

## ORDINANCE 2016-25

**TO BE ENTITLED: “AN ORDINANCE TO AMEND THE CITY OF FRANKLIN MUNICIPAL CODE TO CREATE A NEW TITLE 25, PARKS, AND ADD A NEW CHAPTER 4 IN ORDER TO ESTABLISH REQUIREMENTS FOR PARKLAND IMPACT FEES AND PARKLAND DEDICATION, AND AMEND APPENDIX A, COMPREHENSIVE FEES AND PENALTIES, TO ADD A NEW CHAPTER 25, PARKS, IN ORDER TO ESTABLISH FEES FOR PARKLAND IMPACT FEES AND PARKLAND DEDICATION.”**

**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 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**, operating and maintenance costs for public parkland of less than five 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**, removing the Parkland Dedication requirements from Subsection 5.5.4 of the Franklin Zoning Ordinance, and creating a separate Title in the Franklin Municipal Code for Parks will provide the Board of Mayor and Alderman and City Staff with additional opportunities to achieve recreational facilities that meet the intent and purpose of this Ordinance by establishing requirements for Parkland Impact Fees and Parkland Dedication and development, construction of park improvements in lieu of Parkland Impact Fees, and providing criteria for granting off-sets for providing Private Park and recreation amenities park-like facilities; 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.

**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, Parks, of the City of Franklin Municipal Code is hereby created with the following language and is approved to read as follows:

**TITLE 25 - PARKS**

**CHAPTER 1. RESERVED**

**CHAPTER 2. RESERVED**

**CHAPTER 3. RESERVED**

**CHAPTER 4. REQUIREMENTS FOR PARKLAND IMPACT FEES AND PARKLAND DEDICATION**

Sec. 25-401. - Purpose.

Sec. 25-402. - Authority.

Sec. 25-403. - Definitions

Sec. 25-404. - Requirements.

Sec. 25-405. - Parkland Impact Fees.

Sec. 25-406. - Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements

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

Sec. 25-408. - Approval Process and Criteria for Parkland Dedication and Off-sets for Parkland Dedication in Lieu of Parkland Impact Fees.

Sec. 25-409. - Construction of Public Park Improvements in Lieu of Parkland Impact Fee Requirements and Off-sets.

Sec. 25-410. - Private Park and Recreation Amenities Requirements and Off-sets.

Sec. 25-411. - Completion and Acceptance.

Sec. 25-412. - Use of Parkland Impact Fees.

Sec. 25-413. - Reimbursement for City Acquired Parkland.

Sec. 25-414. - Ordinance Administration and Final Approval.

Sec. 25-415. - Revision of Fees.

Sec. 25-416. - Comprehensive Plan Considerations.

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

Sec. 25-418. - Parkland Guidelines and Requirements.

Sec. 25-419. - Warranty Required.

**Sec. 25-401. Purpose.**

It is the intent and purpose of this Chapter to establish the regulatory procedure for assessing and collecting Parkland Impact Fees and/or Parkland Dedication for new Development within the City of Franklin to assure the provision of adequate parks to serve such new Development, by requiring the Developer to pay their pro rata share of the costs of new parks or expansions reasonably attributable to such new development.

**Sec. 25-402. Authority.**

This Chapter is adopted pursuant to the powers conferred by the Franklin Municipal Charter, art. H, §1(38), as amended by Priv. Acts 1987, ch. 54 and by Priv. Acts 1987, ch. 117 (HB 1311).

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

- (1) *BOMA* means the City of Franklin Board of Mayor and Aldermen.
- (2) *Community Park* means a park that is larger in size and serves a broader purpose than Neighborhood Parks. Their focus is on meeting the recreational needs of several neighborhoods or large sections of the community, as well as preserving unique landscapes and open spaces. They allow for group activities and offer other recreational opportunities not feasible, nor desirable, at the neighborhood level. As with Neighborhood Parks, they should be developed for both active and passive recreation activities. The optimal size for a Community Park should exceed twenty-five (25) acres. Design features might include large play structures, informal fields for youth play, tennis courts, volleyball courts, horseshoe areas, swimming pools, disc golf, trails, group picnic areas, open space and unique landscapes/features, nature study areas, ornamental gardens, and facilities for cultural activities such as plays and concerts in the park.
- (3) *Comprehensive Parks and Recreation Master Plan* means the adopted long-range master plan for park and recreational facilities for the City of Franklin. The Plan establishes the City's vision and framework to guide park related facilities and amenities decisions, and includes planning policies and recommendations for the future development of the municipal park and recreation system for the City of Franklin.
- (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.
- (5) *Development* means new construction, building, reconstruction, erection, extension, betterment or improvement of land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to or increases the floor area of a Residential or nonresidential use.
- (6) *Departmental Review Team* or *DRT* means the group of department heads, or their designees, from the City departments responsible for the review of all development applications.
- (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.
- (8) *Floodplain* means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered temporarily by floodwater. For purposes of this Title, the Floodplain is defined as the 100-year Floodplain having a one-percent chance of being equaled or exceeded in any given year, and/or any land area susceptible to being inundated by water from any source.
- (9) *Greenway (off-road)* means a linear undeveloped area linking various types of development by such facilities as multi-use trails, bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and areas immediately adjacent to the pathway.
- (10) *Neighborhood Park* means a park that is a basic unit of the park system and serves as the recreational and social focus of a neighborhood, with both passive and active activities. They are not intended to be used for programmed activities that result in overuse, noise, parking problems,

