



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Agenda

Work Session

Tuesday, December 12, 2017

5:00 PM

Board Room

Call to Order

Citizen Comments

WORKSESSION DISCUSSION ITEMS

1. [17-1043](#) Presentation of '2017 Vital Signs' by Nashville Area Chamber

Attachments: [Vital Signs Road Show Presentation \(Brown\).pdf](#)
2. [17-1058](#) Consideration of Including Provisions In The City's Addressing Manual That Would Allow Developers Of New Subdivisions The Option Of Naming New Streets After city Of Franklin Veterans Who Died In The Line Of Duty.

Sponsors: Eric Stuckey and Vernon Gerth
3. [17-1078](#) Consideration of Event Permit for Eat the Street 2018 benefitting 21st District Recovery Court in Downtown Franklin on May 4, 2018 (12/12/17 WS)

Sponsors: Deb Faulkner
Attachments: [ETS 2018 REVISED App](#)
4. [17-1079](#) Consideration of Event Permit for Main Street Brew Fest sponsored by the Downtown Franklin Association on March 17, 2018 in Downtown Franklin. (12/12/17 WS)

Sponsors: Deb Faulkner
Attachments: [Brewfest 2018 REVISED App](#)
5. [17-1042](#) Consideration of 2018 Liquor License Renewal for Red Dog Wine & Spirits, (Mr. Bard Quillman, Jr, Managing Agent) 1031 Riverside Drive, 37064.

Sponsors: Lanaii Benne
Attachments: [2018 CERT Quillman, Bard.pdf](#)

6. [17-0972](#) 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 and Lisa Clayton

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

Legislative History

11/14/17 Work Session referred to the Work Session

7. [17-0973](#) Consideration Of Ordinance 2016-36, To Be Entitled: "An Ordinance To Amend Chapter 5 Of The Zoning Ordinance Of The City Of Franklin, Tennessee To Amend Subsections 5.5.4 Pertaining To The Requirements For The Dedication Of Land For Parks And Greenways/Blueways." (11/16/17 FMPC 9-0; 04/10/18 WS; 04/24/18 BOMA Deferred 1st Reading to 05/08/18, 05/08/18 1ST Reading 7-0, 5/22/18 2ND Reading 8-0) THIRD AND FINAL READING

Sponsors: Ald. Ann Petersen and James Svoboda

Attachments: [Ordinance 2016-36 - Amend Parkland Dedication Requirements in Zoning Ordir](#)

Legislative History

11/16/17 Franklin Municipal Planning recommended favorably to the Board of
Commission Alderman and to the Work Session

8. [17-1029](#) *Consideration of Amendment No. 5 to the Professional Services Agreement (COF Contract No. 2012-0183) with Smith Seckman Reid, Inc. (SSR) for the Water Treatment Plant (WTP) Modifications Project in an Amount Not-to-Exceed \$93,750.00 (11/30/17 CIC 2-1)

Sponsors: Mark Hilty and Michelle Hatcher

Attachments: [COF 2012-0183 Amnd 5.SSR. with attachment.Law Approved](#)

Legislative History

11/30/17 Capital Investment referred to the Work Session
Committee

9. [17-1080](#) *Consideration Of Procurement Award To Franklin Disposal, LLC, Of Franklin, Tennessee In The Amount Of \$3.25 Per Container Per Day For The Purchase Of Servicing Of Public Refuse Collection Containers Located In Downtown Franklin For A Term Of Service For The Sanitation And Environmental Services Department (Purchasing Office Procurement Solicitation No. 2018-010; Contract No. 2017-0331) (12-12-17 WS)

Sponsors: Mark Hilty and Jack Tucker

Attachments: [2018-010 Tabulation of bids](#)

10. [17-1033](#) Acknowledge Receipt of Downtown Parking Capacity and Management Study (COF Contract No. 2016-0230; 11/28/17 and 12/12/17 WS)

Sponsors: Engineering

Attachments: [Franklin Parking Study Recommendations BOMA final 11-17-17](#)
[Parking Overview 12-7-2017.pdf](#)

Legislative History

11/28/17 Work Session referred to the Work Session

11. [17-1059](#) Proposed 2018 Calendar of Board of Mayor and Aldermen Meetings

Sponsors: Eric Stuckey

Attachments: [2018 BOMA proposed meetings.pdf](#)

Other Business

Adjournment

Anyone requesting accommodations due to disabilities should contact ADA coordinator at 791-3277.



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AREA CHAMBER OF COMMERCE
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 NASHVILLE AREA
Metropolitan Planning Organization

PIVOTAL PARTNERS



B A S S
B E R R Y
S I M S





SUPPORTING SPONSOR



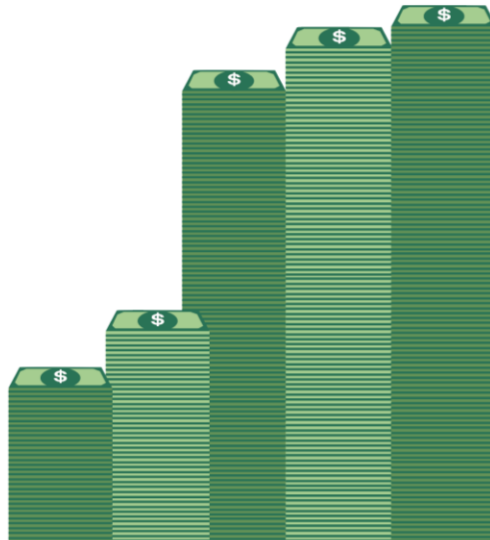
MEDIA PARTNER



AFFORDABILITY

- \$285,000 median home sale price

Cost burdened: having to spend more than **30%** of your gross income on housing.



Workers must earn **\$17.63** an hour to afford median rent.

\$21.21

USA

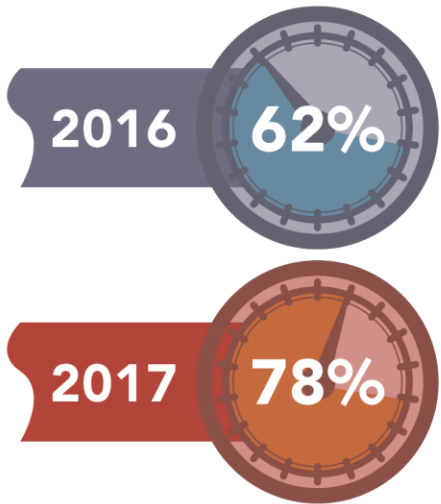
\$17.63

NASHVILLE

Source: U.S. Census, American Community Survey, 2015

MOBILITY

Limited transportation options have contributed to an increase in travel time, making growing congestion the top concern of Middle Tennessee residents.



78% of the **region's** population say they experience more traffic now than one year ago, up sharply from the **62%** that were asked the question in the previous year.



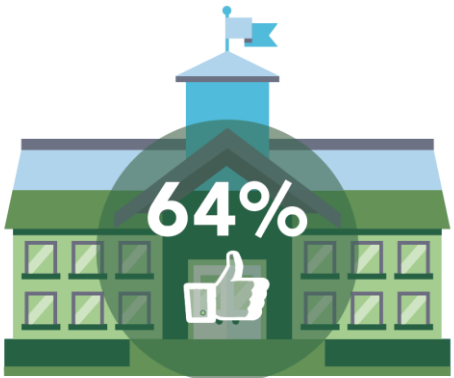
EDUCATION

K-12 education is a critical factor in where people choose to live in the region.

Almost three fourths of residents in the region (**72%**) say that the quality of public schools is an important factor in determining where to live.



Source: Nashville Region Vital Signs poll, 2017



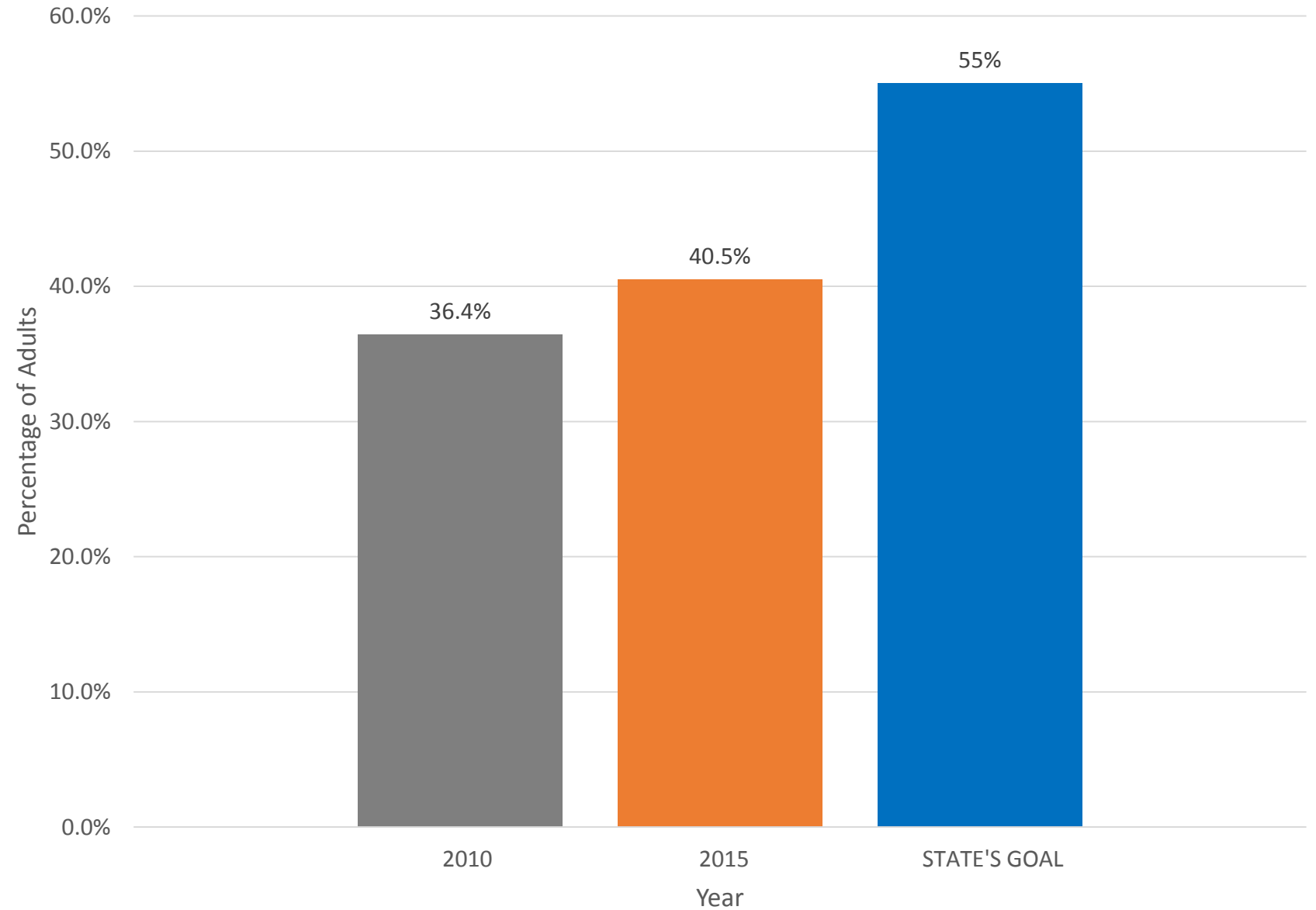
Nearly two thirds (**64%**) of area residents with children report satisfaction with their local school district.

Source: Nashville Region Vital Signs poll, 2017

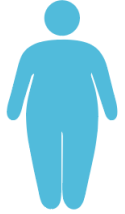
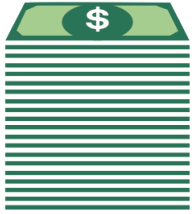




Percentage of Adults with at least a Two-Year College Degree

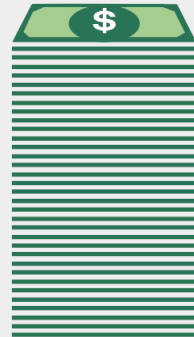


Costs of Health and Wellness



Obesity-related productivity losses cost Nashville nearly a **quarter of a billion dollars** each year.

Over **\$500 million** lost annually in productivity for the Nashville region due to absenteeism and 'presenteeism' associated with **diabetes, obesity and hypertension** in the workforce.



By **2030**, Nashville is estimated to see an economic impact of **\$43 million** annually due to estimated public **health impacts from traffic** congestion.



Source: Nashville Region Health Competitiveness Initiative Report 2017 & Health Economics, 2012



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 NASHVILLE AREA
Metropolitan Planning Organization

Permit No:



HISTORIC
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CITY OF FRANKLIN EVENT PERMIT APPLICATION

Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.

Note: Filing this application does not guarantee that your request will be granted.

Please check
all that apply:

☐ street closure

☐ parade

☒ other special event

☐ beer served (*separate permit required*)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

1) Location requested (if Temporary Street Closure only, list major roads to be closed):

_____ Aspen Grove Park

_____ Liberty Park

_____ Eastern Flank Battlefield Park

_____ Fieldstone Farms

_____ Pinkerton Park

_____ Jim Warren Park

_____ Harlinsdale Farm

Other: Bicentennial Park

2) Name/purpose of event: Eat the Street (food truck festival)

3) Date or dates of event: Friday, May 4, 2018

4) Time of Event: 5-10 pm

5) Time of Street Closure (if applicable): 2 - 10:30 p.m.

Set-Up Date/Time: 2-4 pm **Tear-down Date/Time:** 10-10:30pm

*Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.

6) Name of Applicant and Organization Requesting Permit:

21st District Recovery Court

a) Address: 100 A Beta Drive, Franklin 37064

b) Phone: 615-59 **c) Cell:** _____ **d) Fax:** _____

e) E-mail address: elaine.beeler@tncourts.gov for this event

7) Person in charge on day of event: Elaine Beeler

Cell: 615-585-3439 **E-mail address:** elaine.beeler@tncourts.gov



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8) Name and Cell Number of at least two others available on day of event:

Name: Jeff Moseley Cell: 957-1069 E-mail address: jmosley@buergerlaw.com

Name: Connie Martin Cell: 587-8463 E-mail address: Connie.martin@21dc.org

9) DETAILED description of event (use additional sheets):

food truck festival

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. **For large-scale events, map should be obtained from the City's GIS division.**

from 3rd at margin to Hillsboro Rd
4th at margin to 3rd

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

45 food trucks - estimated attendance 5,000 ±

12) Please **attach a list** containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

13) Is your organization based in Williamson County? Circle Yes or No

(if no, please state where: _____)

14) Is your organization authorized to do business in Tennessee? Circle Yes or No

15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status.

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. food trucks - 250 participation fee

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No.

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? 21st District Recovery Court

100% after expenses

19) Will parking in the area of the event need to be restricted or prohibited? Circle Yes or No.



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- 20) Will any sound amplification equipment be used during the event? Circle Yes or No. If no, please skip to Question #22.
- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?
band and announcements
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.
band + voice
- 23) During what time period is sound amplification requested? 5-9
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.).
unknown at this time
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured. ***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
Stage for band in grass- we provide
- 26) What, if any, vendors will be present at event? (i.e medical related, shirts, arts, etc.) **Please provide detailed list.** Use additional sheets. Food truck vendor list to be provided prior to event + any sponsor tables
- 27) Will food, beverages, or merchandise be sold or given away? Circle Yes or No. If yes, clean-up is required. Please provide name of clean-up provider, contact, and phone number of person on-site during event. See Question #28.
Jeff Moseley
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.

- 29) ***NOTE:** Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*
- 30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:

- 31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*
- 32) Will your event include tents or other temporary structures, propane use, or open flames? Circle yes or no. Events using tents of size 20 x 10 or larger require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information.* possible tents
- 33) Attach Good Neighbor Letter and Mailing List used. *Please read Additional Requirements section of this application for more information.* to be provided

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The City of Franklin does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d). For more information or to file a complaint against the City of Franklin under Title VI of the 1964 Civil Rights Act, contact the Title VI Coordinator:

Risk Manager
City of Franklin
109 Third Avenue South
Franklin, Tennessee 37064
615.791.3277

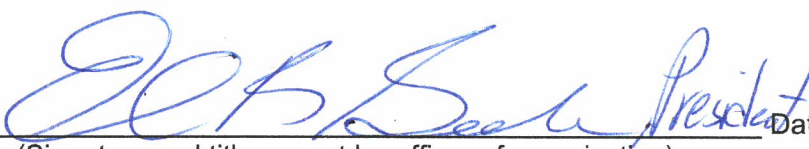
The City of Franklin is committed to providing reasonable access and accommodations upon request for people with disabilities. Please call the Risk Management Department at (615)791-3277 for specific requests.



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PLEASE READ ATTACHMENTS BEFORE SIGNING
APPLICATION.

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY:  President Date: 6/23/17
(Signature and title – must be officer of organization)

Approved by the Board of Mayor and Aldermen on _____, 20____.

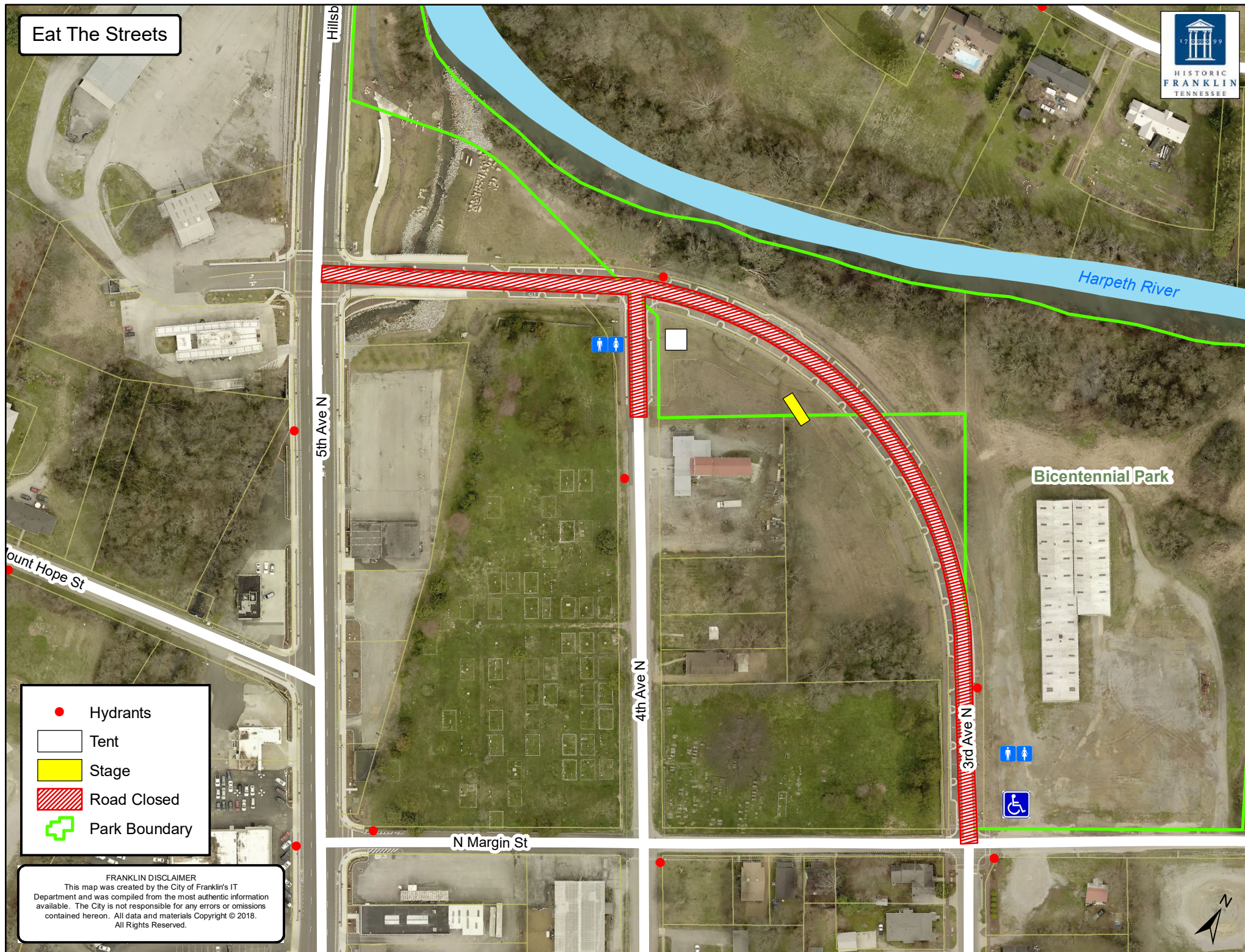
Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

If you have questions concerning your request, please call 615-550-6606.

*
* **Return application to:** *
* City Administrator's Office *
* City Hall *
* 109 Third Ave South *
* Franklin, TN 37065 *
* 615-791-3217 *
* 615-790-0469 (FAX) *
*

Eat The Streets



- Hydrants
- Tent
- Stage
- ▨ Road Closed
- ⬢ Park Boundary

FRANKLIN DISCLAIMER
This map was created by the City of Franklin's IT Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained hereon. All data and materials Copyright © 2018. All Rights Reserved.



October 10, 2017

Ms. Monique McCullough
Public Outreach Specialist
City Administrator's Office
City Hall
109 Third Avenue South
Franklin, TN 37064

Thank you!

Dear Monique,

Attached is the City of Franklin Event Permit Application for the Franklin Main Street Brew Fest on March 17, 2018. As always, I appreciate your wonderful assistance with every event we put on in town!

As in the last three years, we would be most grateful for the opportunity to use the hallway inside City Hall for Check In again. Below are the reasons why this is so helpful to the event:

1. Being inside would allow our staff and volunteers to hear and communicate with each other and guests in a more efficient manner.
2. Should it rain, the guests would not need to stand in line exposed to the weather.
3. The supplies would not be exposed to weather.
4. We would have a very official environment for our guests to Check In and there are restrooms available.
5. We would not put up as large a tent blocking 4th Avenue North and Main Street.

Please let me know the next step of this Event Application process. Thank you again as it is always a pleasure to work with you and the many other City of Franklin staff members.

Sincerely,

Kristy

Kristy Williams
Main Street Director
Downtown Franklin Association

Board Members

Danny Anderson
Brian Beathard
Sean Carroll
Pam Chandler
Marianne DeMeyers
Josh Denton
Donna Douglas
Stephanie Farmer
David Garrett
Kay Heller
Kevin Herrington
Chuck Isaacs
Cassie Jones
Chris Knopf
Emily A. Magid
Andy Marshall
Ann Johnson Owens
Jennifer Parker
Marianne Schroer
Allen Sills
Nancy Smith
Stuart Tutler

Executive Director

Bari Beasley

OFFICE USE ONLY:

Permit No: _____



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CITY OF FRANKLIN EVENT PERMIT APPLICATION

*Application is Due 90 Days Prior to Scheduled Event.
Please read application carefully and fully complete each section.
A non-refundable application fee of \$100 is due at time of filing.*

Note: Filing this application does not guarantee that your request will be granted.

