

FRANKLIN TENNESSEE

Zoning Ordinance

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Adoption Date:
10/9/07
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7/1/08



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EFFECTIVE DATE 7/1/08

VERSION: JULY 1, 2018
(LAST AMENDED 06/26/18)

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.