobile home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency

The Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

State Highway

An officially designated highway or route of the State of Tennessee and therefore subject to the rules and regulations of the Tennessee Department of Transportation.

Steeple

A tower that tapers to a point at the top typically used as a decorative feature on a building or as an area to house church bells, clocks, antennas, or similar devices.

Storage Building

Structures used for the storage or warehousing of goods, but not including temporary storage containers such as portable on-demand units or tractor trailers used for storage.

Stormwater Management Device

Inlets, conduits, channels, ditches, appurtenances, and similar devices that serve to collect and convey stormwater through and from a given drainage area.

Story

The portion of a building intended for human occupancy included between the upper surface of a floor and the upper surface of the floor next above or the roof.

Stream Corridor

Any river, stream, pond, lake, or wetland, together with adjacent upland areas including bands of vegetation that line the waters' edge.

Streamers

A series of long, narrow banners, flags, or pennants attached to a cord.

Street

An existing or planned public or private right-of-way that is designed, dedicated, or used principally for vehicular traffic and provides access for abutting properties.

(1) Street, Alley

A minor public or private way intended to be used primarily for vehicular service access to the rear or side of properties otherwise abutting on a public street.

(2) Street, Arterial

A street designed and intended for use by large volumes of through traffic, receives traffic flow from collector and local streets, allows for major movement between areas of the city, and usually has heavy traffic moving at relatively high speeds.

(3) Street, Collector

A street that carries traffic from local streets to the arterial system, consists of principal entrance streets for residential, nonresidential and mixed-use developments, and provides for major circulation within the developments.

(4) Street, Cul-de-Sac

A street having one end open to traffic and the other terminated by vehicular turn around or close.

(5) Street, Local

A street designed primarily for access directly to individual lots or developments.

(6) Street, Perimeter

A street bounding a perimeter lot line of a development.

(7) Street, Primary

The street adjacent to the primary façade of a building or structure.

(8) Street, Primary Internal

The main or primary street serving a multi-building development.

(9) Street, Private

A way of access to two or more parcels of land that is open to vehicular ingress and egress, owned and maintained by affected property owners, but that is not considered to be a driveway.

(10) Street, Public

Any street or road owned or maintained by a unit of government.

(11) Street, Secondary

The street adjacent to a building façade that is not the primary building façade.

(12) Street, Secondary Internal

A secondary street or streets providing internal access within a multi-building development.

Street Chicane

A series of devices or curb extensions that alternate from one side of the street to the other and intended to narrow the street cartway width. Also referred to as S-curves, serpentines, or reversing curves.

Street Connectivity

The level of interconnectedness between streets internal to and external to an individual site or development.

Street Frontage

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

Street Jog

An offset of two or more streets at their intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

Street System

See “City Street System”.

Street Stub

A nonpermanent dead end street intended to be extended in conjunction with development on adjacent lots or sites.

Street Tree

See “Tree, Street”.

Streetscape

Landscape materials located adjacent to street rights-of-way intended to enhance, soften, or screen the view of a building , structure, or land use.

String Lighting

Lighting used to outline a structure and to attract attention for commercial purposes.

Structural Pile

See “Pier”.

Structure

Anything constructed or erected requiring more or less permanent location on the ground or attachment to something having permanent location on the ground, excluding wheels.

Subdivision Regulations

The Franklin Subdivision Regulations adopted on April 15, 1966, and as subsequently amended.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement within the FFO Zoning District

Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be: (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Synthetic Stucco

Acrylic, rubber-based material applied over a fiberglass mesh attached to a foam backing used as a façade material. Also known as EIFS (Exterior Insulated Finish System).

Tandem Parking

See “Parking, Tandem”.

Tangent Distance

The linear distance between shifts in the location or travel direction of a street.

Telecommunication Towers and Antennas

A free-standing structure or any structure to be attached to a building or other structure, that is used for telecommunications.