Please check
all that apply:

☐ street closure

☐ parade

☐ other special event

☒ beer served (**separate permit required**)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

1) Location requested (if Temporary Street Closure only, list major roads to be closed):

____ Aspen Grove Park
____ Fieldstone Farms
____ Jim Warren Park

____ Liberty Park
____ Pinkerton Park
____ Harlinsdale Farm

____ Eastern Flank Battlefield Park

Other: Main St. from
(East Main @ 2nd to 4th & Main)

2) Name/purpose of event: Franklin Main Street Preview East

3) Date or dates of event: Saturday, March 17, 2018

4) Time of Event: 5pm to 8pm

5) Time of Street Closure (if applicable): As early as possible on 3/17/18

Set-Up Date/Time: When streets close **Tear-down Date/Time:** 10 pm 3/18/18

*Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.

6) Name of Applicant and Organization Requesting Permit:

Downtown Franklin Association/Heritage Foundation of Franklin & Williamson

a) Address: 112 Bridge Street, P.O. Box 807 Franklin, TN 37065

b) Phone: 615.591.8500 Ext. 118 c) Cell: 615.305.3610 d) Fax: 615.591.8502

e) E-mail address: kwilliams@historicfranklin.com

7) Person in charge on day of event: Kristy Williams

Cell: 615.305.3610

E-mail address: kwilliams@historicfranklin.com



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8) Name and Cell Number of at least two others available on day of event:

Name: Linda Childs Cell: 615.698.2171 E-mail address: lchilds@historicfranklin.com
Name: Julie Walton Garland Cell: 615.473.8823 E-mail address: Julie.R.Walton@gmail.com

9) DETAILED description of event (use additional sheets):

Beer Tasting under tents in street closure area.
A 2 oz. portion is served for each product type.

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. **For large-scale events, map should be obtained from the City's GIS division.** Also, please see Question #5

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

2,500

12) Please attach a list containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

13) Is your organization based in Williamson County? Circle Yes or No
(if no, please state where: _____)

14) Is your organization authorized to do business in Tennessee? Circle Yes or No

15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status. See Attached

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. Tasting Tickets \$45-\$125 Sponsors \$500 to \$7,500.-
Food Vendors \$250+

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No.

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? Downtown Franklin Association
100%

19) Will parking in the area of the event need to be restricted or prohibited? Circle Yes or No.



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TENNESSEE

- 20) Will any sound amplification equipment be used during the event? Circle Yes or No. If no, please skip to Question #22. Yes
- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?
Music
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.
Bands, Musicians
- 23) During what time period is sound amplification requested? 5pm to 8pm
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.). Music on the streets. No stages
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. **Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured.** ***For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. ***Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
- 26) What, if any, vendors will be present at event? (i.e medical related, shirts, arts, etc.) **Please provide detailed list.** Use additional sheets. Approximately 10 to 15 Food, Sponsor, T-Shirt Vendor and Lyft
- 27) Will food, beverages, or merchandise be sold or given away? Circle Yes or No. If yes, clean-up is required. Please provide name of clean-up provider, contact, and phone number of person on-site during event. See Question #28. City of Franklin Sanitation and Environmental Services
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal. Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.

We will pay the \$1,000 Security Deposit if this application is approved

Revised February 2014

29) ***NOTE:** Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*

30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:

Top at 4th and Main Hydrant
Tap near City Hall (3rd South Square / 3rd North Square)

31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*

32) Will your event include tents or other temporary structures, propane use, or open flames? Circle yes or no. Events using tents of size 20 x 10 or larger require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information.*

33) Attach Good Neighbor Letter and Mailing List used. *Please read Additional Requirements section of this application for more information.*

We will be using The Downtown Franklin Association
and The Downtown Neighborhood Association email for notifications.

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The City of Franklin does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d). For more information or to file a complaint against the City of Franklin under Title VI of the 1964 Civil Rights Act, contact the Title VI Coordinator:

Risk Manager
City of Franklin
109 Third Avenue South
Franklin, Tennessee 37064
615.791.3277

The City of Franklin is committed to providing reasonable access and accommodations upon request for people with disabilities. Please call the Risk Management Department at (615)791-3277 for specific requests.



HISTORIC
FRANKLIN
TENNESSEE

PLEASE READ ATTACHMENTS BEFORE SIGNING
APPLICATION.

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) ~~I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.~~
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY: *Dani A. Beasley*
(Signature and title – must be officer of organization)

Date: October 10, 2017

Approved by the Board of Mayor and Aldermen on _____, 20__.

Dr. Ken Moore, Mayor

Eric S. Stuckey, City Administrator

If you have questions concerning your request, please call 615-550-6606.

*
* **Return application to:** *
* City Administrator's Office *
* City Hall *
* 109 Third Ave South *
* Franklin, TN 37065 *
* 615-791-3217 *
* 615-790-0469 (FAX) *
*
*

CITY OF FRANKLIN
EVENT PERMIT APPLICATION
Question #12

Bari Beasley, CEO
Heritage Foundation
P. O. Box 723
Franklin, TN 37065
Work: 615.591.8500
Cell: 615.509.5511

Marianne DeMeyers, President of the DFA
Tin Cottage
123 South Margin Street
Franklin, TN 37064
Work: 615.472.1183
Cell: 615.417.5589

Kristy Williams, Main Street Director
Heritage Foundation
P. O. Box 723
Franklin, TN 37065
Work: 615.591.8500, Ext. 118
Cell: 615.305.3610

Linda Childs
Heritage Foundation
P. O. Box 723
Franklin, TN 37065
Work: 615.591.8500, Ext. 116
Cell: 615.678.2171

Julie Walton Garland
Walton's Antique & Estate Jewelry
410 Main Street
Franklin, TN 37064
Work: 615.790.0244
Cell: 615.473.8823

Internal Revenue Service

Department of the Treasury

**P. O. Box 2508
Cincinnati, OH 45201**

Date: March 19, 2001

Person to Contact:

Richard Owens 31-00913
Customer Service Representative

Toll Free Telephone Number:

8:00 a.m. to 9:30 p.m. EST
877-829-5500

Fax Number:

513-263-3756

Federal Identification Number:

23-7042596

Heritage Foundation of Franklin and Williamson
County Tennessee
% Mary Shearer Pearce
PO Box 723
Franklin, TN 37065

Dear Sir or Madam:

This letter is in response to your request for a copy of your organization's determination letter. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in April 1970, granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Heritage Foundation of Franklin and Williamson County Tennessee
23-7042596

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

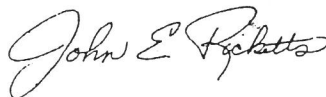
The law requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. If your organization had a copy of its application for recognition of exemption on July 15, 1987, it is also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of \$20 a day for each day you do not make these documents available for public inspection (up to a maximum of \$10,000 in the case of an annual return).

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

A handwritten signature in cursive script that reads "John E. Ricketts".

John E. Ricketts, Director, TE/GE
Customer Account Services

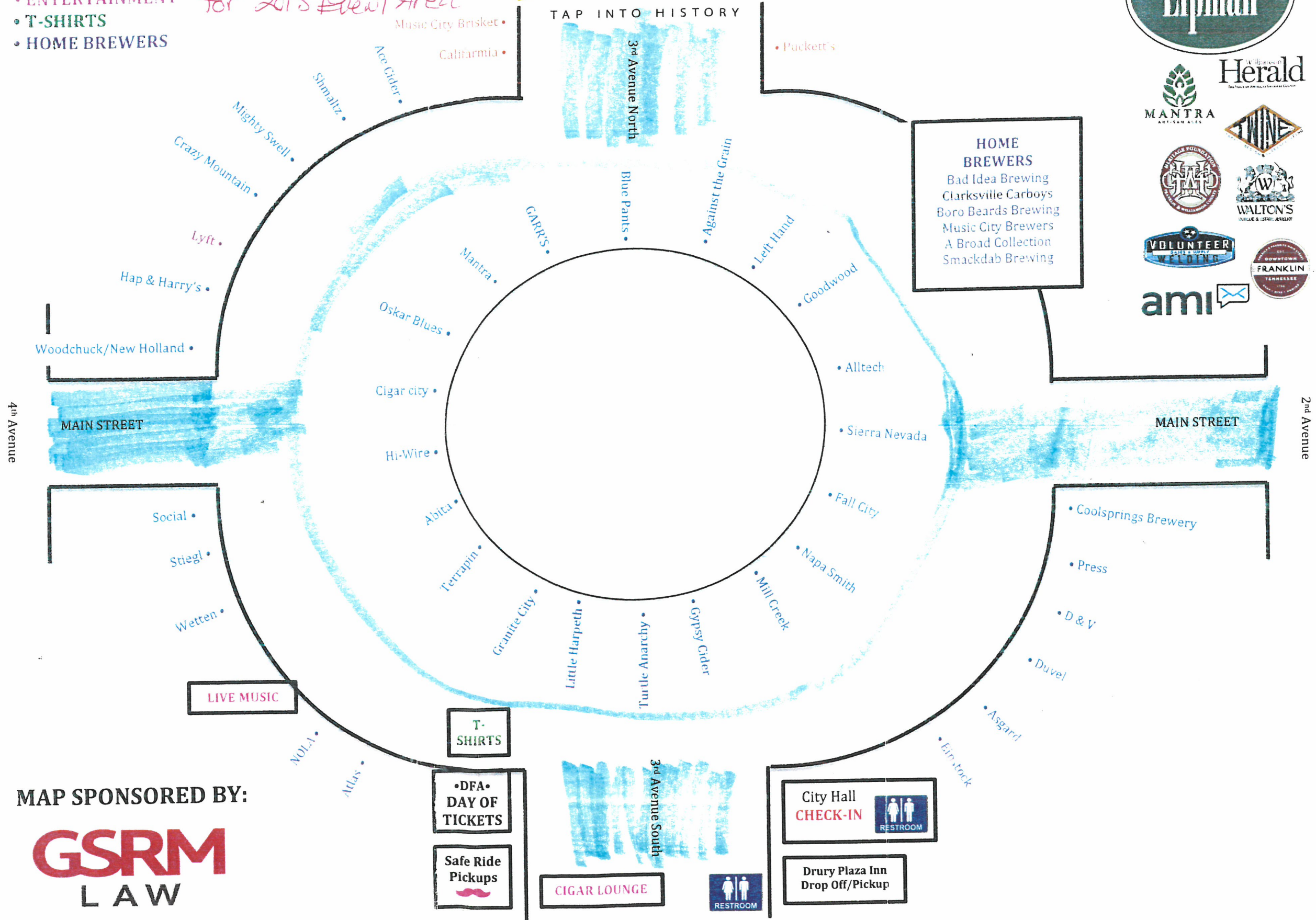
INITIAL PLANS

- BREWERIES
- FOOD VENDORS
- ENTERTAINMENT
- T-SHIRTS
- HOME BREWERS

2017 Map with Blue Highlights for 2018 Event Area

MAIN STREET Brewfest

TAP INTO HISTORY



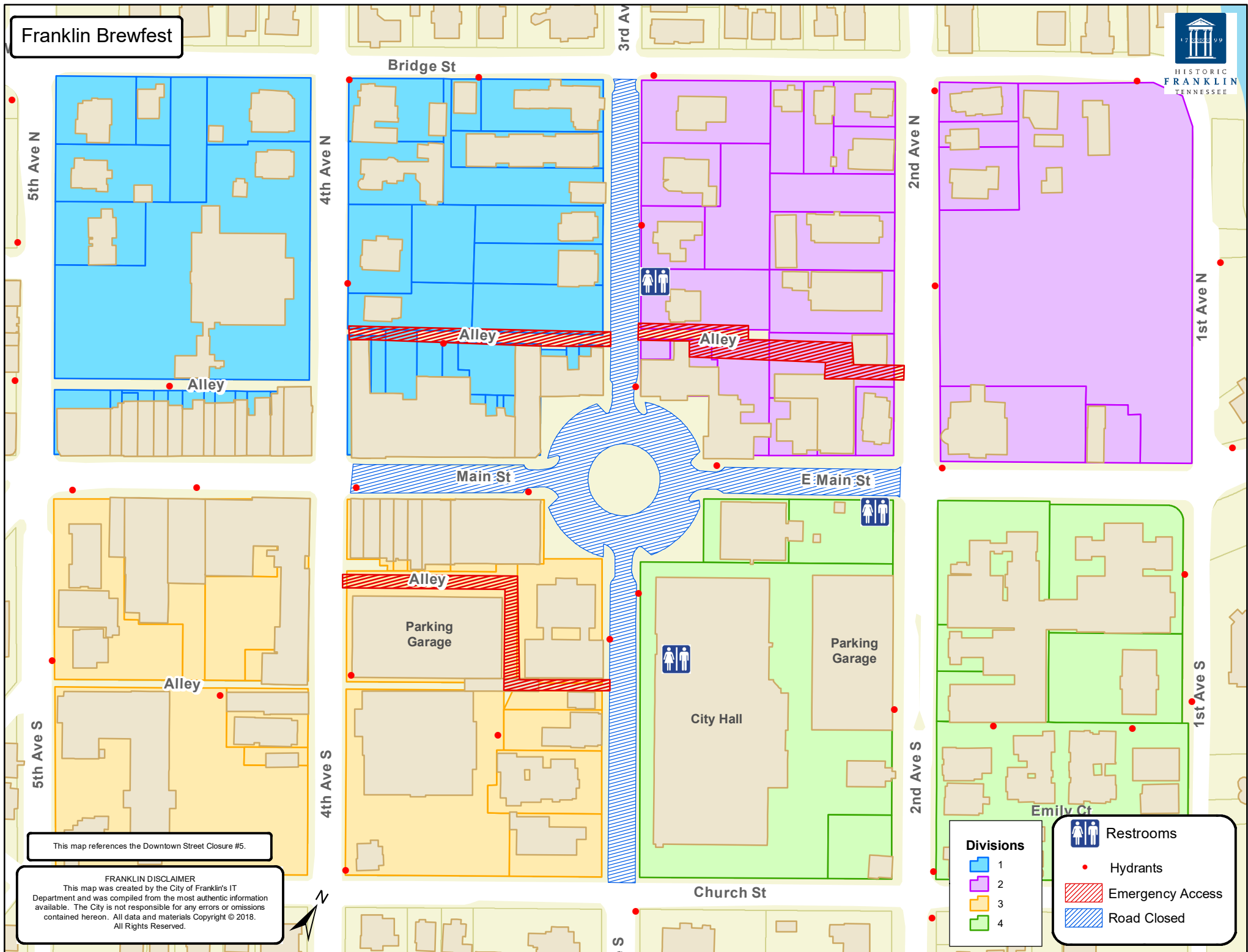
PRESENTED BY:



MAP SPONSORED BY:



Franklin Brewfest





HISTORIC
FRANKLIN
TENNESSEE

**RETAILER'S CERTIFICATE
(RENEWAL)**

Pursuant to T.C.A. §57-3-208, the City of Franklin hereby certifies the following facts concerning applicant Red Dog Wine & Spirits Inc. (Bard Quillman, Jr.), who has made application for a retailer's license to handle alcoholic beverages at 1031 Riverside Drive (Royal Oaks Boulevard), which is within the corporate limits of the City of Franklin, Williamson County, Tennessee:

1. The owner who are to be in actual charge of the business have not been convicted of any violation of the laws against possession, sale, manufacture, or transportation of beer or other alcoholic beverages, or of any felony, or of any crime involving moral turpitude, within the past ten (10) years immediately preceding the date of application, and in the opinion of the undersigned, they will not violate any of the provisions of Tennessee Code Annotated, Title 57, Chapter 3;
2. The applicant(s) has secured a location for the business which complies with all restrictions of local law, ordinances, or resolutions, duly adopted by the local authorities as to location.
3. The applicant (by and through one or more of its owners) meets all residency requirements established by local authority under Franklin Municipal Code Section 2-108A.
4. The applicant has complied with local laws, ordinances, and resolutions duly adopted by the local authority regulating the number of retail licenses to be issued within the jurisdiction.

This, the 9th Day of January, 2018.

Dr. Ken Moore
Mayor

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 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,

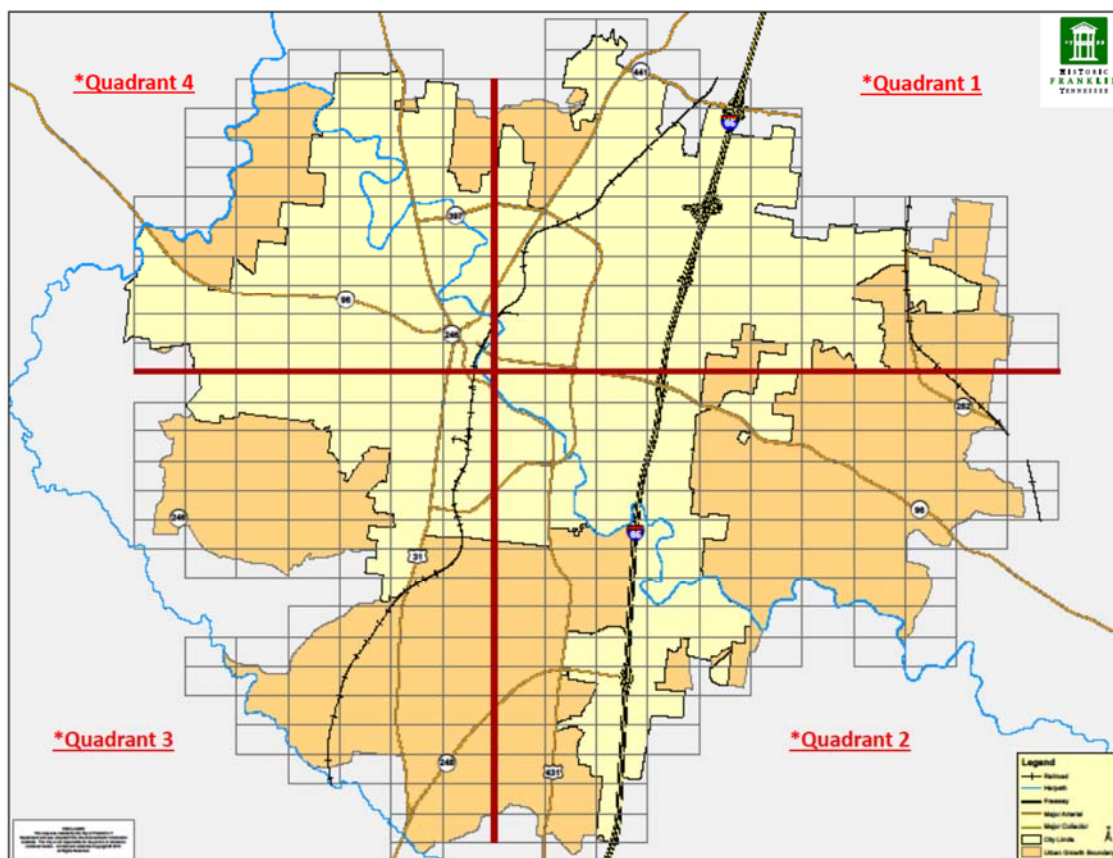
and congestion. They should be geared for those living within the service area. A Neighborhood Park accommodates a variety of ages, including children, adults, and seniors. Neighborhood Parks are usually not smaller than five (5) acres in size and are developed centrally within the neighborhood to encompass 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.
- (5) 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.



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. 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.

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.

