

## ORDINANCE 2020-03

### AN ORDINANCE TO AMEND TITLE 25, CHAPTER 4 OF THE FRANKLIN MUNICIPAL CODE KNOWN AS REQUIREMENTS FOR PARKLAND IMPACT FEES AND PARKLAND DEDICATION

**WHEREAS**, it is the City of Franklin's intent that new growth in Residential Development should pay its proportionate share to maintain the existing resident to parkland ratio so not to impose costs on existing City of Franklin taxpayers; and

**WHEREAS**, the City of Franklin values public parkland as an important community amenity and a central tenet of quality of life for its citizens, thereby requiring a Parkland Impact Fee or, as an alternative, Parkland Dedication for new Residential Development; and

**WHEREAS**, after having implemented the Parkland Impact Fees and Parkland Dedication Ordinance in May 2018, staff and development professionals have identified several sections where clarification would improve the interpretation and effectiveness of this Ordinance; and

**WHEREAS**, City staff met with development professionals and the Board of Mayor and Aldermen to obtain feedback on the proposed clarifications and ordinance amendments to ensure new residential development continues to contribute its proportionate share in providing improved parkland, greenways, and related recreational amenities or through parkland impact fee contributions that meet the intent and purpose of the Parkland Impact Fee and Parkland Dedication Ordinance.

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

**SECTION I.** That Title 25, Chapter 4, Section 25-403 (7) (13), (17), and (18) of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following to read as follows:

#### **Sec. 25-403. Definitions.**

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(7) Dwelling Unit or Dwelling Units means a room, or rooms connected, which constitute a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or Dwelling Units which may be in the same structure; and containing independent cooking and sleeping facilities. This ordinance is applicable to dwelling units that are not licensed by the State, even if included as a part of an overall plan for a continuum of care facility as defined in the City's Zoning Ordinance, Title 14, Chapter 2, Section 14.201.

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(13) *Parkland Dedication* means the option where, at the Board of Mayor and Alderman's discretion, a Developer may dedicate land with improvements, to be used by the City for parkland in lieu of reducing the amount of their Total Parkland Impact Fee Obligation. The

dedication of Parkland, which may include land used for Greenways that are eligible for an off-set, shall not exceed the total acreage required by the density of the development as calculated in the formula that determines the Parkland Impact Fee. (Refer to illustrative exhibit of Ordinance 2016-25).

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**(17) *Phase* means a smaller platted section of the larger development that is typically identified during the approval of a Development Plan or Site Plan. A phase may also be referred to as a section.**

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**(18) *Total Parkland Impact Fee Obligation* means the total amount of Parkland Impact Fees assessed to a specific development which, at the discretion of the Board of Mayor and Aldermen may be eligible for an off-set.** The Total Parkland Impact Fee Obligation is based on two components: land and cost of park and/or greenway improvements. The acreage of land eligible for consideration of an off-set shall not exceed the total acreage required by the density of the development as calculated in the formula that determines the Parkland Impact Fee and as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25 - Parks. (Refer to the formula in the illustrative exhibit of Ordinance 2016-25.)

**SECTION II.** That Title 25, Chapter 4, Section 25-405 of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following to read as follows:

**Sec. 25-405. Parkland Impact Fees.**

Developers shall be required to meet the Parkland Impact Fee requirements through payment of a Parkland Impact Fee in the amount as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks. Such Parkland Impact Fees shall be paid as follows: twenty-five percent (25%) of the Total Parkland Impact Fee Obligation shall be paid prior to recording the first final plat, or the issuance of a building permit, whichever occurs first. To account for the initial twenty five percent (25%) payment, the remaining Parkland Impact Fee Obligation shall be paid at a pro-rated rate at the time a building permit for every residential unit is issued until the remaining Parkland Impact Fee Obligation has been satisfied. An example of the pro-rated amount is illustrated in Appendix A – Comprehensive Fees and Penalties, Chapter 25 - Parks.

**SECTION III.** That Title 25, Chapter 4, Section 25-407 (5) of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following to read as follows:

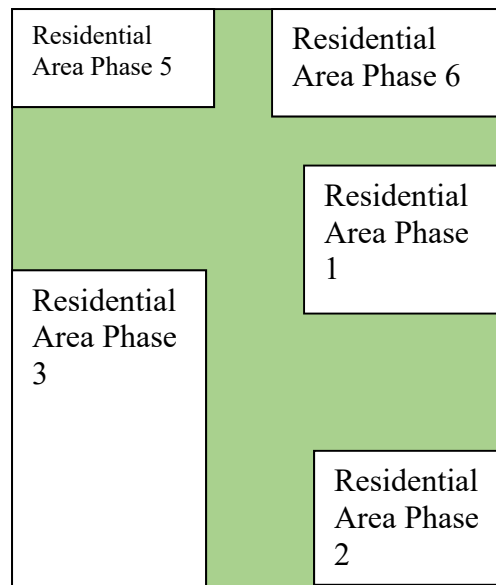
**Sec. 25-407. Parkland Dedication in Lieu of Parkland Impact Fee Requirements and Off-Sets.**

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(5) For all developments, the Parkland Dedication and/or Construction shall be completed concurrently within the platted phase where the residential development has commenced and/or when the improvements are adjacent to a platted phase(s) where development has commenced. The Director has the authority to withhold the

issuance of building permits and/or the recording of future plats if the improvements have not been constructed, inspected, and approved in accordance with this section. Two examples are provided below.