Tent

A temporary portable structure typically composed of fabric or plastic stretched over poles or other support structure intended to provide habitable space for a short term basis.

Temporary Housing or Structure

A temporary residential or nonresidential use employed as a temporary living or working space while an existing principal use is rebuilt, altered, expanded, or renovated.

Theaters

A structure used for dramatic, operatic, motion pictures, or other performance.

Through Traffic

Vehicular traffic not destined for individual sites or uses within the immediate area.

Tot Lot

An improved and equipped small area developed especially for recreation by preschool or elementary school aged children.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for radio, telephone, and similar communications purposes, including self-supporting guyed towers, lattice towers, or monopole towers. The term

includes alternative tower structures, cellular telephone towers, common-carrier towers, microwave towers, radio and television transmission towers, and the like. The term includes the structure and any support thereto.

Traditional Area

Portions of the city that are appropriate for, or characterized by, development that typically includes mixed-uses, or residential and nonresidential uses in proximity to one another, buildings typically more than two stories tall and built close to the street, a high level of architectural detailing on the primary building façades, the use of a modified street grid system, and off-street parking located to the side or rear of buildings as described in Section 5.1, Traditional and Conventional Areas Distinguished.

Traditional Neighborhood Development (TND)

A form of development that encourages mixed-use, compact development with integrated land uses centered on public spaces and with a strong emphasis on pedestrian orientation.

Traffic Calming Measure

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorist speed and/or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

Traffic Impact Study

An analysis of the effect of traffic generated by a proposed development or redevelopment on street capacity, operations, and public safety.

Trail

An access way, whether paved or unpaved, that is intended to serve multiple modes of travel including walking, jogging, bicycling, or other forms of non-motorized transport.

Transit-Oriented Development (TOD)

Moderate and high-density housing concentrated in mixed-use developments located along transit routes. The location, design, and mix of uses in a TOD emphasize pedestrian-oriented environments and supports the use of public transportation.

Transitional Features

Architectural elements or site aspects used in and adjacent to traditional areas to provide a transition between incompatible land uses in lieu of general-style perimeter landscaping buffers. Transitional features may be appropriate for use in either traditional or conventional areas of the city. (See Subsection 5.3.4, Transitional Features.)

Tree, Canopy

See “Canopy Tree.”

Tree, Deciduous

A tree that drops its foliage annually before becoming dormant.

Tree, Evergreen

A tree with foliage that is not dropped annually or that remains green throughout the year.

Tree, Multi-stemmed

A canopy or understory tree having two or more primary stems or trunks, each of which is included within the determination of caliper or DBH.

Tree, Protected

Specimen trees or trees located in a Tree Protection Zone.

Tree, Public

Trees on public lands such as parks, community and civic facilities and within public rights-of-way.

Tree, Replacement

A tree that is required to be planted after the development of a site to replace predevelopment existing trees that were removed either accidentally or in violation of this ordinance during or as a result of the land disturbance process.

Tree, Shade

See “Canopy Tree.”

Tree, Specimen

Any canopy tree with a diameter of 24 inches or greater, and any understory tree with a diameter of eight inches or more measured four-and-one-half feet above grade. In the case of multi-stem trees, at least one of the stems or trunks shall meet the applicable size requirements before the tree shall be considered a specimen tree.

Tree, Street

A canopy tree planted or existing within or along either side of a street right-of-way.

Tree, Ornamental

See “Tree, Understory.”

Tree, Understory

A small to medium-sized tree, growing 15 to 40 feet at maturity and often used for aesthetic purposes,.

Tree, Viable

An existing healthy tree located on a development site or lot that has a high probability for continued life following the completion of development.

Tree Bank

A fund to receive contributions from owners or developers who remain unable to successfully plant and maintain the required amount of replacement or required site landscaping on the site under development.

Tree Lawn

An area located immediately between the sidewalk and the curb or street pavement that serves as the area where street trees are planted.