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

Parkland Impact Fee	\$4,304 per Dwelling Unit* * 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 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. * 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.
Parkland Dedication in Lieu of Parkland Impact Fee Off-sets	(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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: Cost of 1 Acre of Land Located Outside Floodplain: \$62,121 Cost of 1 Acre of Land Located Inside Floodplain: \$45,757 * 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.
Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets	Estimated Cost of Construction of Proposed Park Improvements* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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.
Private Park and Recreation Amenities Off-sets	Off-sets may be granted for private park and recreation amenities based on the following criteria: <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

	<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. 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. <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. <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. 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. * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements
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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 shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

By: _____

Eric Stuckey

City Administrator/Recorder

Approved as to form by:

Shauna R. Billingsley

City Attorney

PASSED FIRST READING

PASSED SECOND READING

CITY OF FRANKLIN, TENNESSEE:

By: _____

Dr. Ken Moore

Mayor

**ILLUSTRATIVE EXHIBITS
ORDINANCE 2016-25**

**PARKLAND IMPACT FEE AND PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE FORMULAS
(For Illustrative Purposes Only)**

	2017
City of Franklin Population	70,908
Total Acres of Non-Historic Parkland, On- and Off-Road Linear Parks (Trails)	378.66
<u>Plus, Private Pools (~47 Acres)</u>	<u>47.00</u>

Total Acres of Non-Historic Parkland,
On- and Off-Road Linear Parks (Trails) and Private Pools (~47 Acres) **425.66**

Service Level (Population/Acres of Parks)

70,908*/425.66 = 166.58 People per Acre of Parks
*2017 Special Census – to be certified/effective July 1, 2017

People per Dwelling Unit 2.4

Service Level (People-Acre/People-DU)

166.58 / 2.4 = 69.41 Dwelling Units per Acre

Cost of 1 Acre of Land (2017) \$ 62,121 City parcels, excluding FFO, FWO, and I-65 corridor
\$ 45,757 Floodplain parcels

Cost for Park Land per DU (Cost/DUs)

\$ 62,121 / 69.41 DUs = \$ 895 per Dwelling Unit
\$ 45,757 / 69.41 DUs = \$ 659 per Dwelling Unit

PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE

5 Acre Neighborhood Park Development Cost \$ 1,183,029

Number of Dwelling Units Served by a
5 Acre Neighborhood Park
(Dwelling Units per Acre x 5 Acres) 69.41 DUs x 5 Acres = 347.05 Dwelling Units

Cost to develop a 5 Acre Neighborhood Park per DU
(Neighborhood Park Development Cost / DUs) \$1,183,029 / 347.05 = \$ 3,409 per Dwelling Unit

TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT

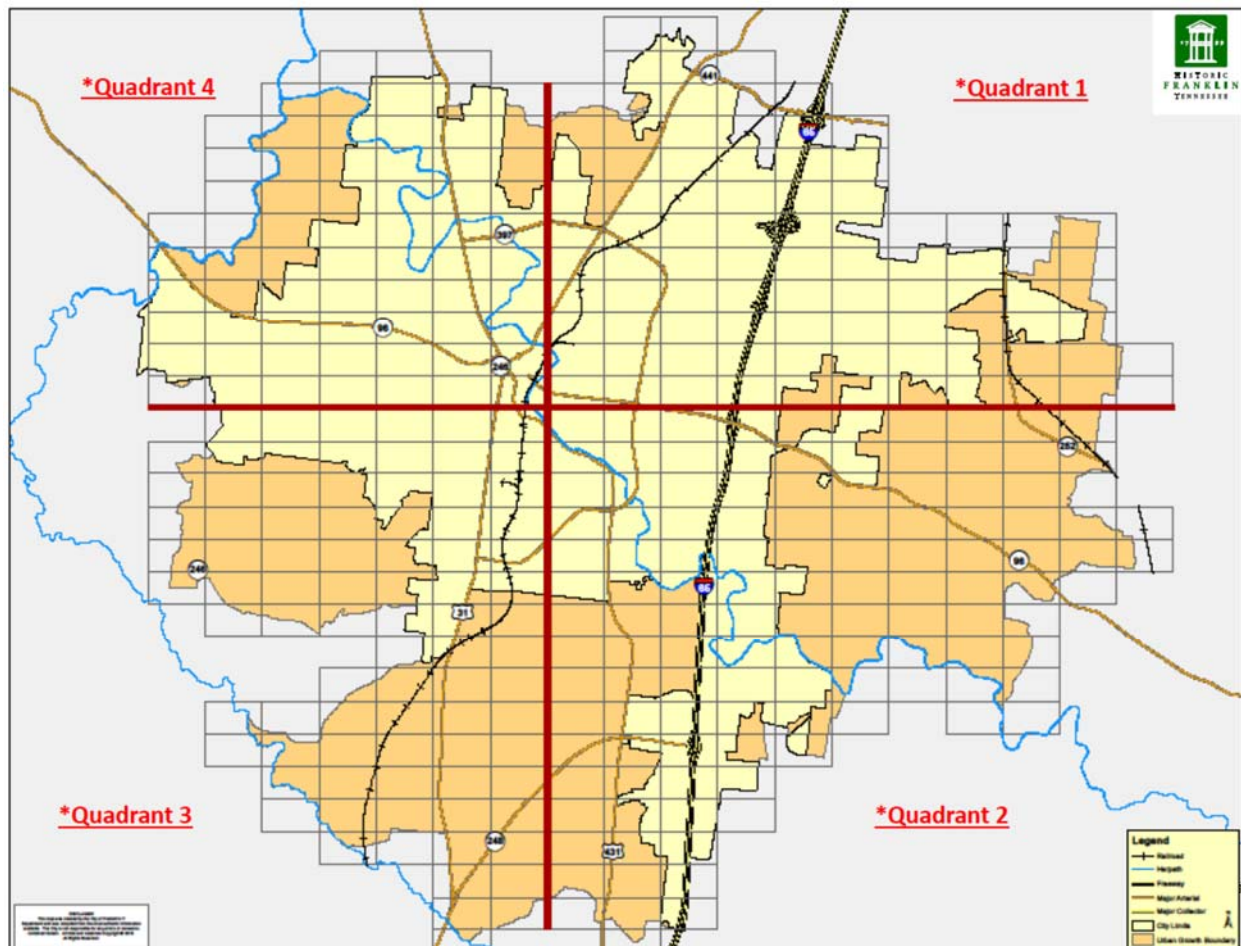
TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT \$ 4,304*

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

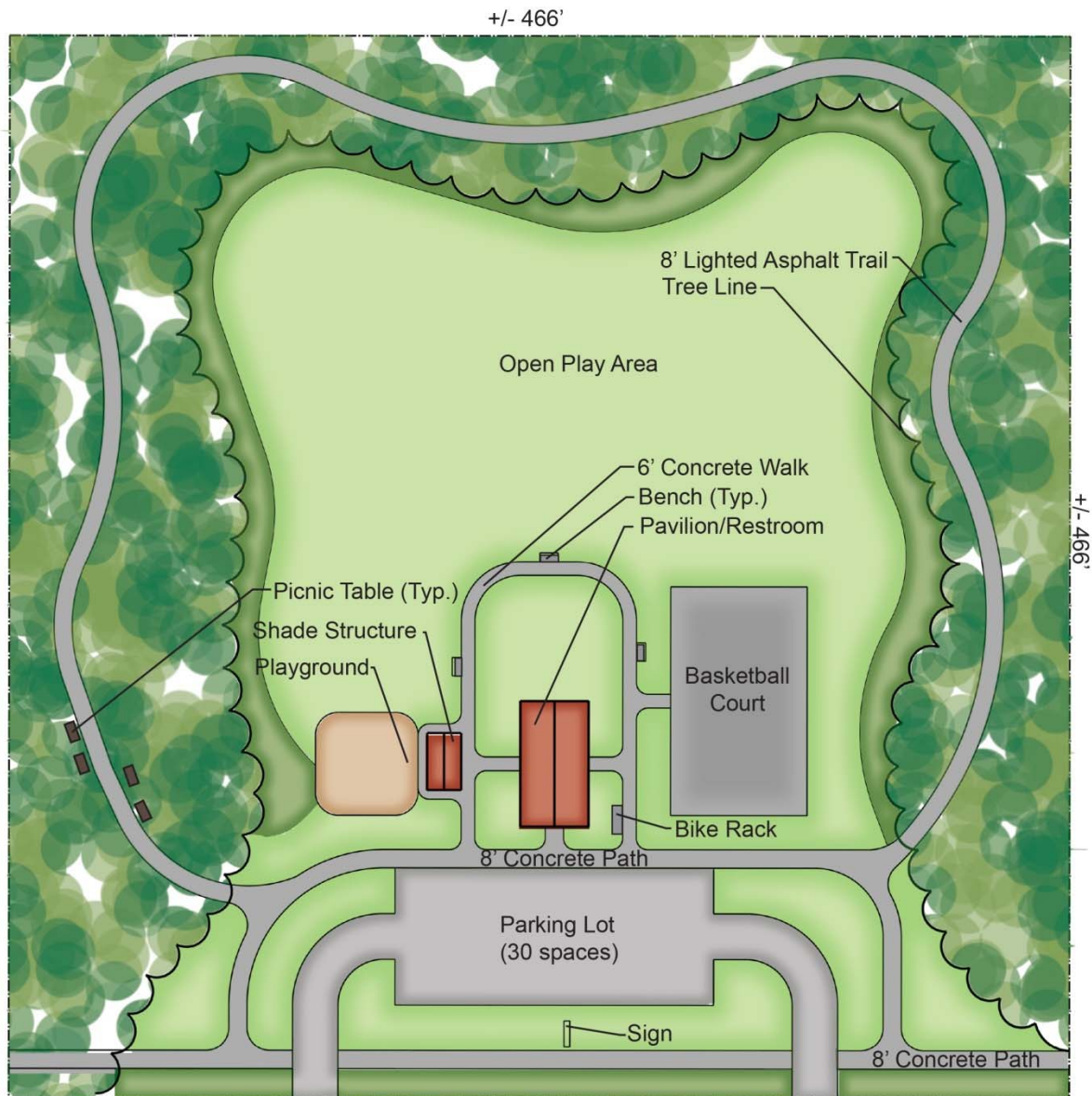
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space 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
Site Preparation				
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
Subtotal Site Preparation				\$50,050.00
Pavement				
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
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
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
Subtotal Buildings/Structures				\$111,000.00
Site Amenities				
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, Traeh receptacle	4	EA	\$4,000.00	\$16,000.00
Bike Rack	1	EA	\$1,500.00	\$1,500.00
Subtotal Site Amenities				\$190,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
			Subtotal	\$850,464.00
			Contractor General Conditions & Mobilization @ 8%	\$68,037.12
			Subtotal	\$918,501.12
			10% Contingency	\$137,775.17
			Subtotal	\$1,056,276.29
			Survey and Design	\$126,753.15
			Design and Construction Total	\$1,183,029.44
Legend				
EA	Each			
LS	Lump Sum			
AL	Allowance			
SF	Square feet			
AC	Acre			

ORDINANCE 2016-25
(As Amended)

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 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.

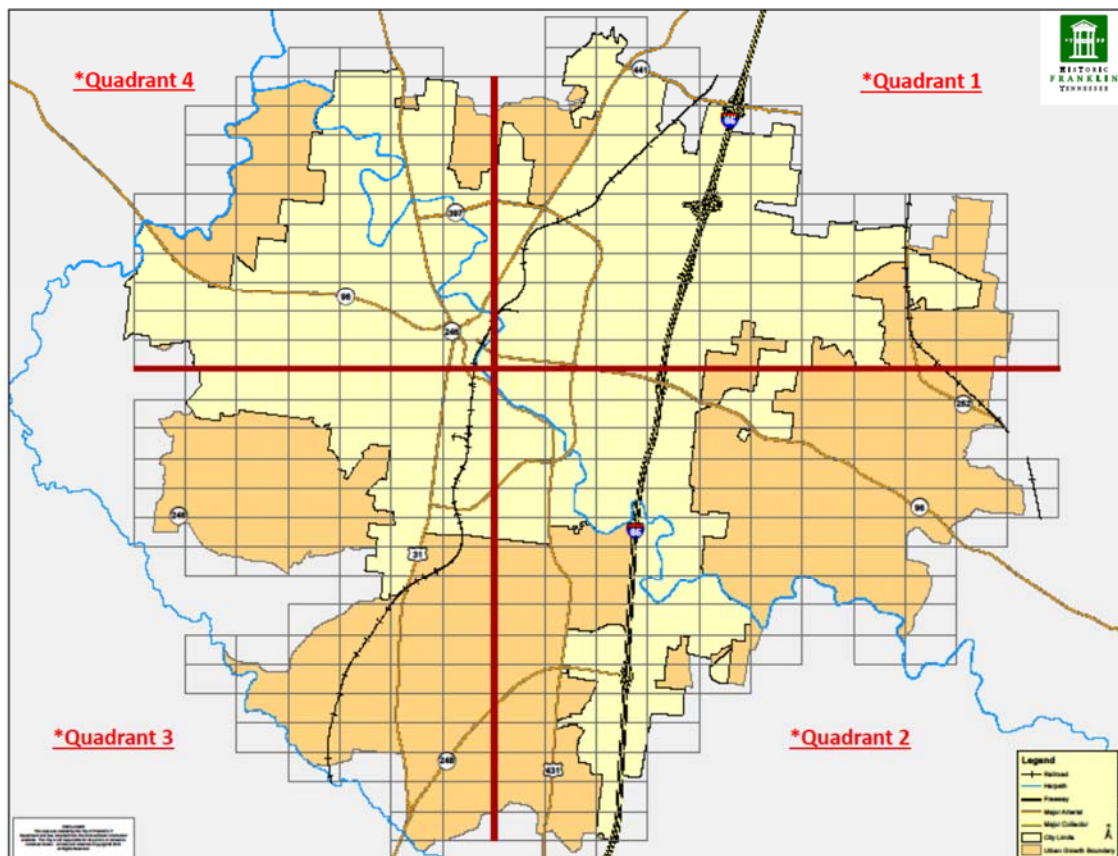
- (11) *HOA* means Homeowner Association which is an incorporated nonprofit organization operating under recorded agreements through which each owner in the development is automatically a member, and each lot is subject to a proportionate share of the expenses of the organization's activities or responsibilities.
- (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.
- (5) 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.



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. 25-408. 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 the quadrant in which the fee was collected 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.

One hundred percent (100%) of the Parkland Impact Fees collected shall 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 one hundred percent (100%) within the Quadrant in which it was collected. All other requirements of this Ordinance shall apply.

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.

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

Parkland Impact Fee	\$4,304 per Dwelling Unit* * 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 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. * 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.
Parkland Dedication in Lieu of Parkland Impact Fee Off-sets	(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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: Cost of 1 Acre of Land Located Outside Floodplain: \$62,121 Cost of 1 Acre of Land Located Inside Floodplain: \$45,757 * 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 in the quadrant in which the fee was collected.
Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets	Estimated Cost of Construction of Proposed Park Improvements* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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.
Private Park and Recreation Amenities Off-sets	Off-sets may be granted for private park and recreation amenities based on the following criteria: <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

	<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. 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. <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. <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. 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. * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements
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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 shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

By: _____

Eric Stuckey

City Administrator/Recorder

Approved as to form by:

Shauna R. Billingsley

City Attorney

PASSED FIRST READING

PASSED SECOND READING

CITY OF FRANKLIN, TENNESSEE:

By: _____

Dr. Ken Moore

Mayor

PARKLAND IMPACT FEE AND PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE FORMULAS
(For Illustrative Purposes Only)

Total Acres of Non-Historic Parkland, On- and Off-Road Linear Parks (Trails) and <u>Private Pools (~47 Acres)</u>	425.66
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70,908*/425.66 = 166.58 People per Acre of Parks
*2017 Special Census – to be certified/effective July 1, 2017

$$166.58 / 2.4 = 69.41 \text{ Dwelling Units per Acre}$$

\$ 62,121 / 69.41 DUs = \$ 895 per Dwelling Unit
\$ 45,757 / 69.41 DUs = \$ 659 per Dwelling Unit

Cost to develop a 5 Acre Neighborhood Park per DU (Neighborhood Park Development Cost / DUs)	\$1,183,029 / 347.05 = \$ 3,409 per Dwelling Unit
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TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT

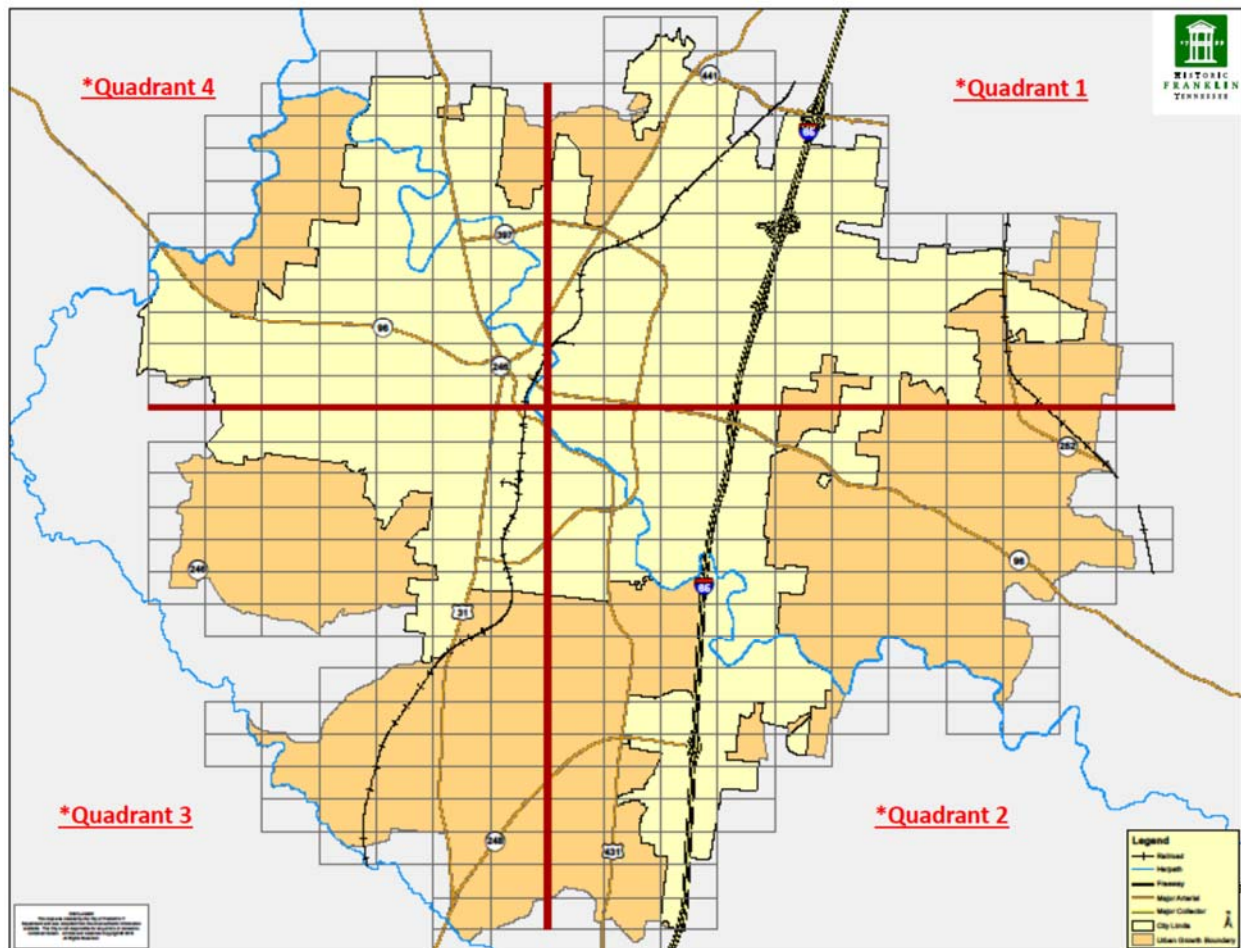
TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT \$ 4,304*

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

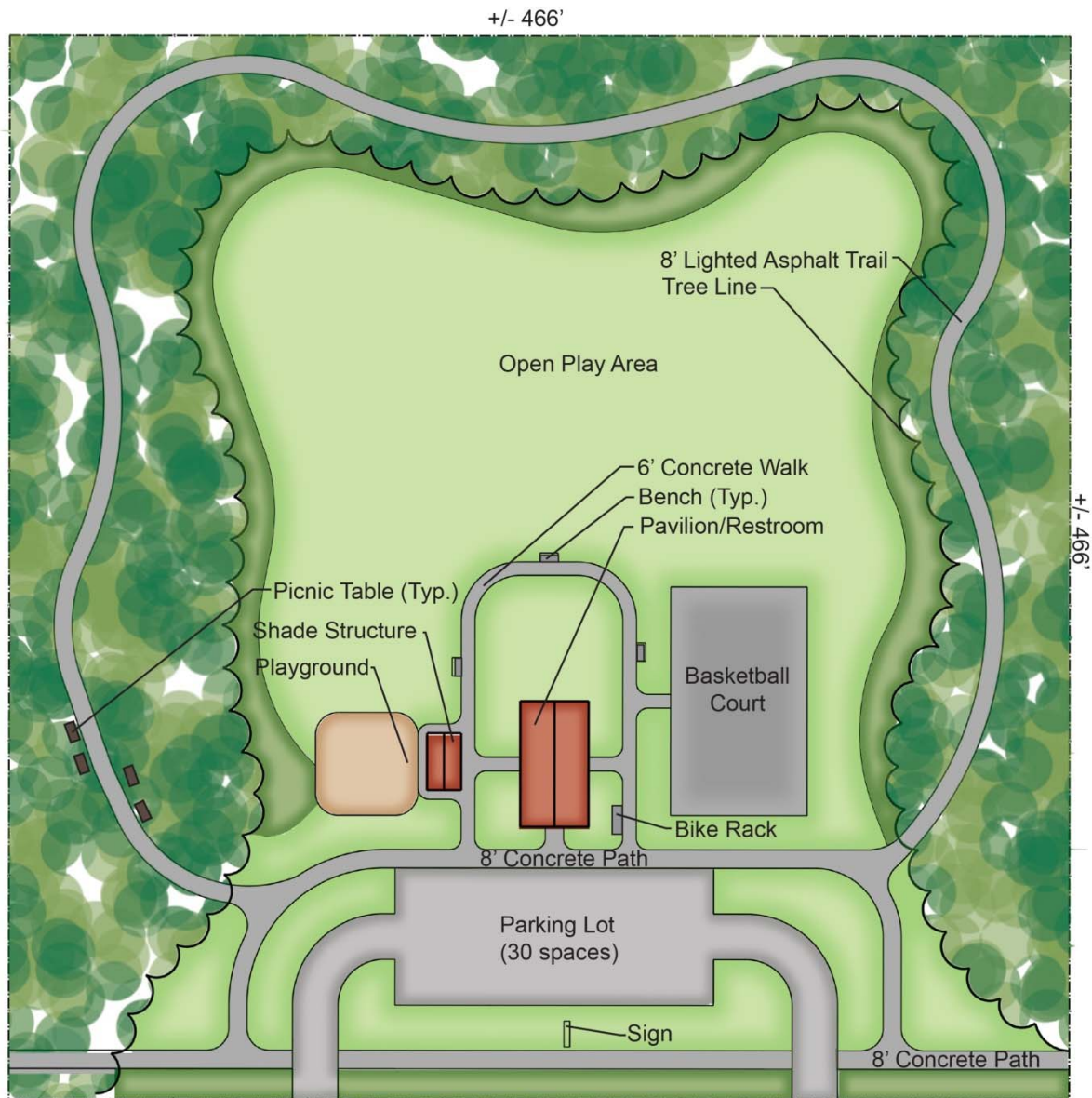
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space 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
Site Preparation				
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
Subtotal Site Preparation				\$50,050.00
Pavement				
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
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
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
Subtotal Buildings/Structures				\$111,000.00
Site Amenities				
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, Traeh receptacle	4	EA	\$4,000.00	\$16,000.00
Bike Rack	1	EA	\$1,500.00	\$1,500.00
Subtotal Site Amenities				\$190,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
			Subtotal	\$850,464.00
			Contractor General Conditions & Mobilization @ 8%	\$68,037.12
			Subtotal	\$918,501.12
			10% Contingency	\$137,775.17
			Subtotal	\$1,056,276.29
			Survey and Design	\$126,753.15
			Design and Construction Total	\$1,183,029.44
Legend				
EA	Each			
LS	Lump Sum			
AL	Allowance			
SF	Square feet			
AC	Acre			

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 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,

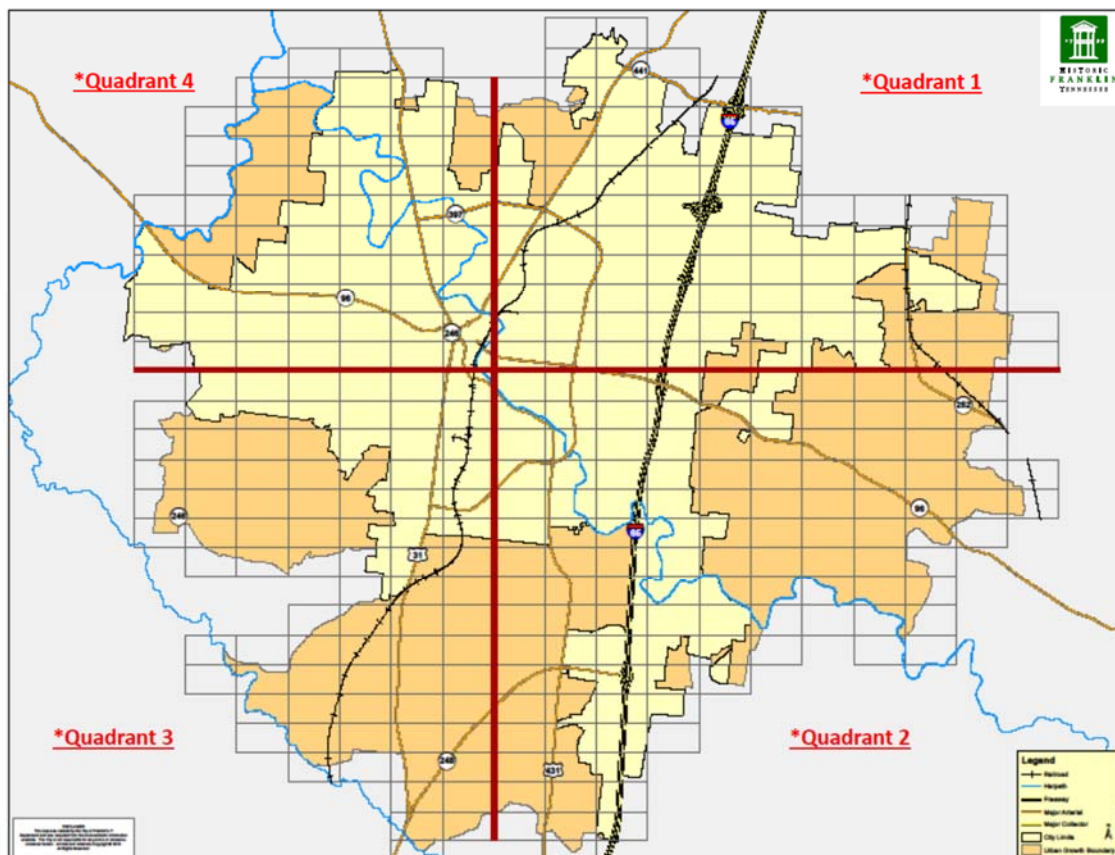
and congestion. They should be geared for those living within the service area. A Neighborhood Park accommodates a variety of ages, including children, adults, and seniors. Neighborhood Parks are usually not smaller than five (5) acres in size and are developed centrally within the neighborhood to encompass 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.

