



## Legislation Details (With Text)

**File #:** 17-0972      **Version:** 2      **Name:** Parkland Impact Fee and Dedication Ordinance 2016-25  
**Type:** Ordinance      **Status:** Old Business  
**File created:** 11/2/2017      **In control:** Board of Mayor & Aldermen  
**On agenda:** 5/22/2018      **Final action:** 5/22/2018

**Title:** Consideration of Ordinance 2016-25, AS AMENDED, "An Ordinance to Amend the City of Franklin Municipal Code to Create a New Title 25, Parks, and to Add a New Chapter 4 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, to Establish Fees for Parkland Impact Fees and Parkland Dedication." (11/14/17 WS, Continued to 12/12/17 WS; 04/10/18 WS; 04/24/18 BOMA Deferred 1st Reading to 5/8/2018, 05/08/18 1ST Reading 7-0) SECOND AND FINAL READING

**Sponsors:** Eric Stuckey, Vernon Gerth, Lisa Clayton

**Indexes:**

**Code sections:**

**Attachments:** 1. 2016-25 Ordinance\_Parkland Dedication\_Municipal Code Amendment.Law Approved 4, 2. 2016-25 ORD Parkland Dedication\_Municipal Code Amendment.Law Approved 5, 3. 2016-25 ORD Parkland Dedication.Law Approved (2).pdf, 4. Latest Version Ord 2016-25\_Parkland Dedication.Law Approved Ver. with edits 4-5-18, 5. Ord 2016-25\_Parkland Impact Fee Ordinance.Law Approved 11-7-17, 6. Parkland Impact Fee Ordinance Presentation 11-14-17(2), 7. Generic Neighborhood Park.pdf, 8. 1 Quadrant map placements, 9. 2 Parkland fees collected & projected 5-1-18, 10. 3 Parkland fees collected 5-1-18, 11. 4 Quad totals broken down by quads 5-1-18, 12. 5 Quadrants By Acreage and CategoriesIrc5216 kl all, 13. 6 Quadrants By Acreage and CategoriesIrc5216 kl county

Date	Ver.	Action By	Action	Result
5/22/2018	2	Board of Mayor & Aldermen	approved	Pass
5/8/2018	2	Board of Mayor & Aldermen	referred as an Old Business Item	Pass
4/24/2018	2	Board of Mayor & Aldermen	referred as an Old Business Item	Pass
4/10/2018	2	Work Session	referred	
12/12/2017	1	Work Session	referred	
11/14/2017	1	Work Session	referred	

**DATE:** May 4, 2018

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
 Vernon Gerth, Assistant City Administrator for Community and Economic Development  
 Mark Hilty, Assistant City Administrator for Public Works  
 Lisa Clayton, Parks Department Director

**SUBJECT:** Consideration of Ordinance 2016-25, AS AMENDED, "An Ordinance to Amend the City of Franklin Municipal Code to Create a New Title 25, Parks, and to Add a New Chapter 4 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, to Establish Fees for Parkland Impact Fees and Parkland Dedication.” (11/14/17 WS, Continued to 12/12/17 WS; 04/10/18 WS; 04/24/18 BOMA Deferred 1<sup>st</sup> Reading to 5/8/2018, 05/08/18 1<sup>ST</sup> Reading 7-0) SECOND AND FINAL READING

### **Purpose**

The purpose of this memorandum is to provide additional information to the Franklin Board of Mayor and Aldermen (BOMA) regarding the recent discussions among staff and aldermen regarding the nexus and future use of Parkland Impact Fees and, the timing to for the City to allocate or spend Parkland Impact Fees on specific improvements.

### **Background**

Since late 2016, City staff and aldermen have discussed revising the City’s Parkland Impact Fee Ordinance. Through these discussions several clarifications have resulted from the original version and have been incorporated. However, there are a few elements that have been repeatedly discussed regarding the nexus and future use of Parkland Impact Fees, the use of fees-in-lieu received to date under the existing ordinance, and, the timing to commit or spend Parkland Impact Fees to specific improvements. Staff has received guidance from the aldermen and incorporated the following elements into the proposed ordinance as follows:

#### **Nexus and Future Use of Parkland Impact Fees Proposed Ordinance:**

As previously discussed, the proposed ordinance provides for 25% of a developments total Parkland Obligation to be set-aside to expand Community-Type Parks, citywide and, for 75% of the remaining Parkland Obligation to be used for the acquisition or expansion of park facilities within the development and/or within the same quadrant of the city where the development that paid the Parkland Impact Fees occurred. Park facilities also includes Linear Parks (i.e. multi-use paths) in accordance with the City’s Master Park Plan and that are not otherwise required in place of the public sidewalk.

#### **Nexus and Future Use of Parkland Impact Fees Existing Ordinance:**

City Attorney Shauna Billingsley has advised that since the existing Parkland Dedication Ordinance failed to provide language on the use of the fees-in-lieu received that 100% of the fees-in-lieu received to date should be used to expand existing parks and linear trails within the same quadrant where the development that generated the funds is located.

#### **Section 25-412 of the Proposed Ordinance reads as follows:**

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. Notwithstanding any of the terms of this Ordinance, monies collected before the enactment of this Ordinance shall be used 100 percent within the Quadrant in which it was collected. All other requirements of this Ordinance shall apply.

#### **10-year Time Limit to allocate or Spend Parkland Impact Fees:**

Another element of the proposed ordinance that received frequent discussion pertained to the 10-year time to allocate or spend the Parkland Impact Fees. In other words, the revised ordinance requires the City to allocate or spend the funds within 10-years from the date the Parkland Impact Fees were paid to the City. While there is merit to not restricting the time for the City of the spend these funds, staff finds the 10-year timeframe is reasonable and supports

this requirement.

**Financial Impact**

Staff finds the revised Parkland Impact Fee Ordinance meets the needs of our growing community by ensuring new residential development contributes its proportionate share toward maintaining the existing parkland/citizen ratio that exists today and, offers an incentive (credits) to developers and their design teams to incorporate new parklike amenities into their proposed residential and mixed-use developments.

**Recommendation**

Staff recommends approval of the Ordinance 2016-25 as presented.