Tree Pit

Pervious areas within a sidewalk, plaza, or other impervious surface that have been designated for the growth of street tree roots. Tree pits may or may not be covered by a grate or other protective device.

Tree Protection Zone

The portion of a development site or lot located under existing tree canopy that is to be retained during the development process.

Trellis

A structure of open latticework, especially one used as a support for vines and other creeping plants.

Turning Radius

The length from the center of arc for the tracking path negotiated by a vehicle during its turn.

Unified Development

A development option permitting a Site Plan to be submitted as an aggregation of two or more lots; however, bulk requirements, such as, but not limited to, buffers, building setbacks, landscape surface ratios, and parking shall be determined based on perimeter lot lines, regardless of the location, ownership, size, or quantity of the interior lots, effectively treating the aggregation of lots as one lot for meeting the requirements of this ordinance.

Uniformity Ratio

A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land.

Usable Open Space

Public areas, either formal or informal, that are outdoor or unenclosed area(s) on the ground, or on a roof, balcony, deck, porch, patio or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility, storage or service areas. Usable open space shall be sited and designed to accommodate different activities, individuals, groups, active and passive uses, and shall be located convenient to the intended users (e.g., residents, employees, or public). This does not exclude informal open space from being used as natural conservation areas or left undeveloped/undisturbed.

Use Classification

A designation of the use of land in one of six basic groups, including: agricultural, residential, institutional, office, commercial, or industrial.

Vegetation, Native

Any indigenous tree, shrub, ground cover, or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

Vehicle Sales and Rental

Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes, or recreational vehicles, including incidental storage, maintenance, and servicing.

Vehicular Use Area

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

Vehicular Use Area Landscaping, Interior

Vegetative material, structures (walls or fences), and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement.

Vehicular Use Area Landscaping, Perimeter

Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot or other vehicular use area used for the purposes of screening the vehicular use area from off-site views when such areas are adjacent to a street right-of-way or other development.

Veterinary Facility

An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery.

Veterinary Facility, Neighborhood

An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry, or surgery for companion animals where all services are performed or provided indoors and limited to companion animals, not farm animals or livestock.

Vista

A distant view, especially one seen through an opening as between rows of buildings or trees or at the terminus of streets. Examples of buildings that traditionally terminate street vistas are schools, churches, and government buildings.

Wall Offset

Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

Wall, Parapet

See “Parapet Wall”.

Wall, Retaining

See “Retaining Wall”.

Water Surface Elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse

A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm water runoff and flood water flows either regularly or infrequently and includes major drainage-ways for carrying urban storm water runoff.

Wetland

Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wholesale Sales

Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

Windows, Bay

A large window or series of windows projecting from the outer wall of a building and forming a recess within.

Windows, Box

A window or windows located within a wall projection.

Windows, Dormer

A gabled extension built out from a sloping roof to accommodate a vertical window.

Windows, Ganged

Two or more windows located in proximity to one another so as to give the appearance of a single larger window surface area.

Wing Wall

See “Knee Wall”.

Wrecker Service

A service for towing wrecked or disabled automobiles or freeing automobiles stalled in snow or mud.

Yard

An open space that lies between the principal or accessory structure and the nearest property line and which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

Yard, Side

An open, unoccupied space or spaces on one or more sides of a principal structure extending from the structure to the side property line.

Yard, Rear

An open, unoccupied space on a lot, except for accessory structures as herein permitted, extending across the rear of the lot from one side lot line to the other side lot line.

Yard, Required

The space between a lot line and the principal building within which no structure shall be permitted, except as authorized in this ordinance.

Yard Fronting Any Street

The yard extending across the entire width of the lot, fronting on any street, between the nearest part of the principal building, including covered porches, but excluding roof overhang, and the front lot line.

Zoning Map

The official map upon which the boundaries of various zoning districts are drawn and which is an integral part of this ordinance.