

**A RESOLUTION TO AMEND AND REENACT THE FOLLOWING PORTIONS OF APPENDIX D, ZONING ORDINANCE, ARTICLE X B-2 CENTRAL COMMERCIAL DISTRICT USE REGULATIONS : SECTION 11.1 PURPOSE; SECTION 11.2 PERMITTED USES; SECTION 11.4 PERMITTED ACCESSORY USES; SECTION 11.5 MINIMUM LOT AREA; SECTION 11.6 SETBACK REGULATIONS; SECTION 11.7 MINIMUM LOT FRONTAGE; SECTION 11.8 MINIMUM LOT WIDTH ; SECTION 11.9 YARD REGULATIONS AND SECTION 11.10 HEIGHT REGULATIONS**

WHEREAS, the City Council of the City of Franklin finds that the public necessity, convenience, general welfare and good zoning practice require that Article XX, Central Commercial Business District regulations of the City of Franklin Zoning Ordinance be amended to include mixed use development; and

WHEREAS, the City Council held a duly advertise public hearing at their August 10, 2015 meeting; and

WHEREAS, of those present, the Planning Commission after holding a duly advertised public hearing at their meeting on June 4, 2015 voted unanimously to initiate and forward these text amendments to City Council with a favorable recommendation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend the zoning ordinance text as identified as either strikethrough or bold font and underlined below as follows:

**ARTICLE XI. B-2 CENTRAL COMMERCIAL DISTRICT USE REGULATIONS**

**Sec. 11.1 Purpose of the district.**

The purpose of commercial district, B-2, is to provide for commercial development to serve the needs of the residents within the district and the surrounding neighborhoods and related uses, including those public and semi-public uses and accessory uses as may be necessary to serve those businesses, which serves the entire city and the surrounding region. The B-2 district encompasses the central business district. It is also the intent of this chapter to preserve and enhance the established character of older mixed use commercial and residential neighborhoods in the city by ensuring that infill development, as well as redevelopment, will be consistent with the predominant existing development pattern of such neighborhoods.

The district regulations incorporate form-based provisions that are designed to preserve the urban nature and sustainability of such neighborhoods as characterized by a mixture of detached and attached dwellings of two and three stories in height with a distinct orientation to the street, and situated on small lots with narrow yards, minimal setbacks from the streets and minimal interruption of the street frontages by open spaces, driveways, parking areas or accessory buildings visible from the streets. The district regulations are also intended to encourage traditional neighborhood development, as well as improvement and efficient use of older commercial-style buildings by enabling by right and through the conditional use permit process, commercial uses and mixed use developments that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance and to avoid traffic, parking congestion, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.

**Sec. 11.2 Permitted principal uses.**

(a) One-family detached dwelling units.

(b) Two-family dwelling units

(c) Single-family attached dwelling units, such as townhouses as set forth in section 2.7 of this ordinance provided that not more than four dwelling units shall be attached laterally in a series.

(e d) Churches, public and private schools, public libraries and museums.

(d e) Public parks, playgrounds and community centers, not operated for commercial purposes.

(e f) Existing railroad lines, not including switching or storage yards, or other station facilities.

(f g) Public water and sanitary facilities, except sewage treatment or disposal plants.

(g h) Rooming houses not primarily for transients.

(h i) Any retail business or service establishment located entirely within a building. Representative businesses include food stores, drugstores, barbershops, clothes cleaning or laundry depots, self-service laundries, shoe repair shops, tailors, restaurants, clothing stores, hardware stores, business or professional offices, service stations, health and fitness clubs, dance studios, pawn shops, convenience stores, retail sales, services, recreation theatres, bus terminals, hotels, motels or motor hotels, banks, furniture stores and parking lots.

(i j) Clubs, lodges and social or recreational buildings not conducted primarily for gain.

(j k) Child day centers.

(k l) Family day homes.

(l m) Adult day care centers.

(m n) Adult day treatment facilities.

(n o) Assisted living facilities.

**(p) Mixed Use Developments**

**Sec. 11.3 Permitted conditional uses.**

Certain uses shall be conditionally permitted in the B-2 district, when authorized as a special exception by the board of appeals.

(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.

(2) Any principal use permitted in the B-3 district, which in the opinion of the board of appeals, and under such conditions as it may determine, will not be detrimental to other uses permitted in the B-2 district.