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

Parkland Impact Fee	\$4,304 per Dwelling Unit*
	* 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 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. * 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.
Parkland Dedication in Lieu of Parkland Impact Fee Off-sets	(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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: Cost of 1 Acre of Land Located Outside Floodplain: \$62,121 Cost of 1 Acre of Land Located Inside Floodplain: \$45,757 * 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.
Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets	Estimated Cost of Construction of Proposed Park Improvements* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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.
Private Park and Recreation Amenities Off-sets	Off-sets may be granted for private park and recreation amenities based on the following criteria: <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 <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.

	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. <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. <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. 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. * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements
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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:

By: _____

Eric Stuckey

City Administrator/Recorder

Approved as to form by:

Shauna R. Billingsley

City Attorney

PASSED FIRST READING

PASSED SECOND READING

CITY OF FRANKLIN, TENNESSEE:

By: _____

Dr. Ken Moore

Mayor

TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT

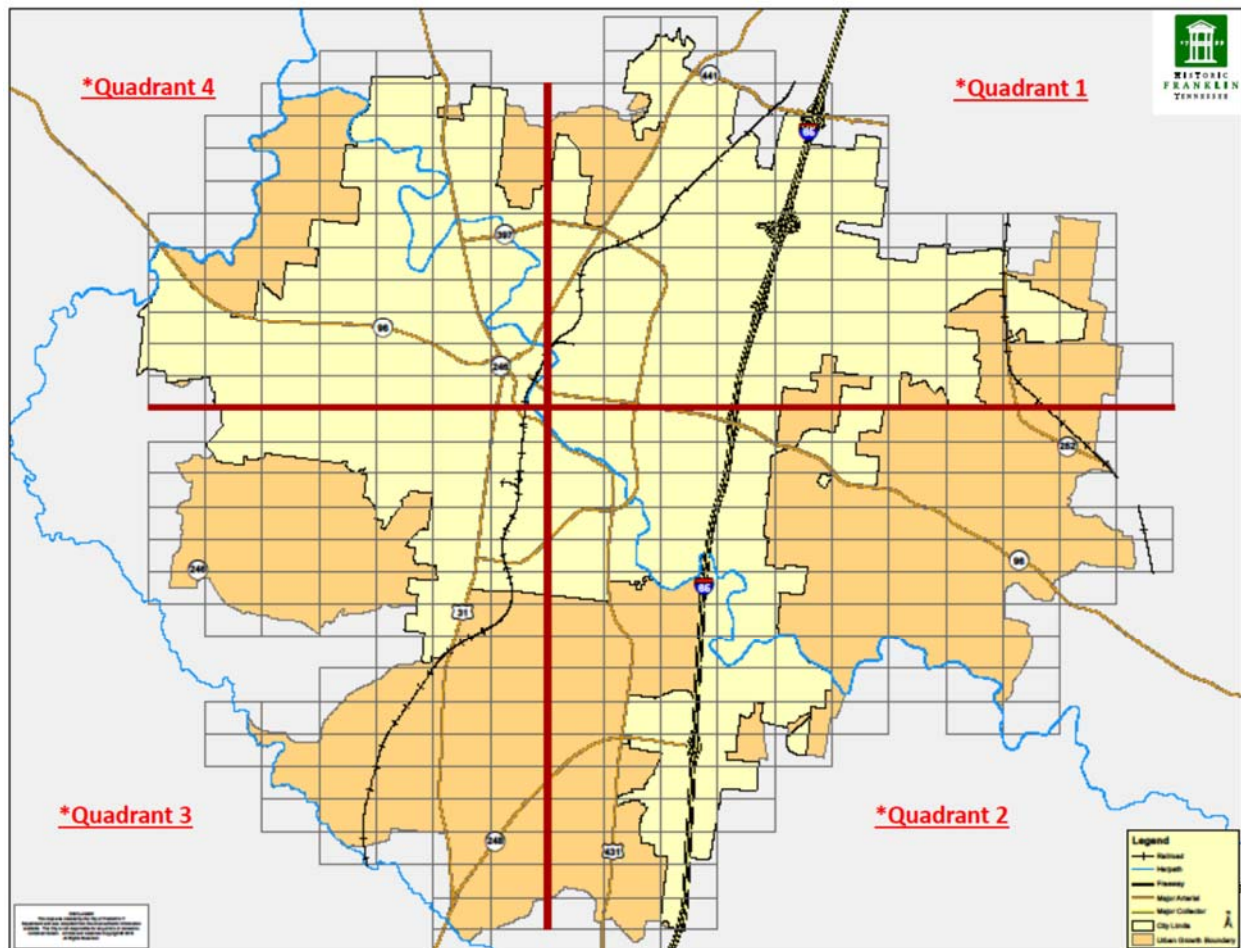
TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT \$ 4,304*

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

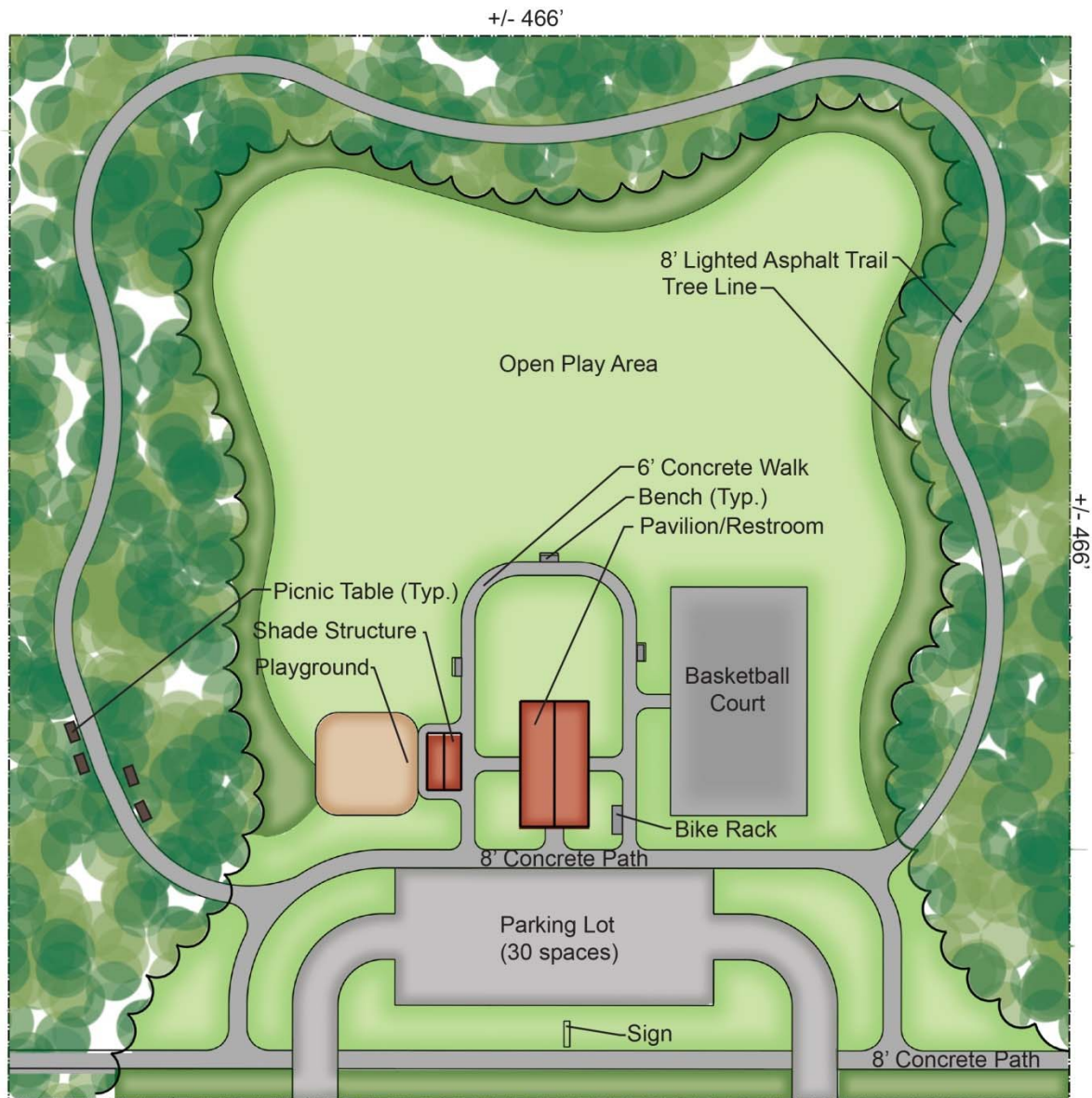
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space 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
Site Preparation				
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
Subtotal Site Preparation				\$50,050.00
Pavement				
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
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
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
Subtotal Buildings/Structures				\$111,000.00
Site Amenities				
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, Traeh receptacle	4	EA	\$4,000.00	\$16,000.00
Bike Rack	1	EA	\$1,500.00	\$1,500.00
Subtotal Site Amenities				\$190,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
			Subtotal	\$850,464.00
			Contractor General Conditions & Mobilization @ 8%	\$68,037.12
			Subtotal	\$918,501.12
			10% Contingency	\$137,775.17
			Subtotal	\$1,056,276.29
			Survey and Design	\$126,753.15
			Design and Construction Total	\$1,183,029.44
Legend				
EA	Each			
LS	Lump Sum			
AL	Allowance			
SF	Square feet			
AC	Acre			

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,

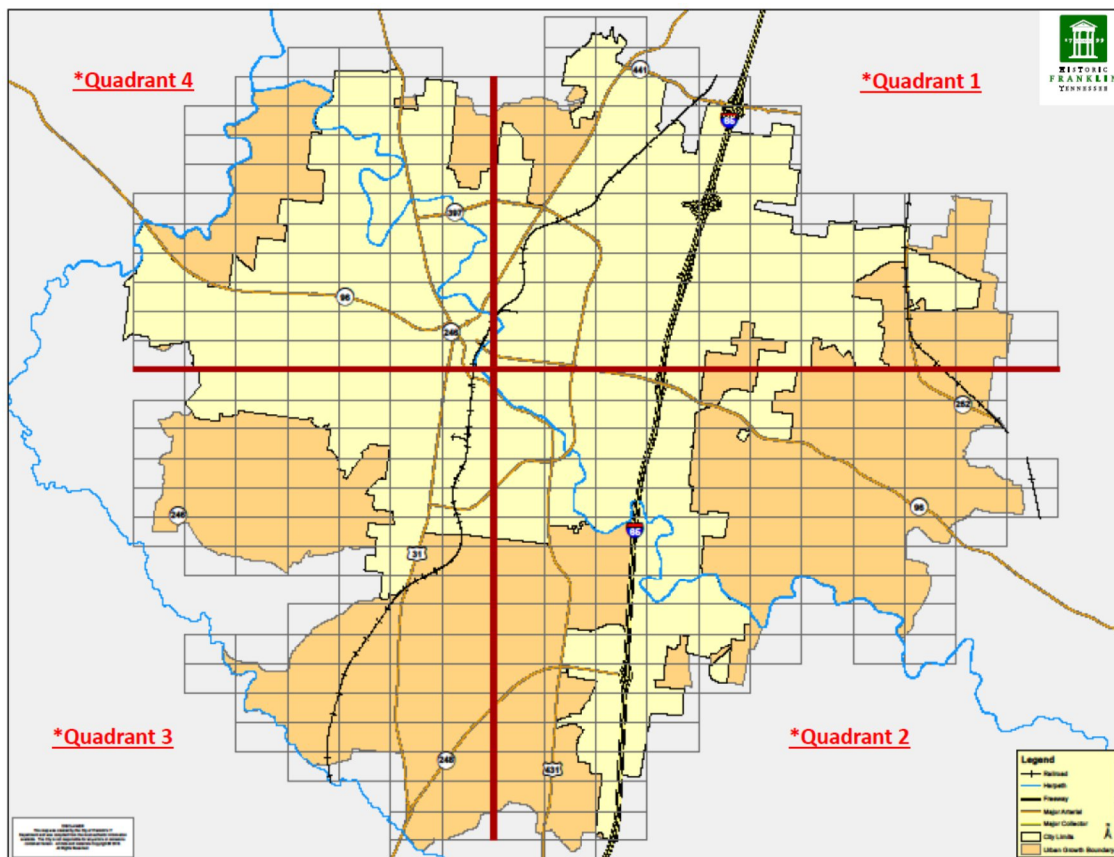
and congestion. They should be geared for those living within the service area. A Neighborhood Park accommodates a variety of ages, including children, adults, and seniors. Neighborhood Parks are usually not smaller than five (5) acres in size and are developed centrally within the neighborhood to encompass 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

Parkland Impact Fee	\$4,304 per Dwelling Unit*
	* 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

	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. * 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.
Parkland Dedication in Lieu of Parkland Impact Fee Off-sets	(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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: Cost of 1 Acre of Land Located Outside Floodplain: \$62,121 Cost of 1 Acre of Land Located Inside Floodplain: \$45,757 * 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.
Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets	Estimated Cost of Construction of Proposed Park Improvements* * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements. * 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.
Private Park and Recreation Amenities Off-sets	Off-sets may be granted for private park and recreation amenities based on the following criteria: <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 <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. 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. <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.

	<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. 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. * Requires approval by the BOMA of a Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements
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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 _____

ILLUSTRATIVE EXHIBITS

ORDINANCE 2016-25

PARKLAND IMPACT FEE AND PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE FORMULAS (For Illustrative Purposes Only)

	2017
City of Franklin Population	70,908
Total Acres of Non-Historic Parkland, On- and Off-Road Linear Parks (Trails)	378.66
Plus, Private Pools (~47 Acres)	<u>47.00</u>

Total Acres of Non-Historic Parkland,
On- and Off-Road Linear Parks (Trails) and Private Pools (~47 Acres) 425.66

Service Level (Population/Acres of Parks)

$$70,908^*/425.66 = 166.58 \text{ People per Acre of Parks}$$

*2017 Special Census – to be certified/effective July 1, 2017

People per Dwelling Unit 2.4

Service Level (People-Acre/People-DU)

$$166.58 / 2.4 = 69.41 \text{ Dwelling Units per Acre}$$

Cost of 1 Acre of Land (2017) \$ 62,121 City parcels, excluding FFO, FWO, and I-65 corridor
\$ 45,757 Floodplain parcels

Cost for Park Land per DU (Cost/DUs)

$$\begin{aligned} \$ 62,121 / 69.41 \text{ DUs} &= \$ 895 \text{ per Dwelling Unit} \\ \$ 45,757 / 69.41 \text{ DUs} &= \$ 659 \text{ per Dwelling Unit} \end{aligned}$$

PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE

5 Acre Neighborhood Park Development Cost \$ 1,183,029

Number of Dwelling Units Served by a
5 Acre Neighborhood Park

(Dwelling Units per Acre x 5 Acres) 69.41 DUs x 5 Acres = 347.05 Dwelling Units

Cost to develop a 5 Acre Neighborhood Park per DU
(Neighborhood Park Development Cost / DUs)

$$\$1,183,029 / 347.05 = \$ 3,409 \text{ per Dwelling Unit}$$

TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT

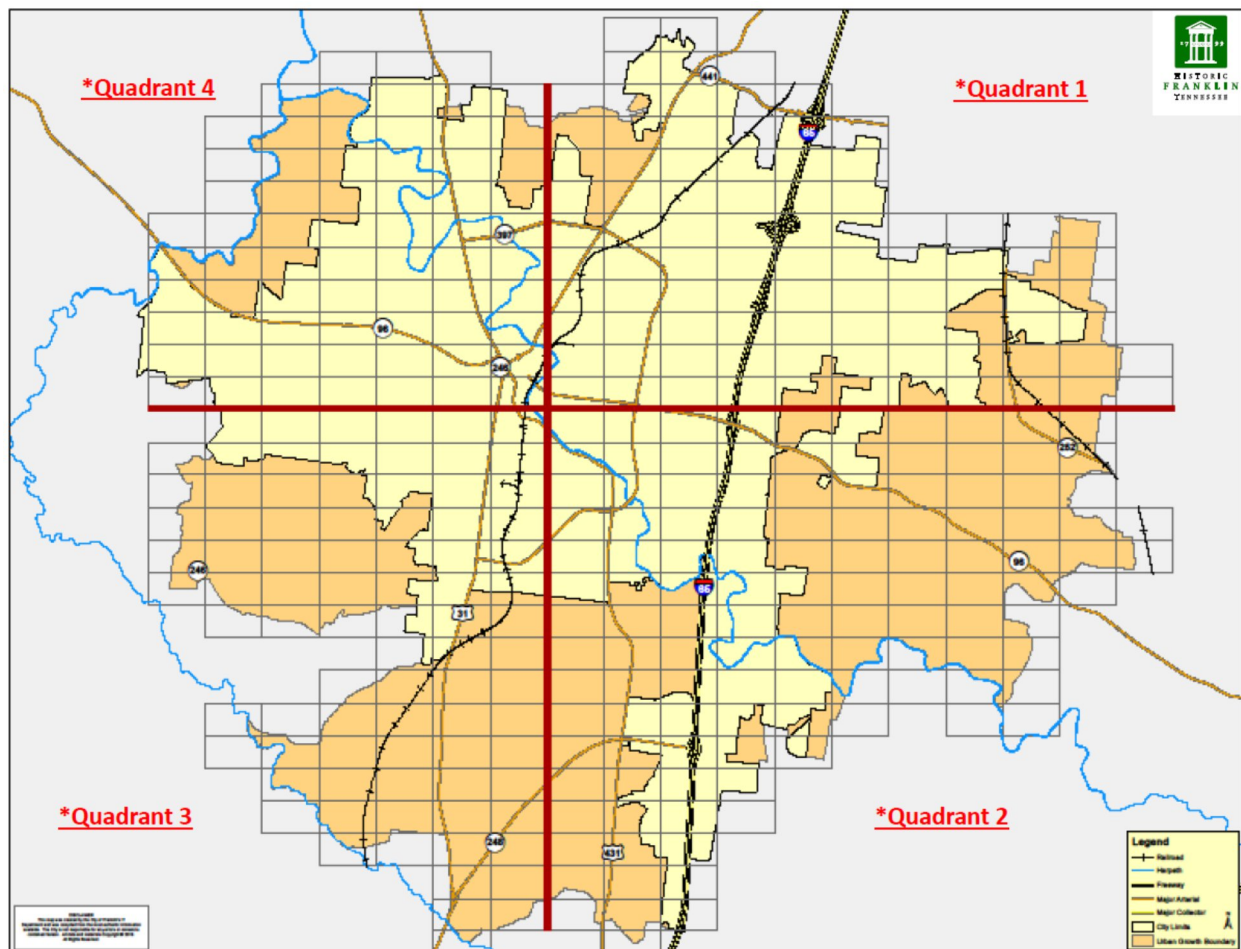
TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT \$ 4,304*