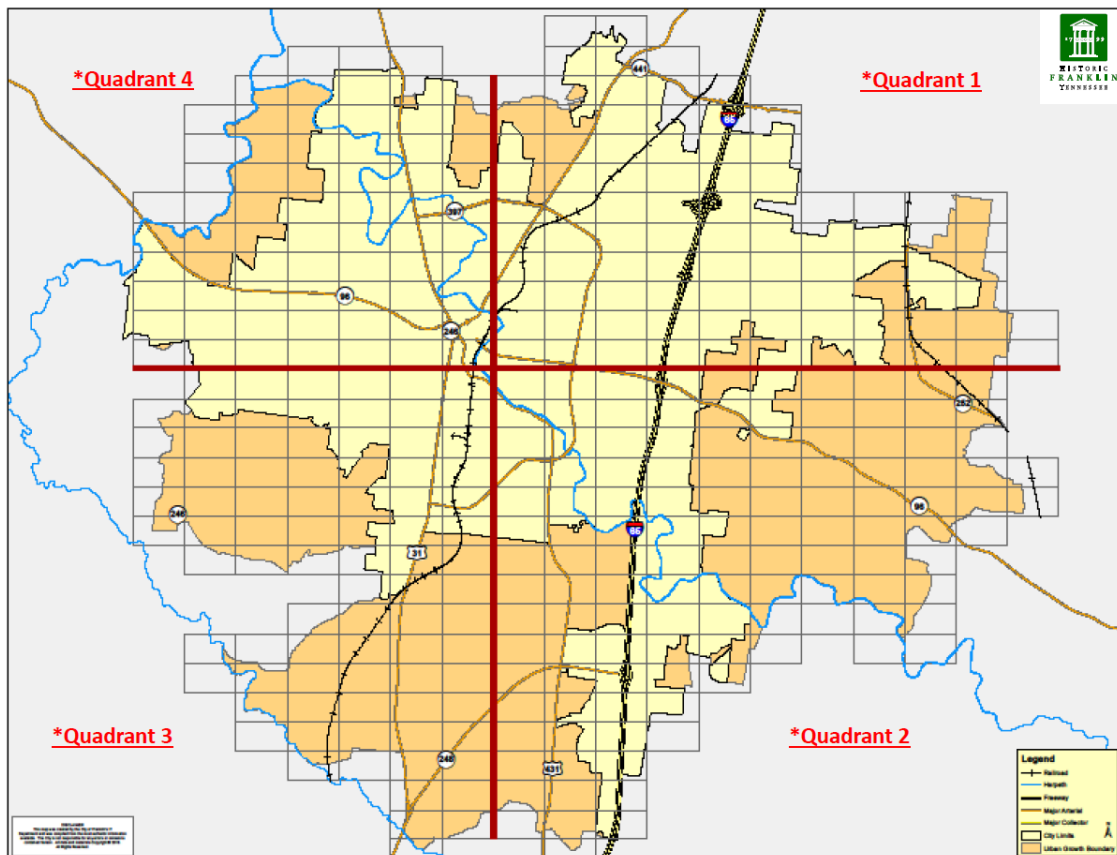
and congestion. They should be geared for those living within the service area. A Neighborhood Park accommodates a variety of ages, including children, adults, and seniors. Neighborhood Parks are usually not smaller than five (5) acres in size and are developed centrally within the neighborhood to encompass a service radius of half (½) mile. Neighborhood Parks primarily facilitate recreational activities, including play structures, sitting areas, and open space. Ideally, these Neighborhood Parks are linked to the neighborhood and to each other by a pathway or walk system and respond to the need for basic recreational amenities close to home.

- (11) *HOA* means Homeowner Association which is an incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.
- (12) *Park Quadrant* and/or *Quadrant* means a geographic district of the City of Franklin established by the Comprehensive Parks and Recreation Master Plan that establishes service areas for parks and the basis for how Parkland Impact Fees or Parkland Dedication requirements are calculated/determined. The Plan divides the City into four (4) Quadrants.
- (13) *Parkland Dedication* means the option where a Developer may dedicate land to be used by the City for parkland in lieu of paying Parkland Impact Fees.
- (14) *Parkland Impact Fee* means fees levied and collected by the City of Franklin against new land development to provide that new Development contribute its fair share of the cost of providing parkland improvements and services pursuant to the powers conferred by the Franklin Municipal Charter, art. H, § 1(38), as amended by Priv. Acts 1987, ch. 54 and by Priv. Acts 1987, ch. 117 (HB 1311).
- (15) *Private Park* means an HOA owned and maintained park and recreation facilities and neighborhood amenities. Examples include, but are not limited to, swimming pools, recreation center buildings, National Playground Standards playgrounds, spraygrounds, outdoor fitness courses, athletic fields or courts, multi-purpose sports fields, improved Greenways not identified in adopted City Plans, or other similar parklike facilities.
- (16) *Residential* means the development of any property for a Dwelling Unit or Units.