Example 1: The green area represents a greenway connecting all six (6) residential phases which will then be dedicated to the City. With development commencing in Phase One (1), at a minimum all green areas (greenways) immediately within Phase One (1) and the adjacent Phase(s), when platted, shall be constructed, inspected, and approved prior to fifty (50) percent of the dwelling units in these platted phases being approved for occupancy. As development progresses and new phases are being developed, the adjoining greenway portions will be required to be constructed, inspected, and approved to staff's satisfaction, prior to fifty (50) percent of the dwelling units in those phases being approved for occupancy.



Example 2: This development project has the parkland area adjoined solely by the Phase 1 residential section. When the Phase 1 residential section is developed, the entire parkland dedicated project shall be constructed, inspected, and approved prior to fifty (50) percent of the dwelling units in this Phase 1 being approved for occupancy.

	Phase 1 Residential	Phase 2 Commercial
		Phase 3 Commercial
		Phase 4 Commercial
		Phase 5 Residential

**SECTION IV.** That Title 25, Chapter 4, Section 25-408 of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following and to be re-numbered to read as follows:

- (1) *Public Parkland Dedications Equal to or Exceeding Five Acres, and Dedications of Floodplains or Greenways (off-road).* For any proposed Parkland Dedication equaling or exceeding five (5) acres of land, or for any proposed Parkland Dedication equaling or exceeding five (5) acres of land containing Floodplain or Greenways, the Developer may be eligible to receive off-sets for Parkland Dedication in lieu of Parkland Impact Fees in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks. In order to be eligible to dedicate parkland and receive off-sets for Parkland Dedication in lieu of Parkland Impact Fees, the Developer shall:
- (a) Obtain a recommendation from the DRT,
  - (b) Obtain approval of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements approved by the BOMA, and
  - (c) Obtain approval from the Planning Commission of a final plat that shows the dedication of parkland as required by this ordinance.
  - (d) Eligible acreage for off-set consideration shall be calculated using the density of the development and current Service Level as set forth in Appendix A - Comprehensive Fees and Penalties, Chapter 25, Parks and illustrated in the exhibits of Ordinance 2016-25. Projects must have enough dwelling units to create a 5-acre park.

NOTE: Developments which do not meet the dwelling unit requirement listed above may still create larger park areas, but they will only be eligible for off-sets on the amount of

land determined by the current service level. Therefore, if Example 1 development constructs a 5-acre park, it will not be eligible for a 100% offset, but may be eligible for off-set on the 4.32 acres depending on the type of improvement.

- (2) *Public Parkland Dedications of Less than Five Acres, including Dedications of Floodplains or Greenways (off-road) and Private Parkland Dedications Open to the Public.* For any proposed Parkland Dedications of less than five (5) acres, or for any proposed Parkland Dedication of less than five (5) acres containing Floodplains or Greenways, the Developer may be eligible to receive off-sets for Parkland Dedication in lieu of Parkland Impact Fees for up to seventy-five percent (75%) of their total Parkland Impact Fees Obligation upon submittal of documentation showing the actual cost of the improvement, in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks, provided such dedicated parkland is based upon the Comprehensive Parks and Recreation Master Plan as may be amended from time to time, and as determined by the Parks Department Director. The remaining twenty-five percent (25%) of the Parkland Impact Fee obligation paid by the developer shall be used for Community Parks (excluding historic parks and The Park at Harlinsdale Farm) within the quadrant in which the fee was collected and shall be consistent with the Comprehensive Parks and Recreation Master Plan, as may be amended from time to time. The amount of off-sets granted for Parkland Dedication in Lieu of Parkland Impact fees shall be based on the Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements approved by the BOMA.
- (3) *Private Parkland Dedications, including Dedications of Floodplains or Greenways.* For any proposed Private Parkland Dedications, including dedications of Floodplains or Greenways, the Developer may be eligible to receive off-sets for Parkland Dedication in lieu of Parkland Impact fees for up to fifty percent (50%) of the actual cost to construct the private park and/or recreation amenities as submitted by the Developer up to fifty percent (50%) of the Total Parkland Impact Fee Obligation upon submittal of documentation showing the actual cost of the improvements. The total offset shall not exceed 50% of the Total Parkland Impact Fee Obligation. Land value will not be considered as actual costs of private parkland dedications.
- (4) In cases when the proposed Parkland Dedication is insufficient for a park site, the Parks Department Director shall determine the acceptability of a proposed Parkland Dedication based upon the Comprehensive Parks and Recreation Master Plan, as may be amended from time to time. Off-sets for Parkland Dedication In Lieu of Parkland Impact Fees may be granted by the BOMA on some or all of the Parkland Impact Fee as part of the approval of the Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements in the amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.

**SECTION V.** That Title 25, Chapter 4, Section 25-417 of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following to read as follows:

**Sec. 25-417. Special Fund; Right to Refund.**

In accordance with Private Act 1987, chapter 117, Parkland Impact Fees will be deposited in a separate account, as determined by the City of Franklin Finance Department, and reserved for acquisition, expansion, and development to the Park Quadrant to which it relates. The City

shall account for all Parkland Impact Fees and Parkland Dedication in Lieu of Parkland Impact Fees paid under this Section regarding the individual plat(s) involved. Each year the Board of Mayor and Aldermen shall be provided a report of Parkland Impact Fees collected during the previous year and the total balance of Parkland Impact Fees in conjunction with their consideration and prioritization of parkland and greenways capital projects.

**SECTION VI:** BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall be in full force and in effect immediately upon passage for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: \_\_\_\_\_  
Eric S. Stuckey  
City Administrator/Recorder

By: \_\_\_\_\_  
Dr. Ken Moore  
Mayor of Franklin

PASSED FIRST READING \_\_\_\_\_

PASSED SECOND READING \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
Maricruz R. Fincher  
Staff Attorney