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

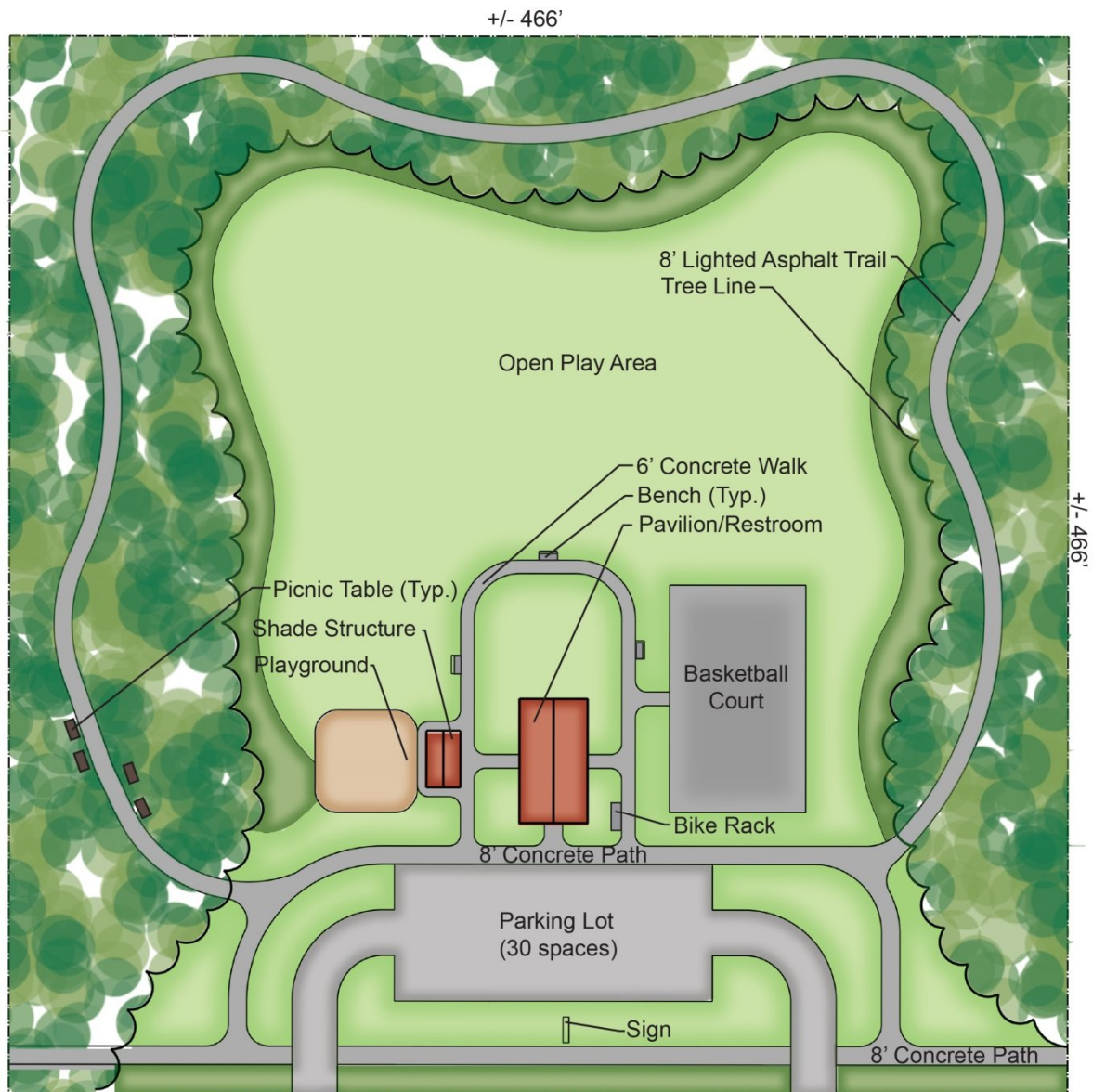
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space 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 $\frac{1}{2}$ the site and a fill of 3 feet would be needed on the other $\frac{1}{2}$ 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
Site Preparation				
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
Subtotal Site Preparation				\$50,050.00
Pavement				
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
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
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
Subtotal Buildings/Structures				\$111,000.00
Site Amenities				
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
Subtotal Site Amenities				\$190,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
			Subtotal	\$850,464.00
			Contractor General Conditions & Mobilization @ 8%	\$68,037.12
			Subtotal	\$918,501.12
			10% Contingency	\$137,775.17
			Subtotal	\$1,056,276.29
			Survey and Design	\$126,753.15
			Design and Construction Total	\$1,183,029.44
Legend				
EA	Each			
LS	Lump Sum			
AL	Allowance			
SF	Square feet			
AC	Acre			

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. - Parkland Dedication in Lieu of Parkland Impact Fee Requirements and Off-sets.
- Sec. 25-407. - Approval Process and Criteria for Parkland Dedication and Off-sets for Parkland Dedication in Lieu of Parkland Impact Fees.
- Sec. 25-408. - Construction of Public Park Improvements in Lieu of Parkland Impact Fee Requirements and Off-sets.
- Sec. 25-409. - Private Park and Recreation Amenities Requirements and Off-sets.
- Sec. 25-410. - Completion and Acceptance.
- Sec. 25-411. - Use of Parkland Impact Fees.
- Sec. 25-412. - Reimbursement for City Acquired Parkland.
- Sec. 25-413. - Ordinance Administration and Final Approval.
- Sec. 25-414. - Contract for Parkland Impact Fees, Parkland Dedication and/or Construction of Park Improvements
- 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,

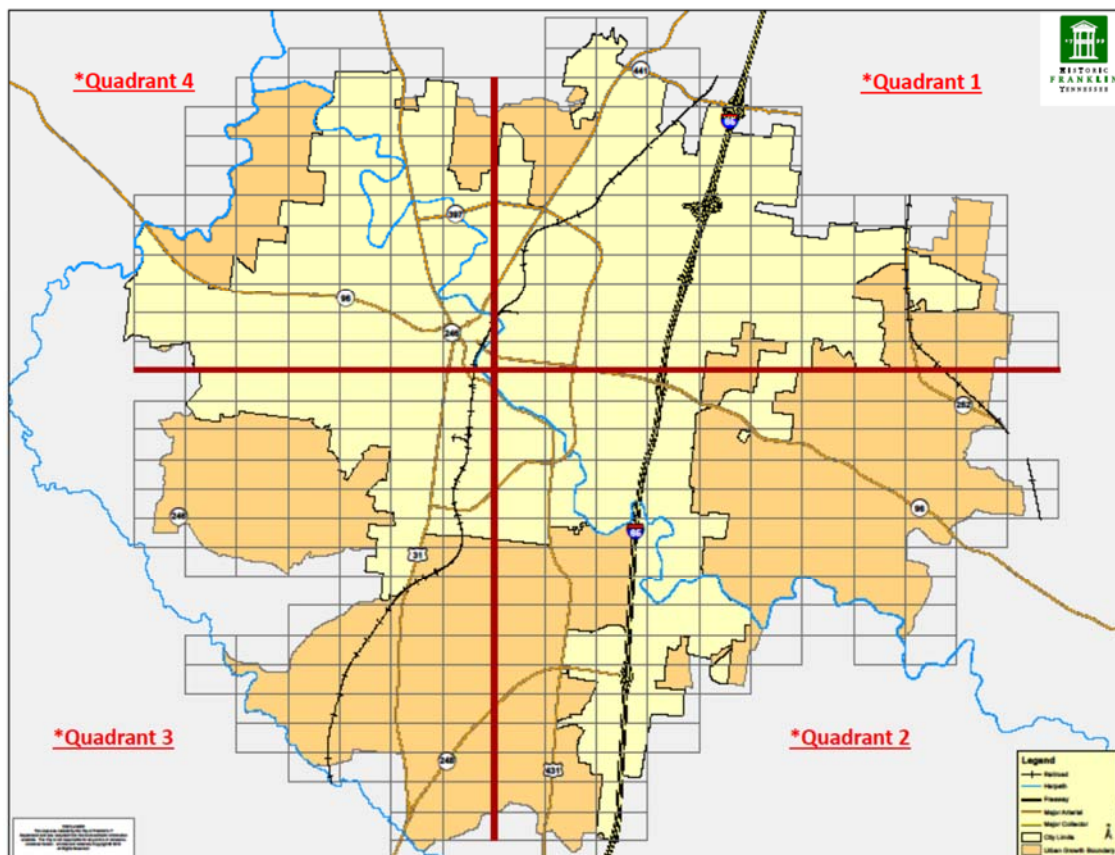
and congestion. They should be geared for those living within the service area. A Neighborhood Park accommodates a variety of ages, including children, adults, and seniors. Neighborhood Parks are usually not smaller than five (5) acres in size and are developed centrally within the neighborhood to encompass 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 an Off-set agreement, when applicable.

Sec. 25-406. 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) 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.
- (2) Parkland Dedication shall be for the total amount of land dedicated for the Development and shall be dedicated to the City in fee simple.
- (3) 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).
- (4) 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, Greenways (off-road) and Multipurpose Pathways (on 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, Greenways, or Multipurpose Pathways, 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, and
 - (b) 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, Greenways (off-road) and Multipurpose Pathways (on 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, Greenways, or Multipurpose Pathways, 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.

- (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 on some or all of the Parkland Impact Fee in amounts as set forth in Appendix A – Comprehensive Fees and Penalties, Chapter 25, Parks.

Sec. 25-408. 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) 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.
- (2) 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.
- (3) All plans and specifications shall meet or exceed the City's standards in effect at the time of the submission.
- (4) 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.
- (5) 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. 25-409. 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.

- (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 as Improved Parkland & Multipurpose Pathways/Greenways (part of the City's approved network).* Multipurpose Pathways (on-road), Greenways (off-road), and improved private parkland and amenities located within the Floodplain (not floodway) 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. 25-410. 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. 25-411. 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. This provision shall not apply to developments that dedicate and construct a fully improved (5) acre Neighborhood Park within a development.

Sec. 25-412. 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. 25-413. Ordinance Administration and Final Approval.

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

Sec. 25-414. 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. 25-415. 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) and Multipurpose pathways (on-road) may be considered up to one hundred percent (100%) credit should the land and development of the Greenway/multi-use pathway 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) It is desirable that fifty percent (50%) of the perimeter of a park abut a public street.

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

Parkland Impact Fee	\$4,304 per Dwelling Unit* * 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 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. * 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.
Parkland Dedication in Lieu of Parkland Impact Fee Off-sets	(Amount of Parkland Dedicated or set-side x Cost of 1 Acre of Land)* * 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: Cost of 1 Acre of Land Located Outside Floodplain: \$62,121 Cost of 1 Acre of Land Located Inside Floodplain: \$45,757 * 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.

Construction of Public Park Improvements in Lieu of Parkland Impact Fee Off-sets	Estimated Cost of Construction of Proposed Park Improvements* * 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.
Private Park and Recreation Amenities Off-sets	Off-sets may be granted for private park and recreation amenities based on the following criteria: <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 <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. 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. <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. <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. 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.

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 January 1, 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

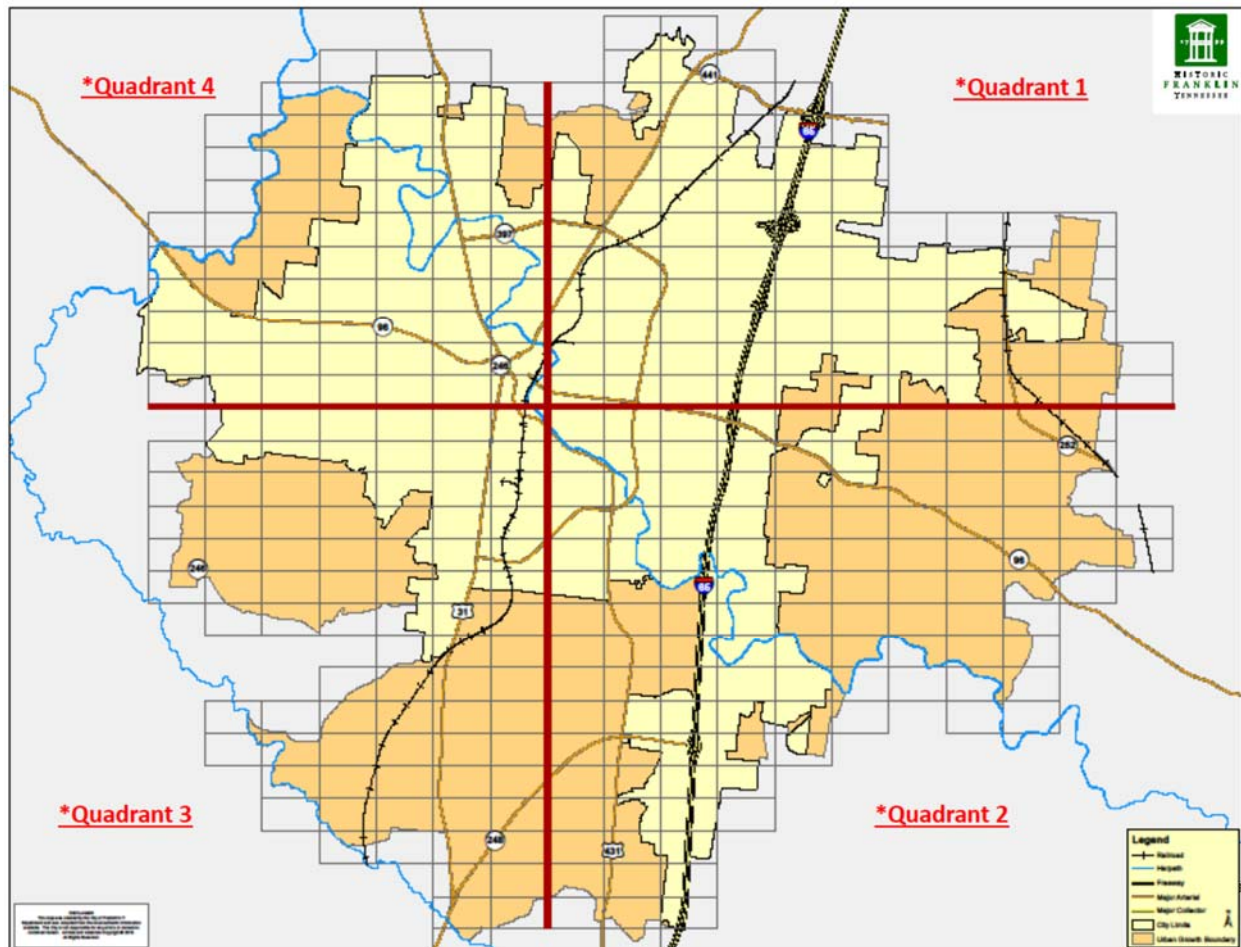
TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT \$ 4,304*

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

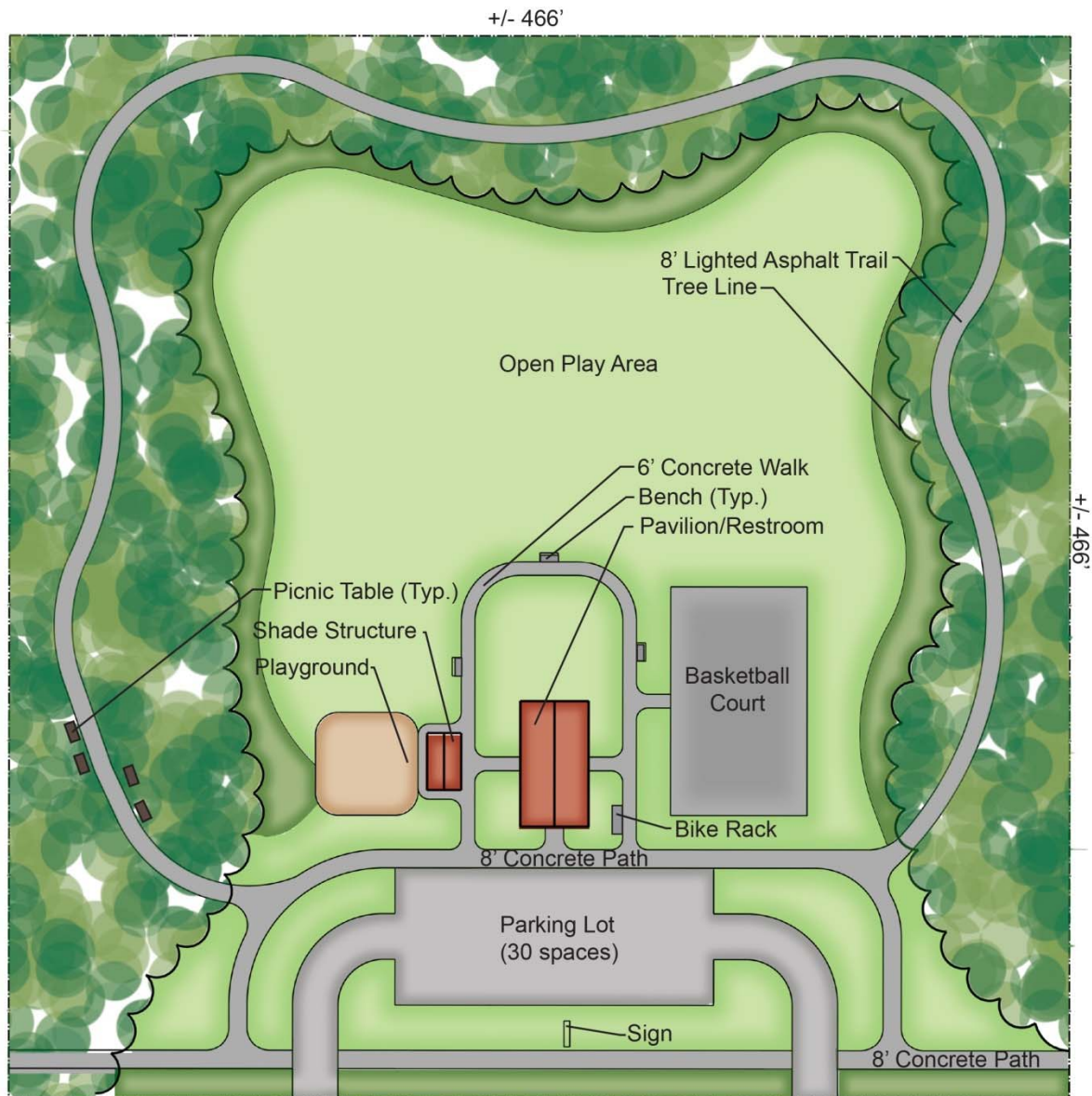
This appendix contains the basis for the park development costs used in the calculations in Appendix 1. The park development costs are based on a typical five (5) acre Neighborhood Park with basic amenities such as parking, a shelter, restroom, playground, a basketball court, lighting, open play space 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 $\frac{1}{2}$ the site and a fill of 3 feet would be needed on the other $\frac{1}{2}$ 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
Site Preparation				
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
Subtotal Site Preparation				\$50,050.00
Pavement				
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
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
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
Subtotal Buildings/Structures				\$111,000.00
Site Amenities				
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, Traeh receptacle	4	EA	\$4,000.00	\$16,000.00
Bike Rack	1	EA	\$1,500.00	\$1,500.00
Subtotal Site Amenities				\$190,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
			Subtotal	\$850,464.00
			Contractor General Conditions & Mobilization @ 8%	\$68,037.12
			Subtotal	\$918,501.12
			10% Contingency	\$137,775.17
			Subtotal	\$1,056,276.29
			Survey and Design	\$126,753.15
			Design and Construction Total	\$1,183,029.44
Legend				
EA	Each			
LS	Lump Sum			
AL	Allowance			
SF	Square feet			
AC	Acre			

Parkland Impact Fee Ordinance

Discussion Topics

- Purpose of a Parkland Impact Fee Ordinance
- Summary of Key Components
- Review the Parkland Impact Fee Obligation Formula
- Proposing an Effective Date of January 1, 2018

Purpose of Parkland Impact Fee Ordinance

To ensure new development, upon completion, will incorporate its proportionate share of parkland and recreational type of public amenities and/or, provide the resources (impact fees) needed to maintain the existing level of parkland and recreational type of public amenities currently available to our citizens.

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Summary of Key Components

- Land Value – per acre
 - ✓ *\$ 62,121 Outside the Floodplain*
 - ✓ *\$ 45,747 Inside the Floodplain*

- Portion of Parkland Impact Fee for Community Parks
 - ✓ *25% of Parkland Impact Fee Obligation shall be dedicated for the acquisition and improvement of Community Parks, city-wide.*
 - ✓ *Exception...when a developer dedicates land and improves a 5 acre Neighborhood Park, a 100% off-set is allowed.*

- Portion of Parkland Impact Fee for Neighborhood Parks
 - ✓ *75% of Parkland Impact Fee Obligation shall be used to acquire land and improve Neighborhood Parks within the same quadrant where the development is located.*

- Incentive for Developers to Include Public and/or Private Parks and Multi-Use Trails into Development Plans
 - ✓ *Off-Set to Parkland Impact Fee Obligation after Contribution to Community Parks.*
 - ✓ *Up to 25% Off-Set allowed for Private Amenities (Example: Gated Swimming Pool)*

Numbers in red reflect updated information

PARKLAND IMPACT FEE AND PARKLAND DEDICATION IN LIEU OF PARKLAND IMPACT FEE FORMULAS
(For Illustrative Purposes Only)

	2015	2017
y of Franklin Population	67,502	70,908
al Acres of <u>Non-Historic Parkland</u> , - and Off-Road Linear Parks (Trails)	378.66	
s Private Pools (~47 Acres)	47.00	
al Acres of <u>Non-Historic Parkland</u> , - and Off-Road Linear Parks (Trails) and Private Pools (~47 Acres)	425.66	

*There are Two Parts in Determining the Total Parkland Impact Fee and Parkland
Dedication Obligation...Land and Development (i.e. Improvements)*

Part 1 - Land Outside of Floodplain

Level of Service (Population/Acres of Parks)

$$67,502 / 425.66 =$$

158.58 People per Acre of Parks

$$70,908 / 425.66 =$$

166.58 People per Acre of Parks

People per Dwelling Unit

2.4

Service Level (People per Acre/People per DU)

$$158.58 / 2.4 =$$

66.08 Dwelling Units per Acre

$$166.58 / 2.4 =$$

69.41

Cost of 1 Acre of Land (2015)

\$ 52,548

Cost of 1 Acre of Land (2017)

\$ 62,121

Cost for Park Land per DU (Cost/DUs)

$$\text{\$ } 52,548 / 66.08 \text{ DUs} =$$

\\$ 795 per Dwelling Unit

$$\text{\$ } 62,121 / 69.41 \text{ DUs} =$$

\\$ 895 per Dwelling Unit

Part 2 - Park Development Formula

5 Acre Neighborhood Park Development Cost \$ 1,183,029

Number of Dwelling Units Served by a 5 Acre Neighborhood Park

(Dwelling Units per Acre x 5 Acres)

66.08 DUs x 5 Acres =

330.40 Dwelling Units

69.41 DUs x 5 Acres =

347.05 Dwelling Units

Cost to develop a 5 Acre Neighborhood Park per Dwelling Unit

(Neighborhood Park Development Cost / DUs)

\$1,183,029 / 330.40 DUs =

\$ 3,581 per Dwelling Unit

\$1,183,029 / 347.05 DUs =

\$ 3,409 per Dwelling Unit

TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT - EXISTING

	<u>Land Outside of Floodplain</u>
Parkland Dedication Portion	\$ 795 per Dwelling Unit
Park Development Portion	<u>\$ 3,581 per Dwelling Unit</u>
TOTAL PER DWELLING UNIT	\$ 4,376 per Dwelling Unit