**Sec. 25-404. Requirements.**

- (1) Generally, the creation of new Residential Dwelling Units shall address the following requirements pursuant to this Chapter:
  - (a) Parkland Impact Fee; and/or
  - (b) Parkland Dedication in lieu of Parkland Impact Fee; and/or
  - (c) Construction of required Parkland improvements in lieu of Parkland Impact Fee, and/or
  - (d) Construction of Private Park and Recreation Amenities in lieu of Parkland Impact Fee.
- (2) Requirements herein are based on actual Dwelling Units for an entire Development. Increases or decreases in the final Dwelling Unit count may require an adjustment of Parkland Impact Fees. If the actual number of Dwelling Units exceeds the original estimate, additional Parkland Impact Fees may be required in accordance with the requirements in this Chapter.

- (3) The schedule and method for determining Parkland Impact Fees, and/or Parkland Dedication in lieu of Parkland Impact Fees, and/or Construction of required Parkland improvements in lieu of Parkland Impact Fee, and/or Construction of Private Park and Recreation Amenities, shall be as specified in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.
- (4) The following map identifies the location of the Park Quadrants adopted by the BOMA as part of the City of Franklin’s 2015 Comprehensive Park and Recreation Master Plan. If a contiguous Residential Development lies within two (2) or more of the Park Quadrants, the Parkland Impact Fee obligation for the Development will be designated to go to the Quadrant containing the largest amount of square footage of land in the Development.



**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 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.

**Sec. 25-406. Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements**

The Developer shall enter into a Contract with the City which contains terms and conditions relative to the Parkland Impact Fees required to be paid by the Developer and/or any Off-sets granted for Parkland Dedication and/or Construction of Park Improvements as may be requested by the Developer. Such contract shall be finalized concurrently with the approval of a Development Plan or Site Plan when a Development Plan is not required. When neither a Development Plan or Site Plan exist, the contract shall be approved by BOMA prior to the issuance of a building permit and shall contain financial assurances to the City.

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

Developers may dedicate land to be used by the City for parkland In lieu of paying Parkland Impact Fees, and may be eligible to receive off-sets to reduce the total amount of Parkland Impact Fees required per Dwelling Unit.

- (1) 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.
- (2) Parkland Dedication in Lieu of Parkland Impact Fees shall be based on the amount of parkland proposed to be dedicated by the developer. The formula to calculate Parkland Dedication in Lieu of Parkland Impact Fee Off-sets shall be as specified in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.
- (3) Parkland Dedication shall be for the total amount of land dedicated for the Development and shall be dedicated to the City in fee simple.
- (4) The Parkland Dedication shall be satisfied concurrently with the recording for the first final plat, or when a final plat is not required, prior to the issuance of the first building permit that creates a new Residential Dwelling Unit(s).
- (5) For phased Developments, when the Parkland Dedication and/or Construction is planned to occur within a future phase, the Developer shall provide the City with financial security against the future Parkland Dedication and/or Construction by providing an irrevocable letter of credit or a cash deposit in a form acceptable to the City. The amount of the financial guarantee shall be based on the value of Parkland Dedication in Lieu of Parkland Impact Fee Off-sets and/or Construction of Public Park Improvements In Lieu of Parkland Impact Fee Off-sets as set forth in in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks. The financial guarantee will be released to the Developer, without interest, upon the recording of the final plat for the subsequent phase of the development that dedicates the required parkland, except in cases where said parkland is also required to be constructed/improved. When parkland construction/improvements are required, the financial guarantee will be released to the Developer at which time the required improvements have been installed, inspected, and approved by the City.

**Sec. 25-407. Approval Process and Criteria for Parkland Dedication and Off-sets for Parkland Dedication in Lieu of Parkland Impact Fees.**

- (1) *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.
- (2) *Parkland Dedications of Less than Five Acres, including Dedications of Floodplains or Greenways (off-road)*. 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 requirement 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 any Quadrant of the City 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) 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.

**Sec. 25-409. Construction of Public Park Improvements In Lieu of Parkland Impact Fee Requirements and Off-sets.**

A Developer may elect to construct public park improvements, and may be eligible to receive off-sets for Construction of Public Park Improvements in Lieu of Parkland Impact Fees in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks. In such event:

- (1) The BOMA shall approve the amount of off-sets granted for Construction of Public Park Improvements in Lieu of Parkland Impact fees as part of their approval of the Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.
- (2) A park site plan, developed in cooperation with the Parks Department staff, is submitted and approved by the DRT upon submission of a final plat or upon application for a building permit, whichever is applicable.
- (3) Detailed plans and specifications for park improvements hereunder shall be due and processed in accordance with the procedures and requirements pertaining to public improvements for site plans, final plats, and for building permit issuance, whichever is applicable.
- (4) All plans and specifications shall meet or exceed the City's standards in effect at the time of the submission.
- (5) If the improvements are constructed on land that has already been dedicated to and/or is owned by the City, then the Developer shall post payment and performance agreements and sureties to guarantee the payment to subcontractors and suppliers, and to guarantee the Developer completes the work in accordance with the approved plans, specifications, ordinances, and other applicable laws.
- (6) The construction of all improvements shall be completed in accordance with the requirements relating to the construction of public improvements for site plans, final plats, and issuance of building permits, whichever is applicable. This includes guaranteeing performance in lieu of completing the park improvements prior to final plat approval. Notwithstanding any other applicable ordinances, park improvements shall be completed within two (2) years from the date of approval of issuance of the first building permit in the development.

