

ORDINANCE 2014-35

**TO BE ENTITLED: "AN ORDINANCE TO AMEND SECTION 5.5.4 OF
THE CITY OF FRANKLIN MUNICIPAL ZONING ORDINANCE
RELATING TO PARKS AND THE DEDICATION OF PUBLIC LAND FOR
PARKS."**

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 park land dedication or fees-in-lieu for new residential and mixed-use new development through Zoning Ordinance requirements; and

WHEREAS, in the City of Franklin the appraised fair market value for property is often much higher for infill development compared to vacant, undeveloped land and property near I-65 and interchanges; and

WHEREAS, the City of Franklin Board of Mayor and Aldermen recognizes a significant discrepancy between the average land value in the four quadrants (Attachment A) and the land value of a proposed development may occur; and

WHEREAS, the recommendation when a proposed development's appraised fair market value exceeds the average per acre value noted within the quadrant, the recommendation is to amend Section 5.5.4 of the Zoning Ordinance to cap the land value at the average per acre value as noted in each quadrant; and

WHEREAS, providing flexibility for a developer through this amendment to donate land or pay fees-in-lieu of for the City to develop parkland for the additional density created by their development. **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF FRANKLIN, TENNESSEE AS FOLLOWS:**

SECTION I. That Chapter 5, Section 5.5.4(4)(d)(vi) of the City of Franklin Zoning Ordinance is hereby created and approved to read as follows:

- (vi) When the appraisal or documentation of the land's fair market value, as determined by the City, exceeds the average land value for the quadrant where the proposed project is located, the average land value as noted in Table 8.2 – Parkland Quadrant Map shall be the per acre value used for calculating the parkland payment in-lieu.

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 third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
City Administrator

BY: _____
DR. KEN MOORE
Mayor

RECOMMENDATION BY FMPC _____

PASSED FIRST READING _____

PASSED SECOND READING _____

PASSED THIRD AND FINAL READING _____

Approved as to form:

By: _____
Shauna R. Billingsley
City Attorney