TOTAL PARKLAND IMPACT FEE OBLIGATION PER DWELLING UNIT - 2018

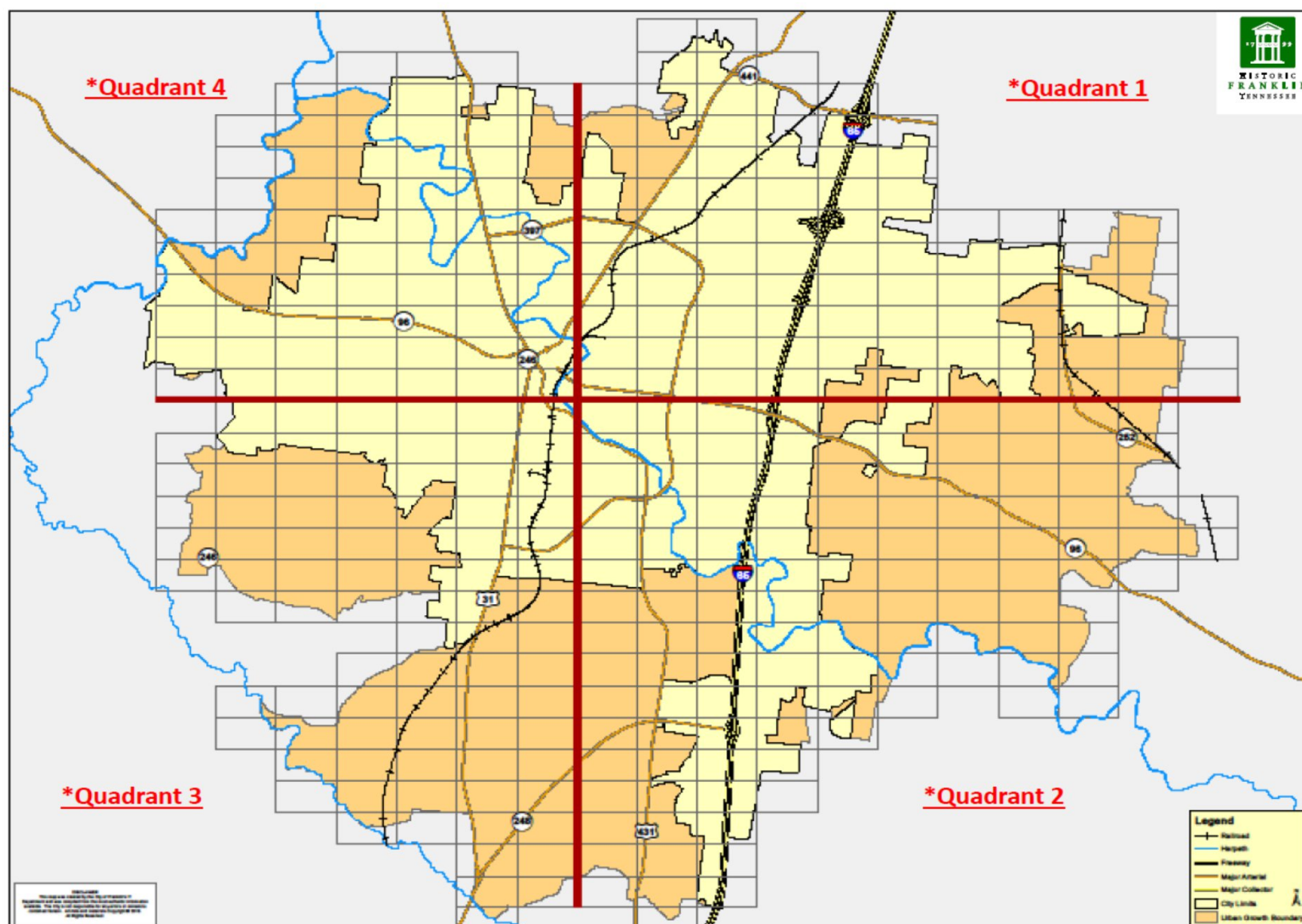
	<u>Land Outside of Floodplain</u>
Parkland Dedication Portion	\$ 895 per Dwelling Unit
Park Development Portion	<u>\$ 3,409 per Dwelling Unit</u>
TOTAL PER DWELLING UNIT	\$ 4,304 per Dwelling Unit

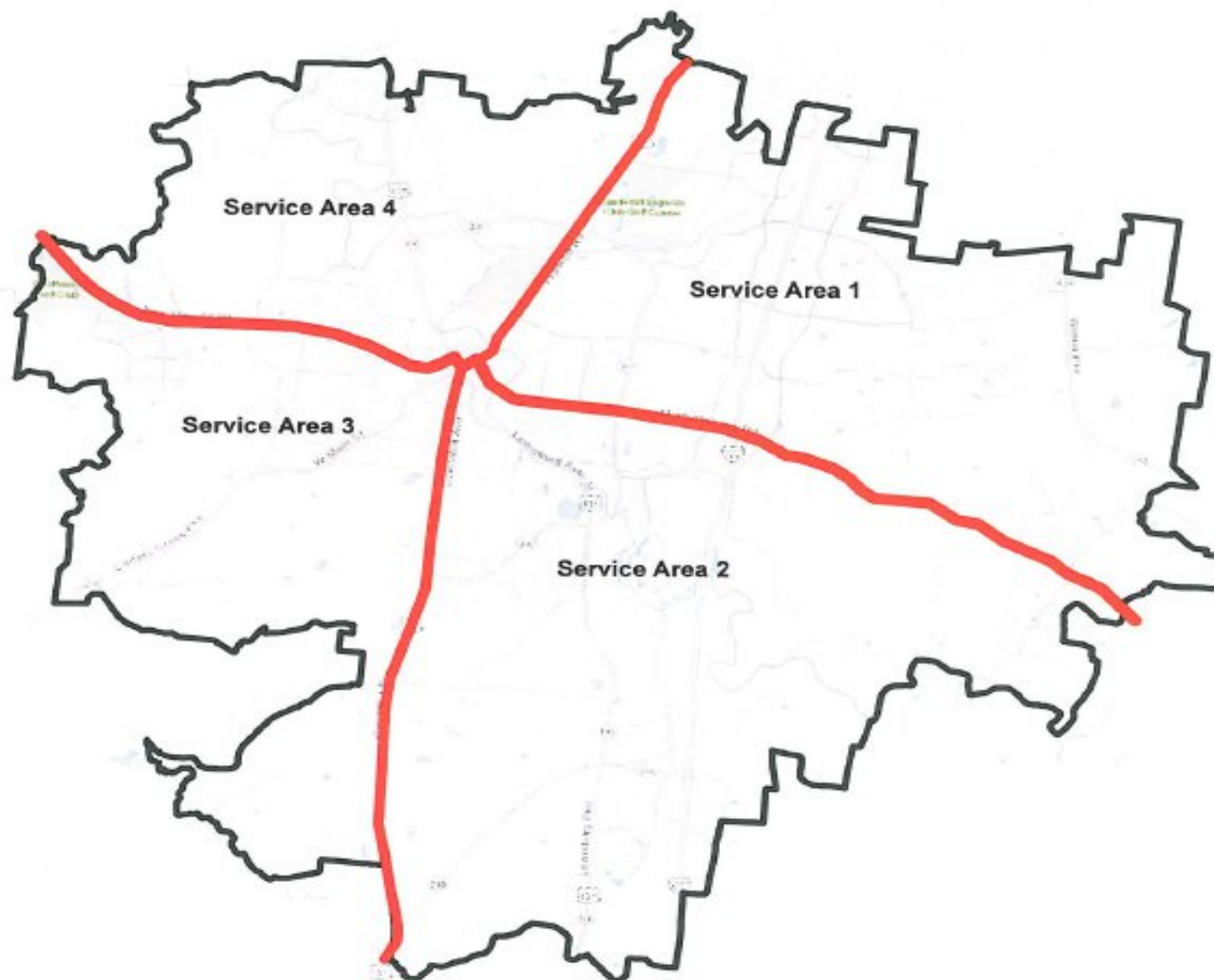
EXAMPLE PARKLAND IMPACT FEE CALCULATION

Proposed Development:	10 Dwelling Units (DUs)
	Developer proposes to dedicate 0.25-acre of land, located outside of the floodplain, to construct a multi-use trail segment shown on the Comprehensive Parks Master Plan.
Parkland Impact Fee (PIF) Obligation:	\$ 43,040 <i>(10 DUs x \$4,304)</i>
and < 5 acres requires 25% PIF payment:	- \$ 10,760 paid to citywide fund for Community Parks
Leaving 75% of PIF Eligible for Off-Sets:	\$ 32,280 <i>(Amount of PIF eligible to receive off-sets)</i>
Cost of Parkland Dedication In Lieu of PIF Off-Set:	- \$ 15,530 <i>(0.25 acre x \$62,121)</i>
Cost of Parkland Construction In Lieu of PIF Off-Set:	- \$ 10,000 <i>(Based on actual documented cost of proposed improvement)</i>
Remaining PIF Obligation to go to Quadrant:	\$ 6,750 <i>(\$32,280 - \$25,530 = \$6,750)</i>

EXAMPLE PARKLAND IMPACT FEE CALCULATION FOR A PRIVATE AMENITY

Proposed Development:	50 Dwelling Units (DUs) Developer proposes to dedicate 1.00 - acre of land, located outside of the floodplain, and construct a gated, private swimming pool and clubhouse of which cost \$100,000 <i>(Based on documented cost of proposed improvement).</i>
Total Parkland Impact Fee (PIF) Obligation:	\$215,200 <i>(50 DUs x \$4,304)</i>
Parkland < 5 acres requires 25% PIF payment:	\$53,800 paid to citywide fund for Community Parks
Remaining 75% of PIF Eligible for Off-sets:	\$161,400
Value of Parkland Dedication In Lieu of PIF Off-set:	\$15,530 <i>(1.00 acre = \$62,121 x .25 = \$ 15,530)</i>
Value of Parkland Construction In Lieu of PIF Off-set:	\$25,000 <i>(\$100,000 x .25 = \$25,000 Based on documented cost of proposed improvement)</i>
Calculation of Remaining PIF Obligation:	\$161,400 (Amount of PIF eligible to receive off-set) - \$ 40,530 (Total Off-set = \$15,530 Parkland + \$25,000)
Remaining PIF Obligation to go to Quadrant:	\$ 120,870





City of Franklin Neighborhood Park**Opinion of Probable Construction Costs**

Generic Concept Plan for 5 Acre Park

April, 2015

BWSC BANKS
WILSON &
SCHWARTZ, INC.

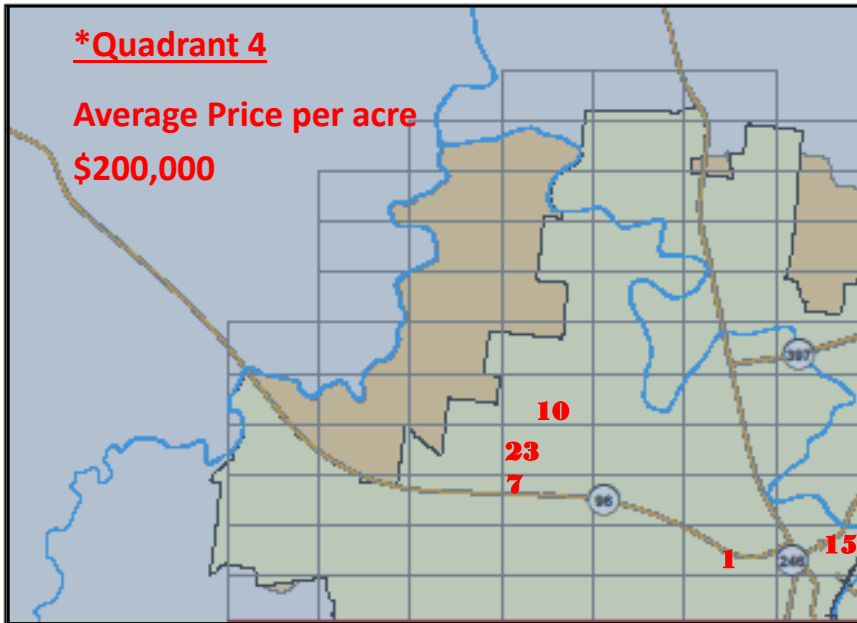
Description	Qty.	Unit	Unit Price	Total
Site Preparation				
Clearing & Grubbing	2.5	AC	\$1,500.00	\$3,750.00
Earthwork - Excavation	6,050	CY	\$6.00	\$36,300.00
Erosion Control	1	AL	\$10,000.00	\$10,000.00
Subtotal Site Preparation				\$50,050.00
Pavement				
Standard Duty Asphalt - Entry Drive and 30 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	6,800	SF	\$6.00	\$39,600.00
8" Asphalt Trail	1,066	SY	\$24.00	\$25,584.00
Subtotal Pavement				\$119,384.00
Water				
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
Subtotal Water				\$23,500.00
Sanitary Sewer				
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
Subtotal Sanitary Sewer				\$10,250.00
Storm Water				
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
Subtotal Storm Water				\$31,600.00
Site Lighting & Electrical				
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
Subtotal Site Lighting & Electrical				\$224,000.00
Buildings/Structures				
30' x 40' Pavilion With Stab	1,200	SF	\$85.00	\$96,000.00
Restroom attached to Pavilion	300	SF	\$150.00	\$45,000.00
Subtotal Buildings/Structures				\$141,000.00
Site Amenities				
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
Subtotal Site Amenities				\$196,100.00
Landscaping				
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
Subtotal Miscellaneous				\$88,080.00
Miscellaneous				
Park Sign	1	AL	\$2,500.00	\$2,500.00
Subtotal Miscellaneous				\$2,500.00
				Subtotal \$850,464.00
Contractor General Conditions & Mobilization @ 8%				\$68,037.12
				Subtotal \$918,501.12
10% Contingency				\$137,775.17
				Subtotal \$1,056,276.29
Survey and Design				\$126,755.15
Design and Construction Total				\$1,183,031.44

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



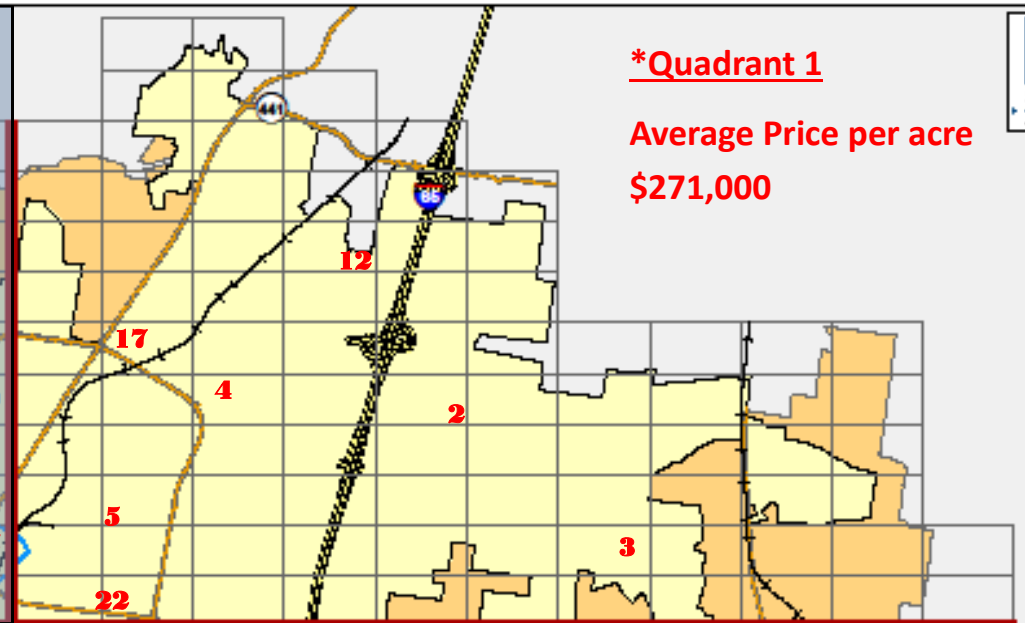
***Quadrant 4**

Average Price per acre
\$200,000



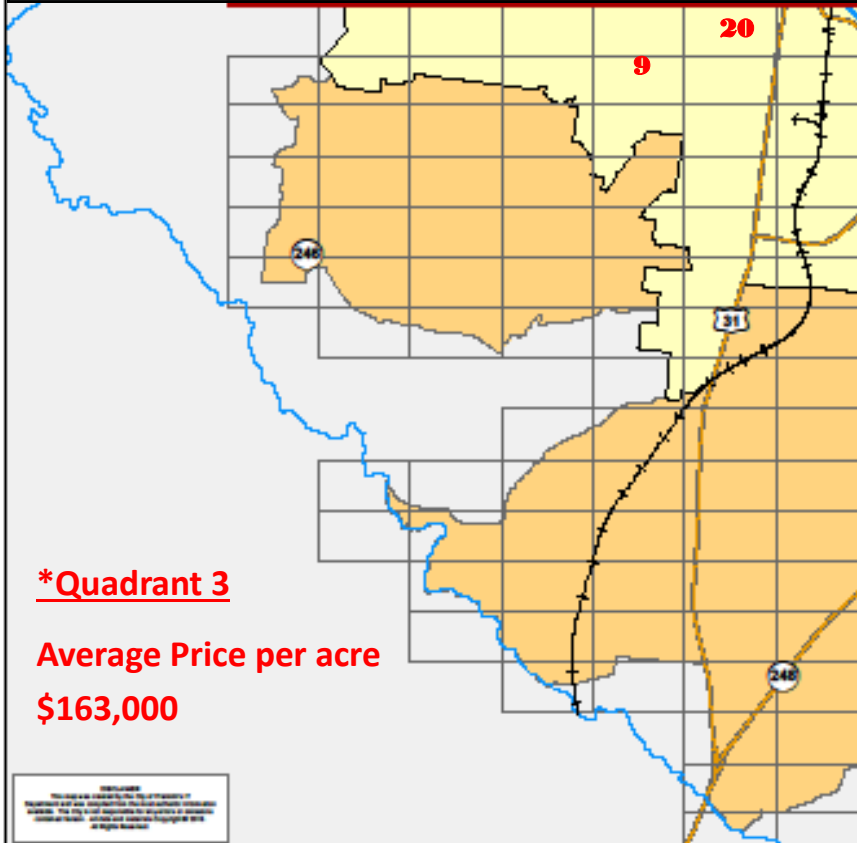
***Quadrant 1**

Average Price per acre
\$271,000



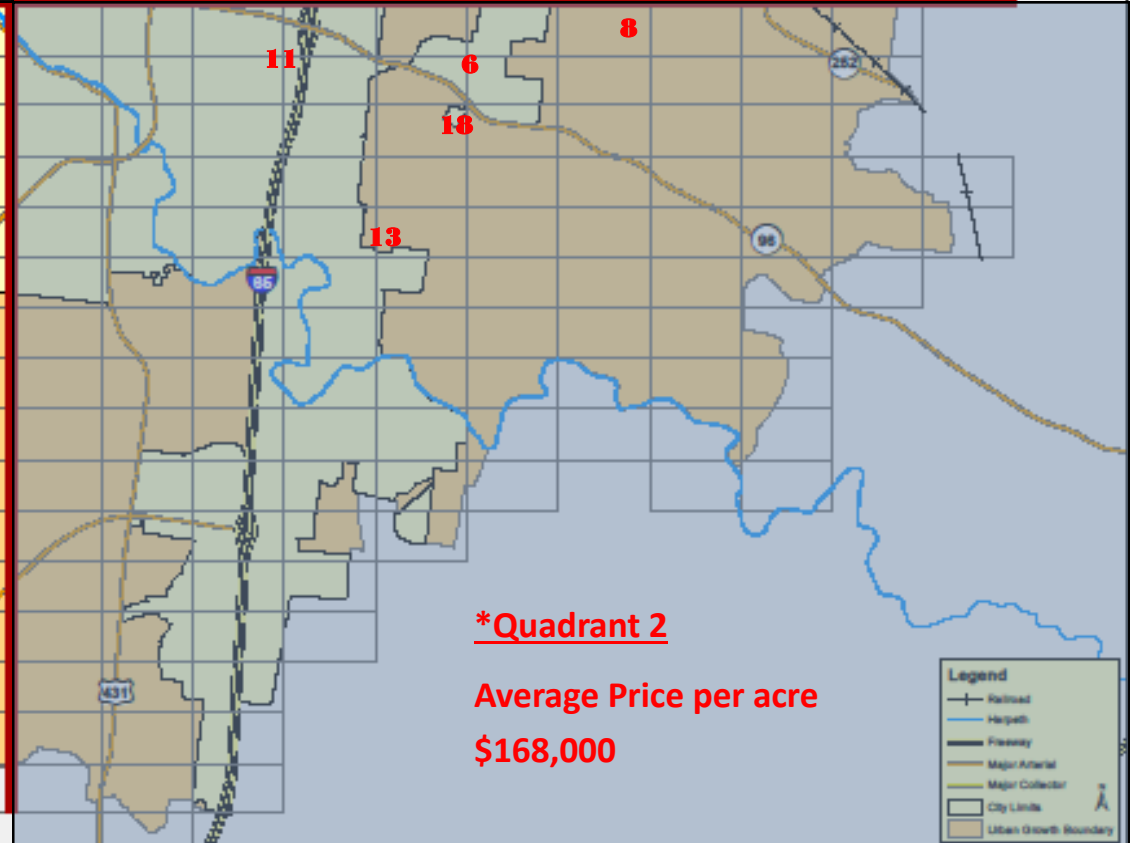
***Quadrant 3**

Average Price per acre
\$163,000



***Quadrant 2**

Average Price per acre
\$168,000



DISCLAIMER
This map was prepared for the City of Houston
and is not intended to be used for any other purpose.
The City of Houston is not responsible for any errors or
omissions that may appear in this map. The City of Houston
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appear in this map.