**Sec. 25-410. Private Park and Recreation Amenities Requirements and Off-sets**

A Developer may elect to construct private park and recreation amenities, and may be eligible to receive off-sets for the value of Private Parkland Set-Aside and for Construction of Private Park and Recreation Amenities in Lieu of Parkland Impact Fees, in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks. The BOMA shall approve the amount of off-sets granted for Private Park and Recreation Amenities Requirements in Lieu of Parkland Impact fees as part of their approval of the Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.

- (1) Off-sets for Parkland Dedication in lieu of Parkland Impact Fees and Construction of Private Park and Recreation Amenities in lieu of Parkland Impact Fees may be granted for HOA owned and maintained park and recreation facilities if a Private Park amenity is gated (examples include a private swimming pool or tennis court), in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.
- (2) Off-sets for Parkland Dedication in lieu of Parkland Impact Fee and Construction of Private Park and Recreation Amenities in lieu of Parkland Impact Fees may be granted for HOA owned and maintained park and recreation facilities if the Private Park amenity and/or Greenway is accessible to the general



public and located within an all access public access easement, in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.

- (3) Use of Floodplain (not floodway) as Improved Parkland or Greenways (*off-road*) that are part of the City's approved network, may be eligible to receive off-sets for Parkland Dedication in lieu of Parkland Impact Fees and Construction of Private Parkland in lieu of Parkland Impact Fees in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.
- (4) Private Park amenities and/or facilities may be restricted to the use and enjoyment of residents of the particular Development or subdivision. However, such areas shall be maintained by and deeded to a HOA. The HOA is liable for the payment of maintenance fees and capital assessments, and unpaid homeowners' fees and assessments will be a lien on the property of the delinquent homeowners. To ensure Private Parks and recreation amenities remain accessible to residents, are maintained in their approved design, and in good working condition into perpetuity, requirements and conditions shall be added to the development plan and plat for the Development.

**Sec. 25-411. Completion and Acceptance.**

Park development will be considered complete and a Certificate of Completion will be issued by the Parks Department after the following requirements are met:

- (1) Improvements have been constructed in accordance with Approved Plans;
- (2) All parkland upon which the improvements have been constructed has been dedicated as required under this Chapter;
- (3) All manufacturers' warranties have been provided for any equipment installed in the park as part of these improvements;
- (4) Upon issuance of a Certificate of Completion, the Developer shall be required to warrant the improvements for a period of one (1) year by submitting a Maintenance Surety in a form of Cash or Letter of Credit as required by the City; and
- (5) The Developer shall be liable for any costs required to complete park Development if:
  - (a) Developer fails to complete the improvements in accordance with the approved plans; or
  - (b) Developer fails to complete any warranty work.

**Sec. 25-412. Use of Parkland Impact Fees.**

Twenty-five percent (25%) of the total Parkland Impact Fees collected shall be used for Community Parks (excluding historic parks and The Park at Harlinsdale Farm) within any Quadrant of the City and shall be consistent with the Comprehensive Park and Recreation Master Plan, as may be amended from time to time. The remaining seventy-five percent (75%) of the Parkland Impact Fees collected shall only be used for the acquisition or development of park facilities in parks located within the same Quadrant as the development (excluding historic parks and The Park at Harlinsdale Farm). This provision shall not apply to developments that dedicate and construct a fully improved (5) acre Neighborhood Park within a development.

**Sec. 25-413. Reimbursement for City Acquired Parkland.**

The BOMA may from time to time, acquire land for parks in or near an area of actual or potential development. If the City does acquire parkland in a particular Quadrant, the BOMA at its discretion, may require subsequent developments within the Quadrant to pay the full Parkland Impact Fee obligation and not be eligible to receive off-sets for parkland dedication or construction until such time the cost of the City acquired parkland has been reimbursed.

**Sec. 25-414. Ordinance Administration and Final Approval.**

City staff shall administer this Chapter through the City’s development review and approval processes.

**Sec. 25-415. Revision of Fees.**

The BOMA shall review Parkland Impact Fees and the Parkland Dedication and Construction Off-sets as established in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks, at least once every five (5) years using the most recently approved certified census data and Williamson County Tax Property Assessment information.

**Sec. 25-416. Comprehensive Plan Considerations.**

The Comprehensive Parks and Recreation Master Plan is intended to serve as a guide upon which to base its recommendations. Because of the need to consider specific characteristics in the site selection process, the park locations indicated in the Plan are general recommendations. The actual locations, sizes, and number of parks will be determined when development occurs or when sites are acquired by the City, including by donations. Park Quadrants are established in the 2015 Comprehensive Park and Recreation Master Plan as a component of the Plan, and indicate service areas for parks. Park Quadrants shall be evaluated by the BOMA every five (5) years in conjunction with the revision of fees section of this ordinance.

**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. Any Parkland Impact Fees paid for such purposes shall be committed by the City within ten (10) years from the date received by the City for acquisition and/or development of a park. Such funds shall be spent on a first-in, first-out basis. If not so expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of such sum, computed on a square footage of area basis. The owners of such property shall request in writing such refund within one (1) year of becoming eligible for a refund, or such right shall be barred.

**Sec. 25-418. Parkland Guidelines and Requirements.**

The following guidelines and requirements shall be used in designing parks and adjacent Development.