**Sec. 11.4 Permitted accessory uses.**

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot. They include

- (1) Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest homes.
- (4) Workshops.
- (5) Living quarters within a one-family dwelling for persons employed therein.
- (6) ~~Home occupations~~ Live/work units, provided that:

(a) Not more than one person who does not reside in the unit shall be employed at any one time in the conduct of the nondwelling activity.

(b) Space devoted to the nondwelling activity within such unit shall not exceed 40 percent of the total floor area of the unit.

(c) The nondwelling activity shall not involve the sale of products directly to customers on the premises, the housing of persons for compensation, or any group instruction or group assembly involving more than two patrons or clients at any one time.

(d) There shall be no process or activity conducted or equipment operated in conjunction with the nondwelling activity that generates any noise, vibration, odor, smoke, fumes, glare or electrical interference discernable to the normal senses outside of the live/work unit. The use or storage or both of hazardous materials of such type or in such quantities not normally permitted in a residential structure shall be prohibited.

(7) Temporary family health care structure.

(7 8) Signs, as permitted by article XXII of this ordinance.

(8 9) Fences and walls as permitted in section 2.9 of this ordinance.

(9 10) Satellite television antennas or ground-mounted conventional television or radio antennas, when installed and maintained in accordance with article XXIII.

Additional provisions dealing with the location and size of accessory structures are found in section 19.2(11).

(Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005)

**Sec. 11.5 Minimum lot area.**

(a) Business uses **and mixed use developments** -- No minimum lot area is established.

(b) Residential uses -- The minimum lot area is 7,500 square feet.

**(c) The minimum lot area for each townhouse unit shall be 3,000 square feet including a pro-rata portion of common areas.**

**Sec. 11.6 Setback regulations.**

(a) Business uses **and mixed use developments** -- There is no minimum setback.

(b) Residential uses -- All structures shall be set back at least ten feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

(Ord. of 11-24-1997(3); Ord. of 2-25-2002(3))

**Sec. 11.7 Minimum lot frontage.**

(a) Business uses - **and mixed use developments**-- There is no minimum lot frontage.

(b) Residential uses - **The minimum lot frontage shall be at least 50 feet for single-family detached dwellings, 60 feet for two family dwellings and at least 20 feet for attached single family dwellings (townhouses).**

**Sec. 11.8 Minimum lot width.**

(a) Business uses **and mixed use developments** -- There is no minimum lot width.

(b) Residential uses -- The minimum lot width shall be at least 50 feet for single-family detached dwellings, 60 feet for two family dwellings and at least 20 feet for attached single family dwellings (townhouses).

#### Sec. 11.9 Yard regulations.

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

(1) *Side yard--Business uses and mixed use developments.* There is no minimum side yard.

(2) *Side yard--One- and two-family dwelling units.* The minimum width of the side yard shall be ten feet for one yard. The minimum width of the combined side yards shall be 15 feet.

(3) Side yard--Townhouses. The minimum width of the side yard for an exterior unit shall be fifteen feet.

(3 4) *Rear yard--Business uses and mixed use developments.* There is no minimum rear yard, except in those cases where a conditionally permitted B-3 use abuts an R District. In that case there shall be a rear yard of at least 30 feet.

(4 5) *Rear yard--One- and two-family dwelling units.* The minimum depth of the rear yard shall be 40 feet.

(6) Rear yard for Townhouses. The minimum depth of the rear shall be at least 25 feet from the principal permitted structure.

(-5 7) *Front yard.* Except as provided for in article XIX, front yard regulations are set forth in section 11.6 of this article.

#### Sec. 11.10 Height regulations.

(a) *Business uses and mixed use developments.* The maximum height of all structures shall not exceed 80 feet and shall not exceed or six stories.

(b) Residential uses other than mixed use developments. The maximum height of all structures shall not exceed ~~50~~ 80 feet and may not exceed six stories.

**Sec. 11.11 Special provisions for corner lots.**

Are as set forth in section 19.2(7).

**Sec. 11.12 Sign regulations.**

All provisions for the regulation of signs in this district are found in article XXII.

**Sec. 11.13 Parking regulations.**

All provisions for the regulation of parking in this district are found in article XVIII.

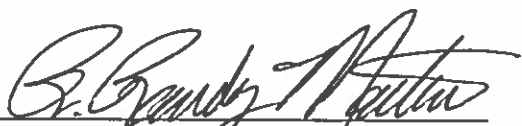
**Sec. 11.14 Floodplain regulations.**

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

**Sec. 11.15 Aircraft approach zone regulations.**

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

Certified copy of a resolution adopted by the Franklin City Council at its regular meeting held on June 4, 2015.

  
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Clerk to City Council