Parkland Fees Collected, Projected and Issued Last Updated 5-1-18 Budget Code (155-32750-00000)											
	COF #	Development	Address of Development	Direction	Unit Count	Footage	price per ft	Address of Owner/Developer	Quad	Date Received	Amount
1	#2569	Vandalia Cottages Resource PUD	New Hwy 96 across from t	FEES-IN-LIEU	17 unit cottages	20,400sf	\$3.39	Bristol Development Group 325 Seaboard Ln suite 190	4	check received 10-21-13	\$69,067.00
2	#2546	Subdivision-Circle at Resource Cent. Apt	Carothers Pky	FEES-IN-LIEU	252 multi-family ur	172,200sf	\$5.73	Crescent commnities.com Crescent communities, lilac 227 West Trade Street Ste1000 Charlotte NC 28202	1	check received 6-19-13	\$986,706.00
3	#2704	Amelia Park section 1	4121 Clovercroft rd	FEES-IN-LIEU	150 units	55,800sf	0.92	Owner Reunion, LLC 515 Church st Franklin TN 37064--6615-627-5028 Marshall	1	check received 1-14-14	\$51,336.00
4	#2918	Artesa	1034-1035 Windcross cour	FEES-IN-LIEU	250 units	171,000sf	\$6.13	Embrey Partners 1020 ne Loop 410, sut 700 San Antonio, TX 78209--Brad Knolle---	1	check received 4-7-2014	\$1,048,008.00
5	#2916	Ralston Row	Ralston lane 121&123	FEES-IN-LIEU	13 units	15,600sf	\$3.19	Tim Thompson-Crossfire Development 121 first ave s suite 210, Franklin	1	check received 4-9-14	\$49,762.00
6	#4523	Fountains of Franklin	4100 Murfreesboro rd	FEES-IN-LIEU	30 units	36,000	\$2.09	GoodWorks Unlimited LLC 2202 Jefferson Ct. Franklin tn.37064	2	check received 4-10-14	\$75,240.00
7	#4535	Morning Point/Franklin Christian Academy	1720 New Hwy 96	FEES-IN-LIEU OF WILL	trail connection aldet long at 12fo		\$108.77ft	Harpeth Medical Investors llc PO Box 813,Ooltewah,TN 37363	4	check received 7-25-14	\$66,240.00
8	#4547	Tap Root	4101 CloverCroft Rd	FEES-IN-LIEU	139 units	104,400 sf	\$1.32	Patterson Company,LLC 321 Billingsly Court suite 19 Franklin Tn,37067	2	INVOICED 12-15-14 \$137,454 check received 8-17-16 ONESTOP	\$137,454.00
9	#4730	Rucker Park	West Main & Rucker ave	FEES-IN-LIEU	30 units	36,000sf	\$2.45	John Franks 1406 Colman Rd Fr Tn 37064 RBF investments llc. PO box 1644	3	check received 2-11-15	\$88,200.00
10	#2960	Blossom Park	Del Rio Pike	FEES-IN-LIEU	21 units	31,200sf	\$1.84	Land Management, Bill Charles 357 Riverside Drive suite 210 Fr tn, 37064	4	check received 2-19-15	\$57,408.00
11	#5766	Somerby Watson Glen Sub	870 Oak Meadow Dr	FEES-IN-LIEU	207 units	1402,600sf	\$3.86	Dominion Senior Living of Franklin,LLC Dave Rogers,1200 Corporate Dr. Birmingham Al,	2	check received 7-28-15	\$395,640.00
12	#5892	Nichol Mill Lofts	427 Nichol Mill Lane	FEES-IN-LIEU	361 units	237,600sf	\$5.70	NAP Nichol Mill LLC Northern American Properties llc 264 19th Suite 2200 Atlanta GA 30363	1	check received 11-20-2015 \$1,355,000.00 check received 1-4-2016-123,305.00	\$1,478,305.00
13	#2500(2877	Simmons Ridge	4408 South Carothers	150,038sf of trail will be constructed on site. Remaining 22,162sf will be paid as Fees-in-lieu.	252 units	22,162sf	\$2.22	Simmons Ridge,LLC Mr. Jimmy Franks 245 Noah Drive, Franklin Tn 37064	2	check received 4-13-16	\$49,199.64
14	#6191	Avenida of Cool Springs	222 Malory Station Rd	FEES-IN-LIEU	142 units	106,200sf	\$6.22	Avenida Partners 130 Newport Center Driver Suite 220 Newport Beach, California 92600	1	not invoiced yet	\$660,564.00
15	#6356	Harpeth Square	112 2nd ave N	FEES-IN-LIEU OF WILL B	150 units	111,000sf	\$4.59 Max Quad	Harpeth Apartment Assoc. 198 east Main St. Franklin Tn. 37064	4	invoiced 9-7-17 Check received 10-17-17	\$509,641.88
16	#6394	Standard at Cool Springs	1222 Liberty Pike	FEES-IN-LIEU	359 units	236,400sf	\$6.22 Max Quad	SS Knoll Top LLC 501 Corporate Cnt Dr Suite 315 Franklin Tn 37067	1	Invoiced 1-22-18	\$1,470,408.00
17	#6194	Iron Horse	145 Legends Club LN	FEES-IN-LIEU	270 units	183,000sf	\$6.22 Max Quad	Iron Horse Park LLC 138 2nd ave N#202 Nashville, TN 37201	1	received payment 4-19-18	\$1,138,260.00
18	#6496	Rucker Park addition	117 Rucker ave	FEES-IN-LIEU	addition of 6units	6,000sf	\$3.74Max Quad	John Franks 1406 Colman Rd Fr Tn 37064 RBF investments llc. PO box	3	Invoiced 3-14-18	\$24,684.00
19	#6741	Bushnell	1495 Lewisburg pike	FEES-IN-LIEU	20 units	24,000sf	\$1.03	Tyler Ring, Stream Valley Franklin Partners, LLC PO BOX 314, Franklin Tn,3765 P. 615-305-1033--John Haas	2	not invoiced yet	\$24,720.00
20	#5941	Villages West Main	1319 West Main	FEES-IN-LIEU	30 units	36000sf	3.74 Max Quad	CHP/Williamson Co. inc 129 West Fowlkes St. Suite 124 Steve Murray 615-790-5556	3	check received 1-19-18	\$134,710.74
21				1st Purchase installment for new park in Quad 2					2	12-20-2017 Payment for Lockwood/Nichols Bend/Robinson Lake Property	-\$500,000.00
22	#6597	Wynfield Village	821 Murfreesboro rd	FEES-IN-LIEU	11 units	13,200sf	\$3.81 Max Quad	Jordan Clark, Barlow Builders 1804 Williamson Court 107,	1	Check received	\$50,292.00
23	#6595	Cardell Village	1040 Carlisle Ln	FEES-IN-LIEU	18 units	21,600sf	\$3.09	Greg Terry 615-883-2918 GREGT.ITA@comcast.net 198	4	Check received 5-1-18	\$66,744.00
24	#6559	Colletta Park	Murfreesboro rd/4344 South Carothers rd.	FEES-IN-LIEU	199 units	140,400sf	\$3.86 Max Quad	Greg Gamble Owner-R Glenn Adams PO box 680098	2	not invoiced yet	\$541,944.00
25	#6582	Fox Glove/Moss	4360 Long Lane	FEES-IN-LIEU	30 units	36,000sf	\$3.86 Max Quad	Greg Gamble 615-975-5765William Barry Moss 4360	2	not invoiced yet	\$138,960.00
26	#6596	Wards Mill	3206 Boyd Mill	FEES-IN-LIEU	18 units	21,600sf	\$2.43	Greg Gamble, Lindsay Butler Trace Const.	4	not invoiced yet sent to Finance approved	\$52,488.00
27	#6599	Arlington West Main	725 West Main	FEES-IN-LIEU	10 units	12,000sf	\$4.59 Max Quad	Mat Taylor, Berne Butler D9 Arlington LLC	4	not invoiced yet	\$55,080.00
28	#6618	October Park	1100 Ridgeway dr	FEES-IN-LIEU	19 units	22,800sf	\$3.86 Max Quad	Leigh Shepherd RSG LLC POBox 966 Columbia TN 38402	2	Check received 3-26-18	\$88,008.00
29	#6302	Avondale Cottages	302 Avondale dr	FEES-IN-LIEU	40 units	45,000sf	\$3.74 Max Quad	Adam Crunk William Mayo POBox 761, Franklin,tn37065	3	not invoiced yet	\$168,300.00
30	#6495	Jordan Road PUD	622 Jordan rd	FEES-IN-LIEU	10 units	12,000sf	\$6.22 Max Quad	Greg Gamble, Steven Colier 622 Jordan rd	1	not invoiced yet	\$74,640.00
31	#6617	Chickasaw Dev	1101 Shawnee dr	FEES-IN-LIEU	48 units	49,800sf	\$4.59 Max Quad	Derwin Jackson Franklin Housing Authority 200 Spring	4	not invoiced yet	\$228,582.00
32	6659	Riverbluff	1093 Lewisburg pk	FEES and Easments	80 units-easements	27,793sf	\$3.86 Max Quad	Park Trust Development 8119 Isabella suite 105 Brentwood,	2	not invoiced yet	\$107,280.98
											\$9,587,873.24

* Green indicates that fees have been paid or collected

* Blue indicates future monies to be applied or in progress at Max Quad Price range

Max Quad prices are used until owner/developer has submit an up-to-date Appraisal to adjust value of the property

* Orange indicates monies that have been used or applied to a project approved by BOMA or Administration

Max Quad Price fee stucture:

Quad 1-\$271,000 per acre=\$6.22 per square foot

Quad 2-\$168,000 per acre=\$3.86 per square foot

Quad 3-\$163,000 per acre=\$3.74 per square foot

Quad 4-\$200,000 per acre=\$4.59 per square foot

Parkland Fees Collected and Issued Last updated 5-1-18 Budget Code (155-32750-00000)											
	COF #	Development	Address of Development	Direction	Unit Count	Footage	price per ft	Address of Owner/Developer	Quad	Date Received	Amount
1	#2569	Vandalia Cottages	New Hwy 96 across from t	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND	17 unit cottages	20,400sf	\$3.39	Bristol Development Group 325 Seaboard Ln suite 190	4	check received 10-21-13	\$69,067.00
2	#2546	Resource PUD Subd	Carothers Pky	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	252 multi-family un	172,200sf	\$5.73	Crescent commnities.com Crescent communities, lilac 227 West Trade Street Ste1000 Charlotte NC 28202	1	check received 6-19-13	\$986,706.00
3	#2704	Amelia Park section	4121 Clovercroft rd	PARKLAND DEDICATION FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND	150 units	55,800sf	0.92	Owner Reunion, LLC 515 Church st Franklin TN 37064-- 615-627-5088 Marshall	1	check received 1-14-14	\$51,336.00
4	#2918	Artessa	1034-1035 Windcross cour	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	250 units	171,000sf	\$6.13	Embrey Partners 1020 ne Loop 410, sut 700 San Antonio, TX 78209--Brad Knolle---	1	check received 4-7-2014	\$1,048,008.00
5	#2916	Ralston Row	Ralston lane 121&123	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	13 units	15,600sf	\$3.19	Tim Thompson- Crossfire Development 121 first ave s suite 210, Franklin	1	check received 4-9-14	\$49,762.00
6	#4523	Fountains of Frankl	4100 Murfreesboro rd	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	30 units	36,000	\$2.09	GoodWorks Unlimited LLC 2202 Jefferson Ct. Franklin tn.37064	2	check received 4-10-14	\$75,240.00
7	#4535	Morning Point/Franklin Christian Academy	1720 New Hwy 96	FEES-IN-LIEU OF WILL BE PAID FOR Greenway Trail system along 96w	trail connection along 96w	609feet long at 12foot wide	\$108.77ft	Harpeth Medical Investors llc PO Box 813,Ooltewah,TN 37363	4	check received 7-25-14	\$66,240.00
8	#4547	Tap Root	4101 CloverCroft Rd	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	139 units	104,400 sf	\$1.32	Patterson Company,LLC 321 Billingsly Court suite 19 Franklin Tn,37067	2	INVOICED 12-15-14 \$137,454 check received 8-17-16 ONESTOP	\$137,454.00
9	#4730	Rucker Park	West Main & Rucker ave	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	30 units	36,000sf	\$2.45	John Franks 1406 Colman Rd Fr Tn 37064 RBF investments llc. PO box 1644	3	check received 2-11-15	\$88,200.00
10	#2960	Blossom Park	Del Rio Pike	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	21 units	31,200sf	\$1.84	Land Management, Bill Charles 357 Riverside Drive suite 210 Fr tn, 37064	4	check received 2-19-15	\$57,408.00
11	#5766	Somerby Watson Glen Sub	870 Oak Meadow Dr	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	207 units	1402,600sf	\$3.86	Dominion Senior Living of Franklin,LLC Dave Rogers,1200 Corporate Dr. Birmingham Al,	2	check received 7-28-15	\$395,640.00
12	#5892	Nichol Mill Lofts	427 Nichol Mill Lane	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	361 units	237,600sf	\$5.70	NAP Nichol Mill LLC Northern American Properties llc 264 19th Suite 2200 Atlanta GA 30363	1	check received 11-20-2015 \$1,355,000.00 check received 1-4-2016- 123,305.00	\$1,478,305.00
13	#2500(2877	Simmons Ridge	4408 South Carothers	150,038sf of trail will be constructed on site. Remaining 22,162sf will be paid as Fees-in-lieu.	252 units	22,162sf	\$2.22	Simmons Ridge,LLC Mr. Jimmy Franks 245 Noah Drive, Franklin Tn 37064	2	check received 4-13-16	\$49,199.64
15	#6356	Harpeth Square	112 2nd ave N	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	150 units	111,000sf	\$4.591368 Max Quad 4	Harpeth Apartment Assoc. 198 east Main St. Franklin Tn. 37064	4	invoiced 9-7-17 Check received 10-17-17	\$509,641.88
17	#6194	Iron Horse	145 Legends Club LN	FEES-IN-LIEU	270 units	183,000sf	\$6.22 Max Quad	Iron Horse Park LLC 138 2nd ave N#202 Nashville, TN 37201	1	received payment 4-19-18	\$1,138,260.00
20	#5941	Villages West Main	1319 West Main	FEES-IN-LIEU OF WILL BE PAID FOR THE PARKLAND DEDICATION.	30 units	36,000sf	\$3.74 Max Quad 3	CHP/Williamson Co. inc 129 West Fowlkes St. Suite 124 Steve Murray 615-790-5556	3	Check Received 1-19-18	\$134,710.74
21				1st Purchase installment for new park in Quad 2					2	12-20-2017 Payment for Lockwood/Nichols Bend/Robinson Lake Property	-\$500,000.00
22	#6597	Wynfield Village	821 Murfreesboro rd	FEES-IN-LIEU	11 units	13,200sf	\$3.81 Max Quad	Jordan Clark, Barlow Builders 1804 Williamson Court 107, Greg Terry 615-883-2918	1	Check received	\$50,292.00
23	#6595	Cardell Village	1040 Carlisle Ln	FEES-IN-LIEU	18 units	21,600sf	\$3.09	Gregt.jta@comcast.net 198	4	Check received 5-1-18	\$66,744.00
28	#6618	October Park	1100 Ridgeway dr	FEES-IN-LIEU	19 units	22,800sf	\$3.86 Max Quad	Leigh Shepherd RSG LLC POBox 966 Columbia TN 38402	2	Check received 3-26-18	\$88,008.00
											\$6,040,222.26

* Green indicates that fees have been paid or collected
Max Quad prices are used until owner/developer has submit an up-to-date Appraisal to adjust value of the property

* Orange indicates monies that have been used or applied to a project approved by BOMA or Administration

Max Quad Price fee stucture:
Quad 1-\$271,000 per acre=\$6.22 per square foot
Quad 2-\$168,000 per acre=\$3.86 per square foot
Quad 3-\$163,000 per acre=\$3.74 per square foot
Quad 4-\$200,000 per acre=\$4.59 per square foot

Collected and Projected Quadrants amounts
updated 4-5-18

Quadrants	Number		Collected		Projected to come
Quad	1		\$4,802,669.00		\$2,205,612.00
Quad	2		\$245,541.64		\$812,904.98
Quad	3		\$222,910.74		\$192,984.00
Quad	4		\$769,100.88		\$336,150.00
Sub Totals			\$6,040,222.26		\$3,547,650.98

Grand Total

\$9,587,873.24

Fees for the Satandard At Cool Springs and Iron Horse are in Projeted amounts shown

\$500,000 removed from Collected for Robinson Lake purchse

Quadrants by Acreage and Categories--RED is County owned

Quadrant 1	Acreage	Category	City or County Owned
Aspen Grove Park	19	Neighborhood	City
Dry Branch Wetlands	5.9	Preserves	City
Fort Granger	15	Historic	City
Harlinsdale Farm	85	Signature	City
Liberty Park	83.3	Community	City
204 Old Liberty Park	0.5	Neighborhood	City-Former Flood Prop
Pinkerton Park	27.9	Community	City
Ropers Knob	58.7	Historic	City
Total Quadrant 1	295.3		
Quadrant 2	Acreage	Category	City or County Owned
Eastern Flank Battlefield	113.3	Historic	City
Total Quadrant 2	113.3		
Quadrant 3	Acreage	Category	City or County Owned
Assault on Cotton Gin Park	0.5	Historic	City
Collins Farm	3.2	Historic	City
Eastern Flank Battlefield	1.2	Historic	City
1140 Thompson Alley	0.15	Neighborhood	City-Former Flood Prop
Winstead Hill	72.5	Historic	City
Academy Park	7.7	Neighborhood	County Park
Strahl Street Park	0.7	Neighborhood	County Park
Total Quadrant 3	85.95		
Quadrant 4	Acreage	Category	City or County Owned
Bicentennial Park	16.2	Community	City
City Cemetery	1.8	Historic	City
Del Rio Park	1.1	Neighborhood	City
Fieldstone Park	37	Special Use	City
Harlinsdale Farm	114	Signature	City
Jim Warren Park	87	Community	City
Pinkerton Park	4	Community	City
Resthaven Cemetery	4.2	Historic	City
Franklin Recreation/Judge Fulton Greer	33.8	Community	County Owned
Cheek Park	26.04	Community	County Owned
Robert A. Ring Soccer Complex	91.59	Special Use	County Owned
Judge Fulton Greer Park	20.03	Special Use	County Owned
Total Quadrant 4	436.76		

Quadrants by Acreage and Categories-RED County not included

Quadrant 1	Acreage	Category	City or County Owned
Aspen Grove Park	19	Neighborhood	City
Dry Branch Wetlands	5.9	Preserves	City
Fort Granger	15	Historic	City
Harlinsdale Farm	85	Signature	City
Liberty Park	83.3	Community	City
204 Old Liberty Park	0.5	Neighborhood	City-Former Flood Prop
Pinkerton Park	27.9	Community	City
Ropers Knob	58.7	Historic	City
Total Quadrant 1	295.3		
Quadrant 2	Acreage	Category	City or County Owned
Eastern Flank Battlefield	113.3	Historic	City
Total Quadrant 2	113.3		
Quadrant 3	Acreage	Category	City or County Owned
Assault on Cotton Gin Park	0.5	Historic	City
Collins Farm	3.2	Historic	City
Eastern Flank Battlefield	1.2	Historic	City
1140 Thompson Alley	0.15	Neighborhood	City Former Flood Prop
Winstead Hill	72.5	Historic	City
Academy Park	0	Neighborhood	County Park
Strahl Street Park	0	Neighborhood	County Park
Total Quadrant 3	77.55		
Quadrant 4	Acreage	Category	City or County Owned
Bicentennial Park	16.2	Community	City
City Cemetery	1.8	Historic	City
Del Rio Park	1.1	Neighborhood	City
Fieldstone Park	37	Special Use	City
Harlinsdale Farm	114	Signature	City
Jim Warren Park	87	Community	City
Pinkerton Park	4	Community	City
Resthaven Cemetery	4.2	Historic	City
Franklin Recreation/Judge Fulton Greer	0	Community	County Owned
Cheek Park	0	Community	County Owned
Robert A. Ring Soccer Complex	0	Special Use	County Owned
Judge Fulton Greer Park	0	Special Use	County Owned
Total Quadrant 4	265.3		

ORDINANCE 2016-36

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 5 OF THE ZONING ORDINANCE OF THE CITY OF FRANKLIN, TENNESSEE, TO AMEND SUBSECTION 5.5.4 PERTAINING TO THE REQUIREMENTS FOR THE DEDICATION OF LAND FOR PARKS AND GREENWAYS/BLEUEWAYS."

WHEREAS, pursuant to Private Act 1987, Chapter 117, 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 and 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, it is within the best interests of the citizens of the City of Franklin to amend the Franklin Zoning Ordinance to address the concerns identified.