- (1) Parks shall be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses.
- (2) Any Parkland Dedication must be suitable for park and recreation uses. The Parkland Dedication shall be free and clear of all liens and encumbrances that interfere with its use for park purposes.

The City Administrator or his/her designee shall determine whether any encumbrances interfere with park use. Minerals may be reserved from the conveyance if there is a complete waiver of the surface use by all mineral owners and lessees. A current title report must be provided with the Parkland Dedication. The Developer shall pay all taxes or assessments owed on the property up to the date of acceptance of the Parkland Dedication by the City. A tax certificate from the Tax Assessor shall be submitted with the Parkland Dedication or plat.

- (3) Consideration will be given to land that is in the Floodplain or may be considered "floodable" even though not in a federally designated Floodplain if, due to its elevation, it is suitable for park improvements. Sites should not be severely sloping or have unusual topography which would render the land unusable for recreational activities as determined by the Parks Director.
- (4) Off-sets for land located in Floodplains or designated as Greenways (off-road) may be considered for up to one hundred percent (100%) credit should the land and development of the Greenway be the equivalent of five (5) acres.
- (5) Where feasible, park sites shall be located adjacent to Greenways and/or schools to encourage shared facilities and joint development of new sites.
- (6) Park sites shall be proximate to Residential areas in a manner that serves the greatest number of users and shall be located to minimize users having to cross arterial roadways to access them.
- (7) Where appropriate, sites with existing trees or other scenic elements are preferred.
- (8) Stormwater detention/retention areas may not be used to meet Parkland Dedication requirements, but may be accepted in addition to the Parkland Impact Fee. If accepted as part of the park by the City Administrator or his/her designee, the detention / retention area design must meet the requirements of the Stormwater Management Ordinance and also meet specific parks specifications as determined by the Parks Director. A maintenance agreement shall be developed should existing or newly developed detention/retention areas be included as park.
- (9) Where park sites are adjacent to Greenways, schools, or existing or proposed subdivisions, access ways may be required to facilitate public access to provide public access to parks.
- (10)

**Sec. 25-419. Warranty Required.**

- (1) All materials and equipment provided to the City shall be new unless otherwise approved in advance by the City Administrator or his/her designee and that all work will be of good quality, free from faults and defects, and in conformance with the designs, plans, specifications, and drawings, and recognized industry standards. This warranty, any other warranties express or implied, and any other consumer rights, shall inure to the benefit of the City only and are not made for the benefit of any party other than the City.
- (2) All work by the Developer not conforming to these requirements, including but not limited to unapproved substitutions, may be considered defective.

- (3) This warranty is in addition to any rights or warranties expressed or implied by law.
- (4) Where more than a one (1) year warranty is specified in the applicable plans, specifications, or submittals for individual products, work, or materials, the longer warranty shall govern.
- (5) This warranty obligation shall be covered by any Performance Surety, or Maintenance Obligation in a form as (i.e. Cash or Letter of Credit) required by the City and in compliance with this Ordinance.
- (6) If any of the work performed by Developer is found or determined to be either defective, including obvious defects, or otherwise not in accordance with this ordinance, the designs, plans, drawings or specifications within one (1) year after the date of the issuance of a Certificate of Final Completion of the work or a designated portion thereof, whichever is longer, or within one (1) year after acceptance by the City of designated equipment, or within such longer period of time as may be prescribed by law or by the terms of any applicable special warranty required by this ordinance, the Developer shall promptly correct the defective work at no cost to the City.
- (7) During the applicable warranty period and after receipt of written notice from the City to begin corrective work, Developer shall promptly begin the corrective work. The obligation to correct any defective work shall be enforceable under this Code of Ordinances. The guarantee to correct the defective work shall not constitute the exclusive remedy of the City, nor shall other remedies be limited to the terms of either the warranty or the guarantee.
- (8) If within thirty (30) calendar days after the City has notified Developer of a defect, failure, or abnormality in the work, Developer has not started to make the necessary corrections or adjustments, the City is hereby authorized to make the corrections or adjustments, or to order the work to be done by a third party. The cost of the work shall be paid by Developer.
- (9) The cost of all materials, parts, labor, transportation, supervision, special instruments, and supplies required for the replacement or repair of parts and for correction of defects shall be paid by Developer, its contractors, or subcontractors or by the surety.
- (10) The guarantee shall be extended to cover all repairs and replacements furnished, and the term of the guarantee for each repair or replacement shall be one (1) year after the installation or completion. The one (1) year warranty shall cover all work, equipment, and materials that are part of the improvements made under this section of the ordinance.

