

ORDINANCE 2015-03

TO BE ENTITLED: “AN ORDINANCE AMENDING THE CITY OF FRANKLIN MUNICIPAL CODE TITLE 21, CHAPTER 7, SECTIONS 21-702 AND 21-703 OF THE CHAPTER TITLED INCLUSIONARY HOUSING FOR PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS (PUD).”

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 is authorized to prescribe regulations and standards to promote housing diversity within the City; and

WHEREAS, in the legislative judgment of the Board of Mayor and Aldermen, it found that policies and enabling ordinances must be modified from time to time to reflect changes in the local economy, development trends, and model codes that preserve and promote the private and public interest; and

WHEREAS, in April 2010 the Board of Mayor and Aldermen considered and approved Ordinance 2010-21 titled Inclusionary Housing For Previously Approved Planned Unit Developments , which implemented a coherent set of policies and objectives designed to encourage housing diversity specifically, the development and maintenance of affordable and workforce priced housing within the City of Franklin; and

WHEREAS, since Ordinance 2010-21 applied only to PUDs approved prior to April 1, 2010, the City of Franklin has experienced continued growth and interest in adding density to PUDs approved prior to, and after April 1, 2010, and the Board of Mayor and Aldermen determined that in order to continue to promote housing diversity within the City it must amend Title 21 Chapter 7 of the City of Franklin Municipal Code to require all PUD’s, regardless of the date of approval to be subject to the requirements of this section of the Municipal Code.

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

SECTION I. BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the following definition listed in Title 21, Chapter 7, Section 21-702 of the Franklin Municipal Code is hereby amended by deleting the text with a ~~strikethrough~~ as follows:

Sec. 21-702. Definitions:

Planned Unit Development (PUD). A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and was processed and approved by the Board of Mayor and Alderman ~~prior to April 1, 2010.~~

SECTION II. BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that Title 21, Chapter 7, Section 21-703 of the Franklin Municipal Code is hereby amended by deleting the following text with a ~~strikethrough~~ and adding the approved text highlighted in **bold** to read as follows:

Sec. 21-703. Applicability: This ordinance shall be applicable to all Planned Unit Developments (PUD) ~~approved prior to April 1, 2010~~ containing residential dwelling units and where an applicant is requesting adding density ~~after April 1, 2010~~ **to the originally approved planned development density or latest amendment that adds residential housing units.**

SECTION III. 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 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 public health, safety and welfare requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

PASSED FIRST READING: March 10, 2015

PASSED SECOND READING: _____