

ORDINANCE 2016-030

**TO BE ENTITLED: “AN ORDINANCE TO AMEND TITLE 21,
AFFORDABLE AND WORKFORCE HOUSING OF THE FRANKLIN
MUNICIPAL CODE IN ORDER TO DELETE CHAPTER 7,
INCLUSIONARY HOUSING FOR PREVIOUSLY APPROVED
PLANNED UNIT DEVELOPMENTS.”**

WHEREAS, in order to promote the health, safety, human rights, prosperity, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen adopted Ordinances 2010-21 and 2015-03 establishing Inclusionary Housing regulations and standards intended to promote affordable and workforce housing choice within the City; and

WHEREAS, the General Assembly of the State of Tennessee, enacted Public Chapter No. 822, amending the Tennessee Code Annotated, Title 66, Chapter 35 pertaining to Rent Control; and

WHEREAS, Public Chapter No. 822 amended T.C.A. § 66-35-102 to add a new subsection (b) to prohibit a local government from enacting, maintaining, or enforcing any zoning regulation, requirement, or condition of development imposed by land use or zoning ordinances, or regulations, or pursuant to any special permits, special exceptions, or subdivision plans that require the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable housing; and

WHEREAS, Public Chapter No. 822 applies to all current and future zoning regulations.

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

SECTION I. That Title 21, Chapter 7 – Inclusionary Housing for Previously Approved Planned Unit Developments, of the City of Franklin Municipal Code is hereby deleted in its entirety.

SECTION II. Severability. In the event that 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 III. 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 All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City of Franklin prior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 IV: 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 for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

By: *Eric S. Stuckey*
Eric Stuckey
City Administrator/Recorder

CITY OF FRANKLIN, TENNESSEE:

By: *[Signature]*
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
Shauna R. Billingsley
City Attorney

PASSED FIRST READING

August 23, 2016

PASSED SECOND READING

September 13, 2016



State of Tennessee

PUBLIC CHAPTER NO. 822

SENATE BILL NO. 1636

By Haile

Substituted for: House Bill No. 1632

By Casada, Lamberth, Cameron Sexton, Daniel, Durham

AN ACT to amend Tennessee Code Annotated, Title 66, Chapter 35, relative to the prohibition of rent control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-35-102, is amended by designating the existing language as subsection (a) and adding the following language as new subsections:

(b) A local governmental unit shall not enact, maintain, or enforce any zoning regulation, requirement, or condition of development imposed by land use or zoning ordinances, resolutions, or regulations or pursuant to any special permit, special exception, or subdivision plan that requires the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable or workforce housing. This subsection (b) shall apply to all current and future zoning regulations.

(c) This section does not affect any authority of a local governmental unit to create or implement an incentive-based program designed to increase the construction and rehabilitation of moderate or lower-cost private residential or commercial rental units.

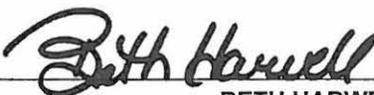
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1636

PASSED: April 7, 2016

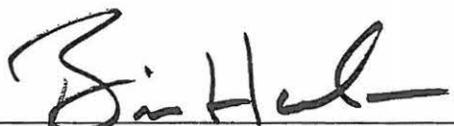


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of April 2016



BILL HASLAM, GOVERNOR