**SECTION II.** That Appendix A, Comprehensive Fees and Penalties, of the Franklin Municipal Code, is hereby amended to add a new Chapter 25, Parks, to establish fees and off-sets for Parkland Impact Fees, and is approved to read as follows:

**CHAPTER 25. -PARKS**

<b>Parkland Impact Fee</b>	<b>\$4,304 per Dwelling Unit*</b>
	* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.
	* 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

	<p>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.</p> <p>* 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.</p>
<p><b>Parkland Dedication in Lieu of Parkland Impact Fee Off-sets</b></p>	<p align="center"><b>(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)*</b></p> <p>* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.</p> <p>* 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:</p> <p align="center"><b>Cost of 1 Acre of Land Located Outside Floodplain: \$62,121</b></p> <p align="center"><b>Cost of 1 Acre of Land Located Inside Floodplain: \$45,757</b></p> <p>* 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, citywide.</p>
<p><b>Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets</b></p>	<p align="center"><b>Estimated Cost of Construction of Proposed Park Improvements*</b></p> <p>* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements.</p> <p>* The value of the Off-set 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.</p>
<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>: 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>Calculated at 75% of the Parkland Dedication in Lieu of Parkland Impact Fee Off-set Amount if the private parkland improvement is a project that is not listed in 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>: Calculated at 25% of the actual cost to construct the private park and recreation amenities 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.</p>

	<p><u>Off-sets for Construction of Private Park and Recreation Amenities – Open to the Public*</u>:          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> <p>* Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements</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 after its passage on second and final reading, shall take effect on \_\_\_\_\_, 2018, the health, safety, and welfare of the citizens requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**Eric Stuckey**  
 City Administrator/Recorder

By: \_\_\_\_\_  
**Dr. Ken Moore**  
 Mayor

Approved as to form by:

\_\_\_\_\_  
 Shauna R. Billingsley  
 City Attorney

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

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

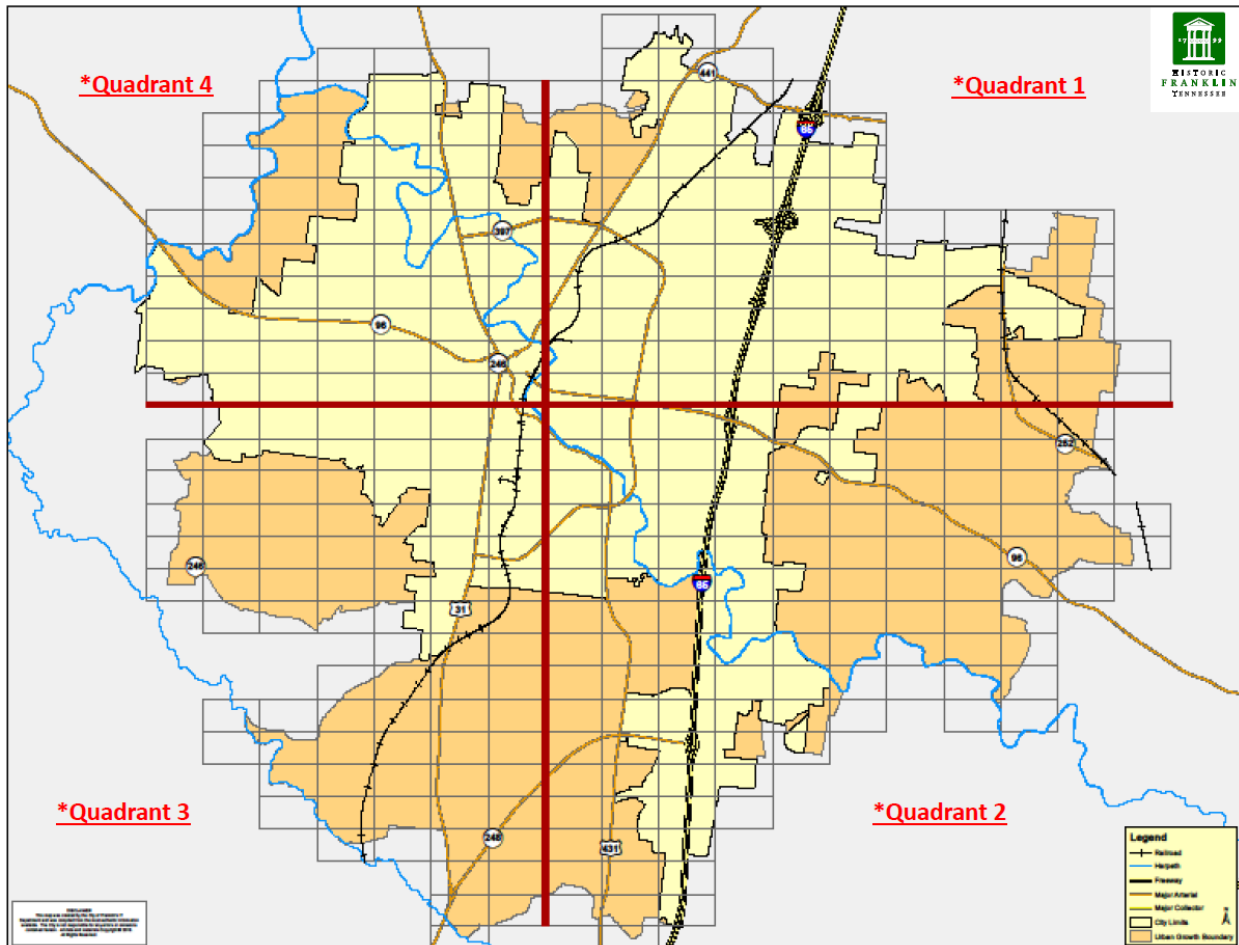


**TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT**

**TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT      \$ 4,304\***

Cost of Parkland per Dwelling Unit	\$ 895**
** Impact Fee portion calculated using cost of parkland per dwelling unit for land located outside the floodplain	
Cost to Develop a 5-acre Neighborhood Park per Dwelling Unit	\$ 3,409

