

**ORDINANCE 2023-14**

**AN ORDINANCE TO AMEND TITLE 25 – PARKS, CHAPTER 4, SECTION 25-403, SECTION 25-405, AND APPENDIX A OF THE CITY OF FRANKLIN MUNICIPAL CODE, TO ESTABLISH EXEMPTIONS TO THE PARKLAND IMPACT FEES, MAXIMUM DWELLING UNITS FOR PAYMENT IN FULL, AND COMPREHENSIVE FEES AND PENALTIES OFFSETS, FOR PRIVATE AND PUBLIC PARKLAND AMENITIES.**

**WHEREAS**, the City of Franklin’s intention is that new growth in Residential Development should pay its proportionate share to maintain the existing resident to parkland ratio as 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**, operating and maintenance costs for public parkland of less than five (5) acres is not cost effective for the City; and

**WHEREAS**, private improvements in new Developments are encouraged to provide park-like amenities that are accessible and able to be enjoyed by those residing within the Development and, throughout the City of Franklin; and

**WHEREAS**, Envision Franklin, the City of Franklin Land Use Plan, supports the provision of park and recreation facilities throughout the City and in new Developments that meet the needs of all citizens of Franklin; and

**WHEREAS**, in 2016, the City of Franklin Board of Mayor and Aldermen approved the Franklin Comprehensive Parks and Recreation Master Plan (the “Plan”), which provides planning policy and guidance for the development of a municipal park and recreation system for the City of Franklin; and

**WHEREAS**, the Plan assessed the need for parkland and park improvements to serve the residents of Franklin; and

**WHEREAS**, the Plan also carefully assessed the level of service provided by the park and recreation system, and the City wishes to retain that level of service by establishing Parkland Impact Fees and Parkland Dedication requirements based on individual Dwelling Units created by each new Development so new Dwelling Units bear their proportionate share of the cost of retaining the current level of service; and

**WHEREAS**, Parkland Impact Fees and Parkland Dedication requirements are based on the mathematical formulas and allocations set forth in this ordinance; and

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

**SECTION I.** That Title 25, Chapter 4, Section 25-403 (4) of the City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following language, and Section 25-403 (19) of the City of Franklin Municipal Code is hereby added with the following language. The revised Section 25-403 is to be re-numbered sequentially:

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

- (4) *Developer* means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, combination, or entity responsible for a new Development or a new Development project. Developer does *not* include: 501(C)3 classified charitable organizations, State licensed beds, group homes/temporary houses, redevelopment of an existing structures, and or commercial properties are not defined as a Developer.
  
- (19) *Detached Accessory Dwelling Unit* means a secondary dwelling unit separate from the principal structure on the same lot. A detached accessory dwelling includes, but is not limited to, independent structures, a dwelling unit above a garage, or an attachment to a workshop or other accessory structure on the same lot as the principal structure. A detached accessory dwelling unit cannot be bought or sold separately.

**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 language, and is approved to read as follows:

**Sec. 25-405**

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 due at the same time as the fees that are due for recording of the final plat, or for issuance of a building permit, whichever occurs first, or in accordance with the provisions of the City of Franklin Charter or a contract for Parkland Impact Fees, Parkland Dedication, and/or Construction of Park Improvements approved by the BOMA, when applicable. If the total amount of new dwelling units is less than twelve (12) units or if the new dwelling is a detached accessory dwelling unit, the Owner shall pay one hundred percent (100%) of the Total Parkland Impact Fee obligation at the recording of the first plat, or issuance of the first building permit (when a plat is not required), for any property that includes a structure with a dwelling unit.

**SECTION III.** That Title 25, Chapter 4, Appendix A, *Comprehensive Fees and Penalties*, of the

City of Franklin Municipal Code is hereby deleted in its entirety and replaced with the following language and is approved to read as follows:

**CHAPTER 25. -PARKS**

<p><b>Parkland Impact Fee</b></p>	<p style="text-align: center;"><b>\$4,304 per Dwelling Unit*</b></p> <ul style="list-style-type: none"> <li>* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.</li> <li>* To be eligible to receive up to the full 100% of the Parkland Dedication in Lieu of Parkland Impact Fee Off-sets, Parkland Construction in Lieu of Parkland Impact Fee Off-sets, and/or Private Park and Recreation Amenities Off-sets, the density of the proposed development and Parkland Impact Fee formula shall require a total amount of parkland dedicated or set-aside equal to or greater than 5-acres.</li> <li>* If the amount of parkland dedicated or set-aside is less than 5-acres, then the developer shall be responsible for paying 25% of the total Parkland Impact Fee per Dwelling Unit. The developer may then be eligible to receive Off-sets on the remaining 75% of the total Parkland Impact Fee obligation.</li> </ul>
<p><b>Parkland Dedication in Lieu of Parkland Impact Fee Off-sets</b></p>	<p style="text-align: center;"><b>(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)*</b></p> <ul style="list-style-type: none"> <li>* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.</li> <li>* The value of the Parkland Dedication in Lieu of Parkland Impact Fee Off-set that may be granted shall be based on the amount of land being dedicated (public) or set-aside (private) multiplied by the following 2017 city-wide average price of land per acre: <ul style="list-style-type: none"> <li style="text-align: center;"><b>Cost of 1 Acre of Land Located Outside Floodplain: \$62,121</b></li> <li style="text-align: center;"><b>Cost of 1 Acre of Land Located Inside Floodplain: \$45,757</b></li> </ul> </li> <li>* Off-sets for Parkland Dedications of less than 5 acres shall be calculated at 75% of the value of the parkland and improvements with 25% of the total Parkland Impact Fee obligation being designated for Community-type parks in the quadrant in which the fee was collected.</li> </ul>

<p><b>Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets</b></p>	<p style="text-align: center;"><b>Estimated Cost of Construction of Proposed Park Improvements</b></p> <ul style="list-style-type: none"> <li>• Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.</li> <li>• The value of the Offset that may be granted for the Construction of Public Park Improvements shall be based on the actual cost to construct the proposed public park improvements submitted by the Developer up to the value of the total Parkland Impact Fee obligation upon submittal of documentation showing the actual cost of the improvement.</li> </ul>
<p><b>Private Park and Recreation Amenities Off-sets</b></p>	<p>Off-sets may be granted for private park and recreation amenities based on the following criteria:</p> <p><u>Off-sets for Private Parkland Set-aside for Private Use:</u>  Calculated at 25% of the Parkland Dedication in Lieu of Parkland Impact Fee Off- set Amount</p>
	<p><u>Off-sets for Private Parkland Set-aside available for Public Use when in an all-access public easement:</u></p> <p>Calculated at 100% of the Parkland Dedication in Lieu of Parkland Impact Fee Off- set Amount if the parkland improvement is a project consistent with the Comprehensive Parks and Recreation Master Plan.</p> <p><u>Off-sets for Construction of Private Park and Recreation Amenities – Not Open to the Public:</u></p> <p>25% of the total required amount of \$4,304.00 per dwelling unit will go to the City.  50% of the total required amount of \$4,304.00 per dwelling unit will be eligible for off-sets if demonstrated in an exhibit and the inspection by the City is approved.  Final 25% will go to the City at a pro-rated amount of \$3,228.00 per plat until obligation has been satisfied.</p> <p><u>Off-sets for Construction of Private Park and Recreation Amenities – Open to the Public:</u></p> <p>Calculated at 100% of the actual cost to construct the private park and recreation amenities submitted by the developer if the private park and recreation amenity is a project listed in the Comprehensive Parks and Recreation Master Plan.</p>

	<p>Calculated at 75% of the actual cost to construct the private park and recreation amenities submitted by the developer if the private park and recreation amenity is a project not listed in the Comprehensive Parks and Recreation Master Plan.</p> <ul style="list-style-type: none"> <li>• Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements</li> </ul> <p><u>Offsets for Construction of Public and Private Park and Recreation Amenities – Both Open and Not Open to the Public:</u></p> <p>25% of the total required amount of \$4,304.00 per dwelling unit will go to the City.</p> <p><u>75% of the total required amount of \$4,304.00 per dwelling unit will be eligible for reimbursement:</u></p> <p>If private, 25% of the total required amount of \$4,304.00 per dwelling unit will be eligible for off-sets if demonstrated in an exhibit and the inspection by the City is approved.</p> <p>If public, 50% of the total required amount of \$4,304.00 per dwelling unit will be eligible for off-sets if demonstrated in an exhibit and the inspection by the City is approved. The final 25% will go to the City at a pro-rated amount of \$3,228.00 per plat until the obligation has been satisfied.</p>
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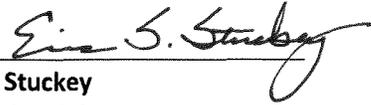
**SECTION III. Severability.** If any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

**SECTION IV. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior to the effective date of this ordinance.

**SECTION V. BE IT FINALLY ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens requiring it.

*(Signature page to follow)*

ATTEST:

By:   
Eric Stuckey  
City Administrator

CITY OF FRANKLIN, TENNESSEE:

By:   
Dr. Ken Moore  
Mayor

Approved as to form by:

  
J. Blake Harper  
Staff Attorney

PASSED FIRST READING

June 13, 2023 · 6-0

PASSED SECOND READING

June 27, 2023 · 8-0