**PARK QUADRANT MAP**





## **PARK DEVELOPMENT COST**

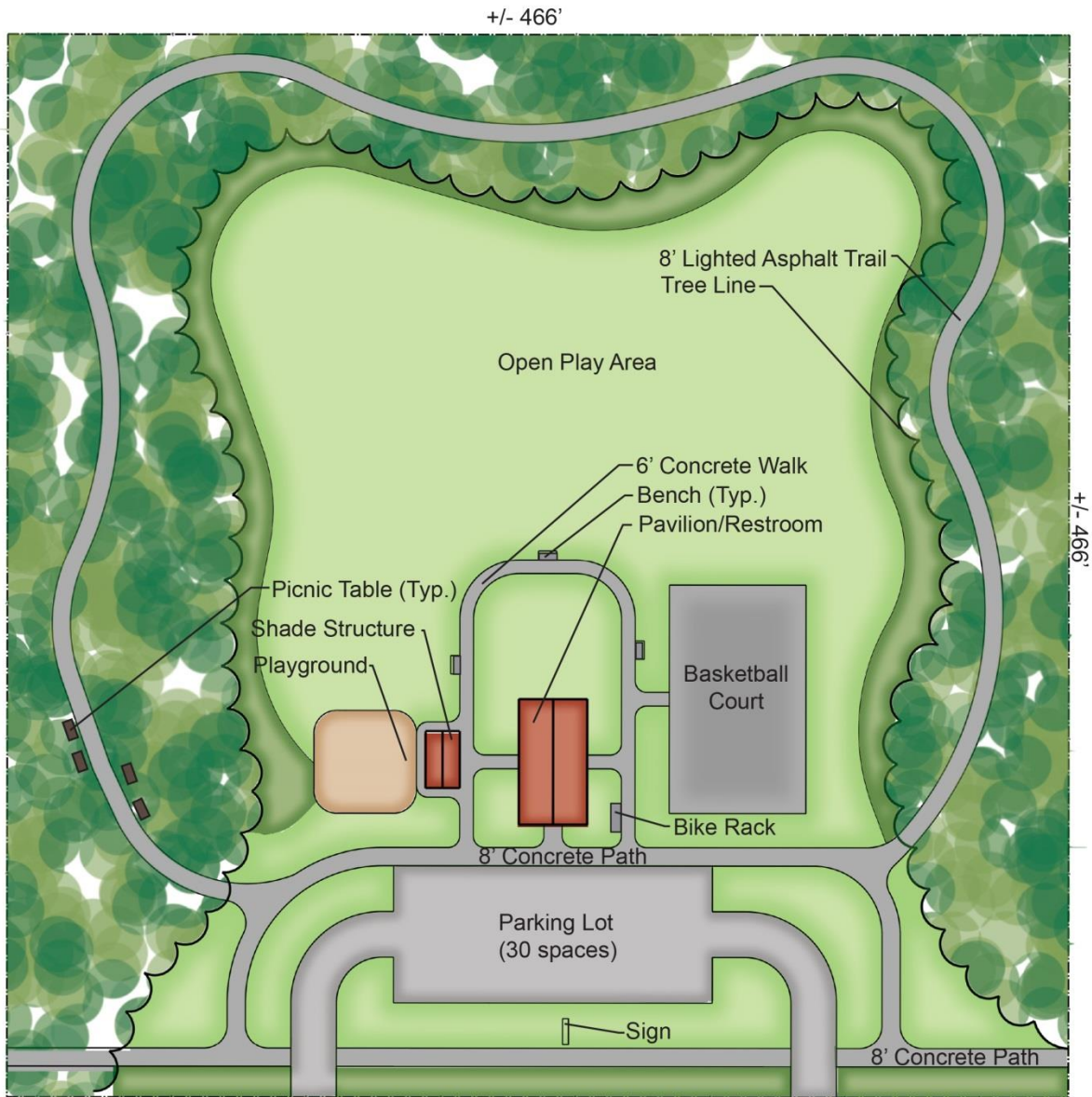
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space and site furnishings. The estimated costs include site preparation, utilities and storm drainage.

A generic site plan (without reference to a particular site) was developed to base an Opinion of Probable Cost. The generic site plan can be found on the following page.

The Opinion of Probable Cost was developed based on the following key assumptions:

- The site would be reasonably level by Franklin standards such that extensive earthwork would not be necessary and that no rock would be encountered in the excavation.
- Half the site (2.5 acres) would be cleared; it is assumed the site would not have mature trees
- A cut of 3 feet would be needed on ½ the site and a fill of 3 feet would be needed on the other ½ such that earthwork would balance.
- Water and sewer service would be available at the street in front of the park.
- Entry drives and parking area would be curbed; parking lot paved with asphalt.
- Landscape and lawn irrigation would be provided for the site.
- Where possible, quantities were taken off to include in the opinion of cost; when not possible allowances are provided.

The Opinion of Probable cost was developed using historical data for park construction by a design firm with extensive park design experience. The Opinion of Probable Cost can be found on the page following the site plan.



Franklin Generic Neighborhood Park  
 Scale: 1:60

**City of Franklin Neighborhood Park**  
**Opinion of Probable Construction Costs**  
 Generic Concept Plan for 5 Acre Park  
 April, 2015



Description	Qty.	Unit	Unit Price	Total
<b>Site Preparation</b>				
Clearing & Grubbing	2.5	AC	\$1,500.00	\$3,750.00
Earthwork - Excavation	6,050	CY	\$6.00	\$36,300.00
Erosion Control	1	AL	\$10,000.00	\$10,000.00
<b>Subtotal Site Preparation</b>				<b>\$50,050.00</b>
<b>Pavement</b>				
Standard Duty Asphalt - Entry Drive and 30 Space Parking Lot	1,528	SY	\$17.50	\$26,740.00
Aggregate	1,528	SY	\$10.50	\$16,044.00
Pavement Markings	1	AL	\$2,000.00	\$2,000.00
Concrete Extruded Curb	752	LF	\$8.00	\$6,016.00
Traffic/Parking Signage	1	LS	\$1,000.00	\$1,000.00
6' Concrete Sidewalks	400	SF	\$6.00	\$2,400.00
8' Concrete Sidewalks	6,600	SF	\$6.00	\$39,600.00
8' Asphalt Trail	1,066	SY	\$24.00	\$25,584.00
<b>Subtotal Pavement</b>				<b>\$119,384.00</b>
<b>Water</b>				
4" DIP Domestic Water Pipe	120	LF	\$25.00	\$3,000.00
Water Meter	1	EA	\$2,000.00	\$2,000.00
Fire Hydrant Assembly	1	EA	\$6,500.00	\$6,500.00
Backflow Preventer	2	EA	\$4,000.00	\$8,000.00
Hot Box	1	AL	\$4,000.00	\$4,000.00
<b>Subtotal Water</b>				<b>\$23,500.00</b>
<b>Sanitary Sewer</b>				
6" PVC Sanitary Line	120	LF	\$35.00	\$4,200.00
4' Dia. Sanitary Manhole	1	EA	\$6,000.00	\$6,000.00
Cleanout	1	EA	\$50.00	\$50.00
<b>Subtotal Sanitary Sewer</b>				<b>\$10,250.00</b>
<b>Storm Water</b>				
18" RCP	200	LF	\$100.00	\$20,000.00
Catch Basins	2	EA	\$3,000.00	\$6,000.00
Headwalls	2	EA	\$2,800.00	\$5,600.00
<b>Subtotal Storm Water</b>				<b>\$31,600.00</b>
<b>Site Lighting &amp; Electrical</b>				
Parking Lot Lights - Single Head	4	EA	\$5,950.00	\$23,800.00
Asphalt Walking Trail Lighting at 50' on center	24	EA	\$4,000.00	\$96,000.00
Area Lighting Single Head	4	EA	\$4,000.00	\$16,000.00
1" PVC Conduit	2,000	LF	\$15.50	\$31,000.00
Wire	8,000	LF	\$5.90	\$47,200.00
Site Electrical Distribution	1	LS	\$10,000.00	\$10,000.00
<b>Subtotal Site Lighting &amp; Electrical</b>				<b>\$224,000.00</b>
<b>Buildings/Structures</b>				
30' x 40' Pavilion With Slab	1,200	SF	\$55.00	\$66,000.00
Restroom attached to Pavilion	300	SF	\$150.00	\$45,000.00
<b>Subtotal Buildings/Structures</b>				<b>\$111,000.00</b>
<b>Site Amenities</b>				
Playground With Rubberized Surface	1	LS	\$100,000.00	\$100,000.00
Playground Seating Shade Cover	1	AL	\$15,000.00	\$15,000.00
Basketball court	1	AL	\$40,000.00	\$40,000.00
Benches With Pad	6	EA	\$1,500.00	\$9,000.00
Trash Receptacles	3	EA	\$1,200.00	\$3,600.00
Drinking Fountain	1	EA	\$5,000.00	\$5,000.00
Picnic Tables, Grill, Trash receptacle	4	EA	\$4,000.00	\$16,000.00
Bike Rack	1	EA	\$1,500.00	\$1,500.00
<b>Subtotal Site Amenities</b>				<b>\$190,100.00</b>
<b>Landscaping</b>				
Canopy Trees	40	EA	\$400.00	\$16,000.00
Ornamental Trees	20	EA	\$250.00	\$5,000.00
Shrubs	170	EA	\$24.00	\$4,080.00
Groundcover	100	EA	\$10.00	\$1,000.00
Seed	3	AC	\$4,800.00	\$12,000.00
Irrigation	100,000	SF	\$0.50	\$50,000.00
<b>Subtotal Miscellaneous</b>				<b>\$88,080.00</b>
<b>Miscellaneous</b>				
Park Sign	1	AL	\$2,500.00	\$2,500.00
<b>Subtotal Miscellaneous</b>				<b>\$2,500.00</b>
				<b>Subtotal</b>
				<b>\$850,464.00</b>
<b>Contractor General Conditions &amp; Mobilization @ 8%</b>				<b>\$68,037.12</b>
				<b>Subtotal</b>
				<b>\$918,501.12</b>
<b>10% Contingency</b>				<b>\$137,775.17</b>
				<b>Subtotal</b>
				<b>\$1,056,276.29</b>
<b>Survey and Design</b>				<b>\$126,753.15</b>
<b>Design and Construction Total</b>				<b>\$1,183,029.44</b>

**Legend**  
 EA Each  
 LS Lump Sum  
 AL Allowance  
 SF Square feet  
 AC Acre