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

SECTION I. That Chapter 5, Section 5.5, Subsection 5.5.4, of the Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**, and is approved to read as follows:

5.5.4 Parkland Impact Fees and Parkland Dedication ~~Dedication of Public Land for Parks and Greenways/Blueways~~

In addition to the standards for open space set-asides, **the development or redevelopment of land that creates new or additional residential dwelling units shall meet the requirements for Parkland Impact Fees and Parkland Dedication as specified in Title 25, Chapter 4, of the Franklin Municipal Code** ~~residential or mixed-use developments with ten (10) or more dwelling units shall dedicate land to the city for use as public parks or greenways/blueways in accordance with the following standards. For a revision to a PUD approved prior to July 1, 2008, the Public Land Dedication shall only be assessed on any of the new residential dwelling units to be included within the PUD.~~

~~(1) Amount to be Dedicated~~

~~(a) Developments required to dedicate land shall do so in the following amounts:~~

- ~~(i) 1,200 square feet per dwelling unit for the first 35 principal dwelling units; and~~
- ~~(ii) 600 square feet for each additional principal dwelling unit beyond the first 35.~~

~~(b) Accessory dwelling units shall be exempt from these requirements.~~

~~(c) Development proposed in phases shall be considered as a single development for the purposes of applying the land dedication standards. Development shall not be phased to avoid the requirements of this subsection.~~

~~(2) Nature of Park Land to be Dedicated~~

~~All dedications of land shall meet the following criteria:~~

~~(a) Contiguity~~

- ~~(i) The dedicated park land shall form a single contiguous parcel of land, except where the BOMA determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development.~~
- ~~(ii) When dedicated land is composed of two parcels, it shall be connected by a dedicated strip of land at least 30 feet in width unless the BOMA determines that an alternative configuration would be in the best interest of the public.~~

~~(b) Usability~~

- ~~(i) At least 50 percent of the total park land dedicated shall be located outside the HHO, FWO, and FFO Districts, alluvial soils, lakes, or other water bodies, and areas with slopes greater than 14 percent.~~

- (ii) ~~At least 75 percent of the total land dedicated shall be located outside of wetlands subject to federal or state regulatory jurisdiction. Lakes, ponds, creeks, or other water bodies, and wetlands falling under the jurisdiction of state or federal agencies may be dedicated only if sufficient abutting land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system.~~

~~(c) Shape~~

~~The shape of the dedicated park land shall be deemed suitable to accommodate those facilities set forth by the City of Franklin Parks Department. Land dedicated only for greenways need not comply with the requirements of this subsection.~~

~~(d) Location~~

~~The dedicated park land shall be located so as to reasonably serve the recreation and open space needs of nearby residents. The dedicated park land may be located outside of the residential development in order to add property to existing park land or to combine land dedication efforts with those of other developments.~~

~~(e) Access~~

- ~~(i) Public access to the dedicated park land shall be provided either by adjoining public street frontage, dedication of property, or by a dedicated public easement that connects the dedicated land to a public street or right-of-way.~~
- ~~(ii) Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land.~~
- ~~(iii) Where the dedicated land is located adjacent to a street, the developer shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment.~~

~~(f) Topography~~

~~The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire area to be developed. In no case shall a slope on the usable portion of dedicated land exceed 14 percent.~~

~~(g) Dedication of Lakes~~

- ~~(i) The developer may propose to include an existing or proposed body of water as part of a park dedication.~~
- ~~(ii) The land surrounding and adjacent to the water body shall be dedicated to the city, at a minimum width of 100 feet.~~

~~(3) Procedure for Dedication of Park Land~~

- ~~(a) The dedication of such land shall be reviewed and approved as part of a Development Plan or Preliminary Plat, as applicable. The developer shall designate the areas of land to be dedicated on the Preliminary Plat or Development Plan.~~
- ~~(b) Where wetlands falling under the jurisdiction of state or federal agencies have been certified to exist on the property, the Development Plan or Preliminary Plat shall also identify the boundaries of such wetlands.~~

- ~~(c) Upon receipt of the Concept Plan or Preliminary Plat, the parks department shall review the proposal and prepare a recommendation regarding the dedication.~~
- ~~(d) Unless otherwise stipulated in the Concept Plan or Preliminary Plat, an executed general warranty deed in a form acceptable to the city conveying the dedicated land to the city and a reproducible paper boundary survey shall be submitted no later than two years after the recording of the first final subdivision plat for the development.~~

~~(4) Payment In-Lieu of Dedication~~

~~(a) General~~

~~The payment of fees in lieu of the dedication of land may be accepted at the request of the developer, with approval of the city. The payment of fees in lieu of land dedication also may be required by the BOMA at the time of Development Plan approval, or as a condition of the approval of a Preliminary Plat, upon finding that:~~

- ~~(i) All or part of the land required to be dedicated is not suitable for public recreation and open space purposes;~~
- ~~(ii) The recreational needs of the proposed development can be met by other park, greenway, or recreational facilities planned or constructed by the city within reasonable proximity to the development;~~
- ~~(iii) The amount of parkland required to be dedicated is too small to provide adequate recreational opportunities or to be efficiently maintained by the city; or~~
- ~~(iv) Existing park land in the area is adequate to serve the development.~~

~~(b) Procedure for Approval~~

- ~~(i) The payment of such fees in lieu of land dedication shall be reviewed and approved as part of the Development Plan or Preliminary Plat. Any developer desiring to make such payment shall attach a letter to the parks department requesting the payment of fees in lieu of land dedication.~~
- ~~(ii) Upon receipt of the application, the Parks Department shall review the request and submit any and all recommendations concerning the payment of fees in lieu of dedication to the city.~~
- ~~(iii) In the event of a dispute between an applicant who wants to make payment in lieu, and a recommendation by the parks department that facilities should be provided, the BOMA shall make the final determination based on which option would generate the maximum community benefits.~~

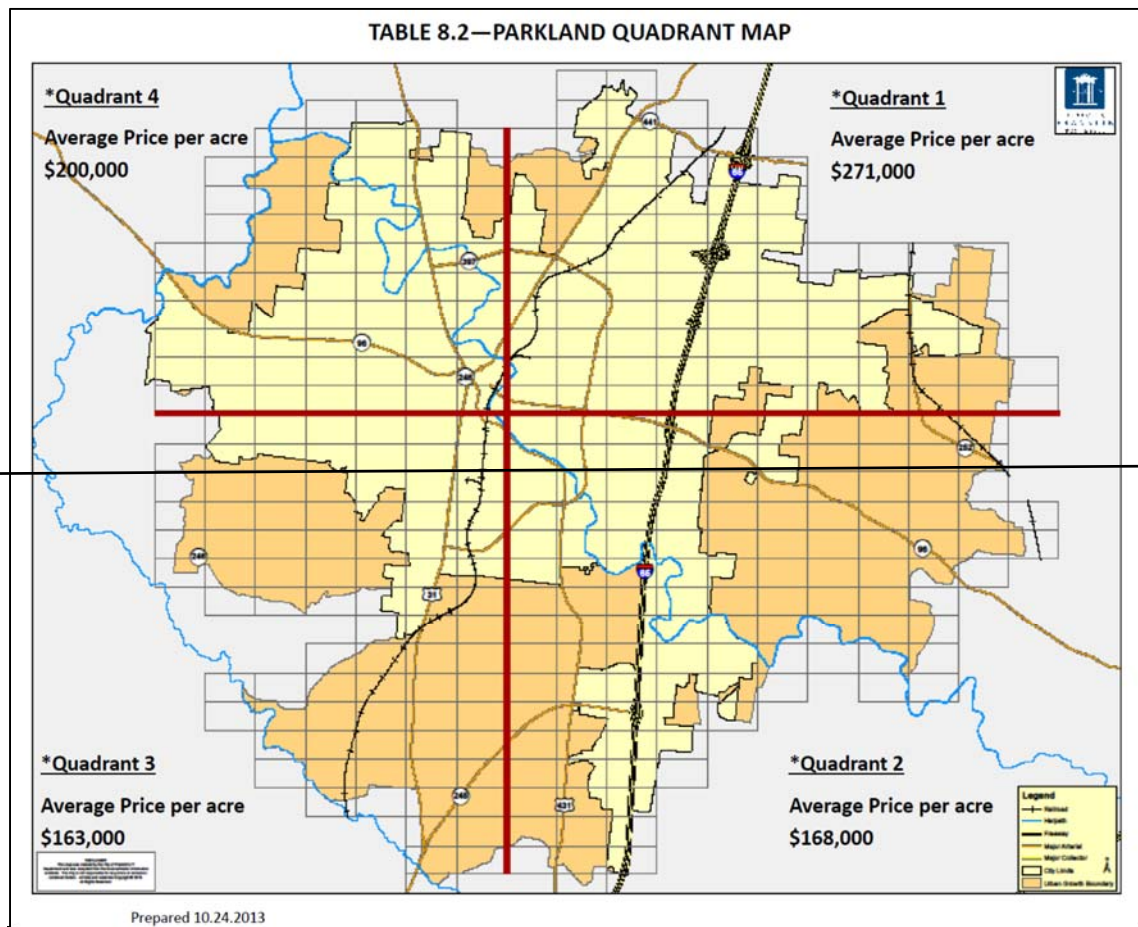
~~(c) Time of Payment~~

~~The fees in lieu of dedication shall be paid prior to recording the first Final Plat for the subdivision to which the fees relate.~~

~~(d) Amount of Payment~~

- ~~(i) Where the payment of fees to the city is to be made in lieu of dedication of land as permitted by this subsection, the developer shall provide to the city, at the developer's cost, a current written appraisal of the fair market value of the land to be developed.~~

- (ii) Each appraisal shall be performed by a Tennessee-licensed real estate appraiser.
- (iii) The Finance Department may waive the requirement of an appraisal where the subdivider or developer provides to the city documentation of the fair market value of the subject property, which in the opinion of the Finance Department reasonably estimates the land's fair market value.
- (iv) The appraisal or documentation of the land's fair market value, along with other evidence that, in the city's opinion, aids in the determination of fair market value, may be used in the determination of the amount of any payment in lieu of land dedication permitted by this subsection.
- (v) Nothing in this subsection shall limit or preclude the BOMA from requiring a written appraisal notwithstanding a waiver of the appraisal requirement granted by the finance department.
- (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.



~~(e) Disagreements as to Amount~~

~~In the case of disagreement between the city and the developer regarding the fair market value of the property, such determination shall be made by a special appraisal committee consisting of one professional appraiser appointed by the city administrator, one professional appraiser appointed by the applicant, and one professional appraiser appointed by the first two committee appointees. This committee shall view the land and hear the contentions of both the city and the applicant. The findings of the committee shall be by a majority vote and shall be certified to the BOMA in writing within 30 days of the date the third member is appointed to the committee. The costs of the appraiser appointed by the applicant shall be borne entirely by the developer; the city shall bear all other costs associated with the committee.~~

~~(f) Use of Funds~~

~~Fees received pursuant to this subsection shall be used only for the acquisition or development of public parks, greenways/blueways, open space sites, and related facilities.~~

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:

By: _____
Eric Stuckey
City Administrator/Recorder

CITY OF FRANKLIN, TENNESSEE:

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PLANNING COMMISSION RECOMMENDED:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

**AMENDMENT NO. 5 TO
PROFESSIONAL SERVICES AGREEMENT
FOR THE WATER TREATMENT PLANT MODIFICATIONS
COF Contract No. 2012-0183**

THIS AMENDMENT is made and entered into on this the ____ day of _____, 201_, by and between the **City of Franklin, Tennessee** ("City") and **Smith Seckman Reid, Inc. (SSR)** ("Consultant").

WITNESSETH:

WHEREAS, City and Consultant entered into a Professional Services Agreement ("Agreement") (COF Contract No. 2012-0183) entitled City of Franklin, Tennessee Professional Services Agreement, Water Treatment Plant Modifications ("Project"), dated the 27th day of November, 2012; and

WHEREAS, the City approved Amendment No 1 to the Consultant's Professional Services Agreement (COF Contract No 2012-0183) on June 25, 2013, for the engineering design services for an upgrade to the Raw Water Intake and Pump Station for the Water Treatment Plant; and

WHEREAS, the City approved Amendment No. 2 to the Consultant's Professional Services Agreement (COF Contract 2012-0183) on January 14, 2014, for the design, bid and installation of the interim Ultraviolet (UV) disinfection treatment upgrade to meet Environmental Protections Agency's (EPA) imposed deadline of September 30, 2014, for adherence EPA's Long Term Surface Treatment Rule (LT2 Rule); and

WHEREAS, the City approved Amendment No. 3 to the Consultant's Professional Services Agreement (COF Contract 2012-0183) on May 4, 2015, for the preselection process of the hollow fiber membrane filtration system (Membrane) and the design efforts needed for the inclusion of other alternative treatment solutions, such as the Advanced Oxidation Process (AOP), selected by staff to better enhance the capabilities upgrade of the Water Treatment Plant; and

WHEREAS, the City approved Amendment No. 4 to the Consultant's Professional Services Agreement (COF Contract 2012-0183) on October 27, 2015, for the Consultant's Construction Administration (CA) and Resident Project Representative (RPR) Services during construction of the Water Treatment Plant; and

WHEREAS, the City and Consultant realize the need for additional engineering services related to construction services support to fully complete the Project's final construction; and

WHEREAS, the Consultant has provided a Proposal for an increase in engineering services for the Water Treatment Modifications Project, as described in Attachment A dated October 30, 2017, in the amount of **NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$93,750.00)**; and

WHEREAS, the City has reviewed the Proposal and desires to enter into an amendment to the Agreement to include the final design as stated above for the Project as proposed by the Consultant.

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, it is agreed by and between the parties as follows:

1. The foregoing recitals are incorporated by reference as if fully stated herein.
2. Consultant's Responsibilities and Duties. The Consultant shall perform the work as proposed in the Scope as found in the October 30, 2017, letter of proposal (**Attachment A**) which includes the Scope of Services for this Amendment. Attachment A shall be considered as an integral part hereof.
3. City's Responsibilities and Duties. The City shall pay the Consultant in an amount not to exceed **NINETY-THREE THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$93,750.00)** for the additional services as described in Attachment A.

The City reserves the right to issue any payments jointly to the Consultant and Sub-Consultant when the City receives information that the Consultant has not paid its Sub-Consultant.

4. Waiver. Neither party's failure nor delay to exercise any of its rights or powers under this Amendment will constitute or be deemed a waiver or forfeiture of those rights or powers. For a waiver of a right or power to be effective, it must be in writing signed by the waiving party. An effective waiver of a right or power shall not be construed as either (a) a future or continuing waiver of that same right or power, or (b) the waiver of any other right or power.

5. Severability. If any term or provision of the Amendment is held to be illegal or unenforceable, the validity or enforceability of the remainder of the Amendment will not be affected.

6. Precedence. In the event of conflict between this Amendment and the provisions of the previous Agreement(s), or any other contract, agreement or other document to which this Amendment may accompany or incorporate by reference, the provisions of this Amendment will, to the extent of such conflict (or to the extent the Agreement is silent), take precedence unless such document expressly states that it is amending this Amendment.

7. Entire Agreement. The Amendment between the parties supersedes any prior or contemporaneous communications, representations or agreements between the parties, whether oral or written, regarding the subject matter of the entire Amendment. The terms and conditions of this Amendment may not be changed except by an amendment expressly referencing this Amendment by section number and signed by an authorized representative of each party.

8. Additions/Modifications. If seeking any addition or modification to the Amendment, the parties agree to reference the specific paragraph number sought to be changed on any future document or purchase order issued in furtherance of the Amendment, however, an omission of the reference to same shall not affect its applicability. In no event shall either party be bound by any terms contained in any purchase order, acknowledgement, or other writings unless: (a) such purchase order, acknowledgement, or other writings specifically refer to the Amendment or to the specific clause they are intended to modify; (b) clearly indicate the intention of both parties to override and modify the Amendment; and (c) such purchase order, acknowledgement, or other writings are signed, with specific material clauses separately initialed, by authorized representatives of both parties.

9. Breach. Upon deliberate breach of the Amendment by either party, the non-breaching party shall be entitled to terminate the Amendment without notice, with all of the remedies it would have in the event of termination, and may also have such other remedies as it may be entitled to in law or in equity.

10. Survival. This Amendment shall survive the completion of or any termination of the original contract, revised contract, or agreement or other document to which it may accompany or incorporate by reference.

All other provisions of the Agreement dated November 27, 2012, and its subsequent amendments, are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment.

CITY OF FRANKLIN, TENNESSEE

SMITH SECKMAN REID, INC.

By: _____

Dr. Ken Moore

Mayor

Date: _____

By: _____

Print: _____

Title: _____

Date: _____

Attest:

Eric S. Stuckey

City Administrator

Date: _____

Approved as to form:

Tiffani M. Pope, Staff Attorney

October 30, 2017

Mrs. Michelle Hatcher – Director
Franklin Water Management Department
124 Lumber Drive
Franklin, Tennessee 37064

**Re: Franklin Water Treatment Plant Modifications
COF Contract Number: 2012-0183
CA/RPR Additional Services Request**

Dear Michelle,

Based upon the current construction schedule, we will exhaust the hourly fee ceiling established in our proposal dated July 21, 2015. Our proposal covered 26 months of construction administrative (CA) activities and 24 months of Resident Project Engineer (RPE) presence during this period. The project bid on August 4, 2015 and a Notice to Proceed was issued on October 26, 2015. November will mark the 25th *complete* month on site with an Engineer, and 28th month of CA activity.

Our billings to date have trailed below the budget established in our proposal, which allows us to extend our scope over a longer period than estimated initially. Based upon our estimation at this time, the budget remaining will cover our services through January 2018.

We believe we will exhaust our fee at some point in February 2018, and expect the need for our services to continue through the project close out period and record drawing production anticipated in late April. We estimate billing during the February and March Period to be no more than the average of the monthly billing amount over the past year which is just below \$37,500/month. Should the project be substantially complete in late March as anticipated, we would expect our billing to decrease to approximately half of this amount (\$18,750) in April 2018, which would be the last month of billing based upon the current schedule.

We are respectfully requesting to increase our fee ceiling fee by **\$93,750.00** for the continuation of our construction phase services at the rates established in our initial proposal.

We appreciate the opportunity to continue to serve to the City of Franklin. The adjusted fee ceiling will not be exceeded without prior approval by the City. If the City is in agreement with the terms of this fee increase, we will execute a formal amendment to our contract. If you have any questions or concerns regarding this request, please do not hesitate to call me at (615)460-0522.

Sincerely,

SMITH SECKMAN REID, INC.

A handwritten signature in blue ink, appearing to read 'A. Johnson', is written over the company name.

Andrew Johnson, P.E.

cc: Patricia McNeese - FWMD
JAG, KDM – SSR
File (7)

Tabulation of Bids^{*}

Purchasing Office Solicitation No.:	2018-010 (servicing public refuse collection containers located in downtown Franklin for a specified term of service)						
Notice to Bidders published in the <i>Williamson Herald</i> on:	11/16/17						
Number of vendors that were notified of / that responded to this solicitation for bids:	3 / 1						
Date and time bids due and publicly opened:	11/30/17 2:00 PM						
Present at opening of bids:	Natalie Keene, Suzanne Ward and Brian Wilcox of the City of Franklin Purchasing Office						
Target meeting of BOMA at which recommendation is scheduled to be considered:	12/12/17						
				Total quoted bid pricing, per container per day / Total estimated bid pricing for 44 containers per year:			
				for collection services to be rendered three (3) days per week (Friday through Sunday):	for collection services to be rendered seven (7) days per week (Monday through Sunday):		
Bids received from:	Bid No.:	Does the bid include all required documents?	Does the bid MOES¹? / If not, how many exceptions do not MOES¹?			Payment terms:	Bid and bid pricing is valid through:
Franklin Disposal LLC 463 Avon River Road Franklin, TN 37064 Raymond Burghard, Owner 615/794-8964 franklindisposal@gmail.com	1 of 1	Yes	Bidder takes no exceptions	\$3.25	\$3.25	net 30 days	11/30/17
				\$22,308.00	\$52,052.00		

* Shaded bid is apparent lowest best bid

Downtown Parking Capacity & Management Study: Recommendations Outline

BOMA



VOLKERT



WALKER
PARKING CONSULTANTS

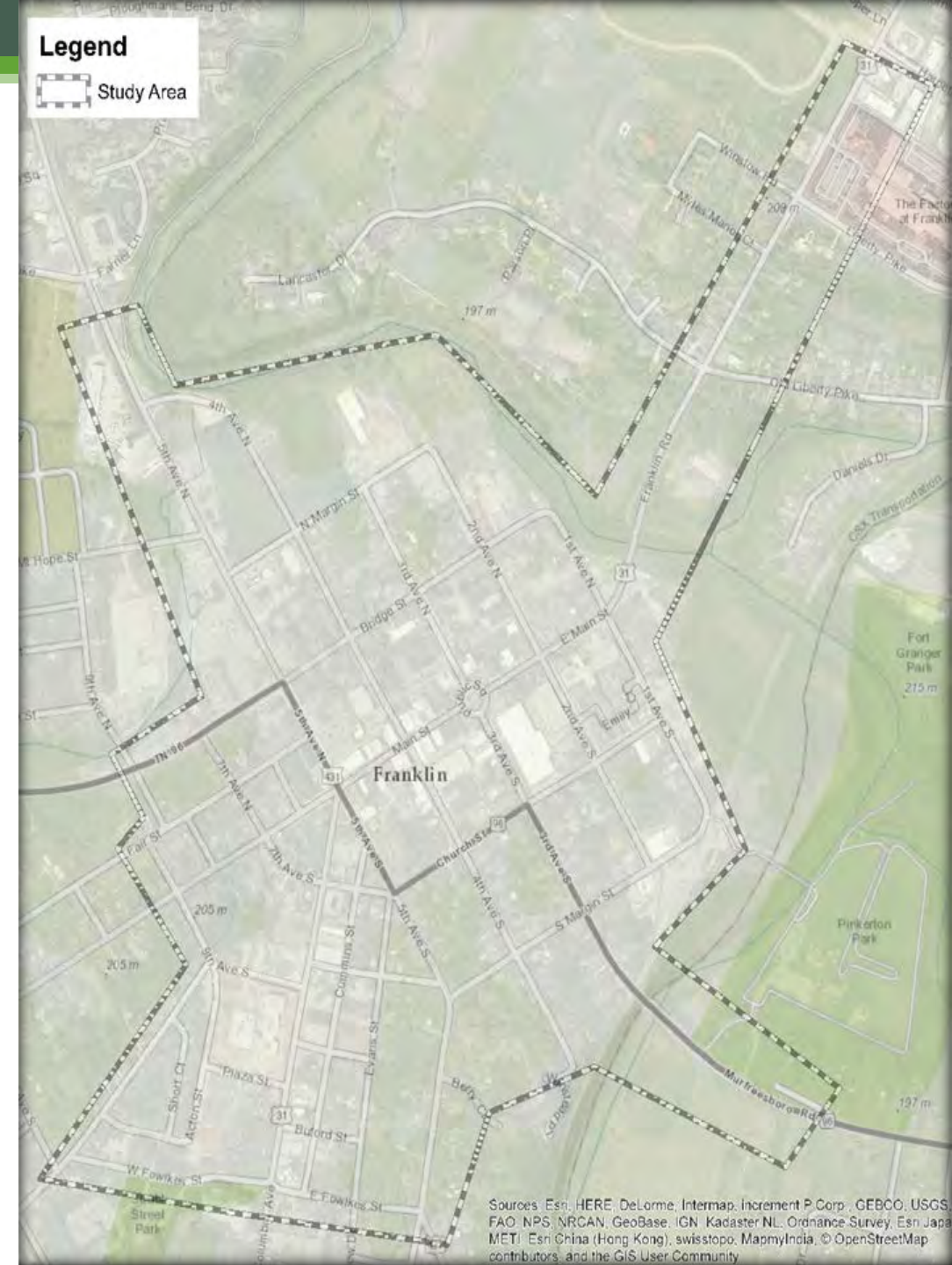
Today's Agenda

- Project Overview & Status
- Draft Recommendations
 - Infrastructure
 - Management
 - Operations
- Next Steps
- Questions/Open Discussion



Purpose

- Provide the City, Businesses, Shoppers, Diners, Workers, Churches, Tourists, and Citizens with:
 - Clear understanding of the existing parking infrastructure.
 - Projections of anticipated parking demand in the downtown area.
 - Identification of parking infrastructure and operational needs.



Schedule & Process



Draft Recommendations

Three-pronged approach:

1. **Parking Infrastructure**
2. **Parking Management**
3. **Parking Operations**



Draft Recommendations

Three-pronged approach:

- 1. Parking Infrastructure**
2. Parking Management
3. Parking Operations



Draft Recommendations: Parking Infrastructure

- On-street Striping Plan
 - Implement the Striping Plan
Create Mobility Hubs along Main Street (loss of 4 spaces) for ride-sharing, transit, loading shared space.
 - Install mid-block crossing on 4th Avenue at garage with signage



Draft Recommendations: Parking Infrastructure

- Surface Parking (Free):

Locations within proximity of:

- 2nd Avenue North at North Margin Street (short-term)
- 5th Avenue North at North Margin Street (short-term)
- 1st Avenue South at South Margin Street (long-term)

New Surface Lot Policies

- Bus Parking Spaces to be included (also suggest bus parking agreement with Factory management group)
- Primary locations for employee parking
- Implement Parking Study policies for Valet, Wayfinding, & Technology
- Walkable, but connected with transit

Draft Recommendations: Parking Infrastructure

New Surface Lots Location Map



Draft Recommendations: Parking Infrastructure

New Surface Lots



Draft Recommendations: Parking Infrastructure

- Garage Parking:

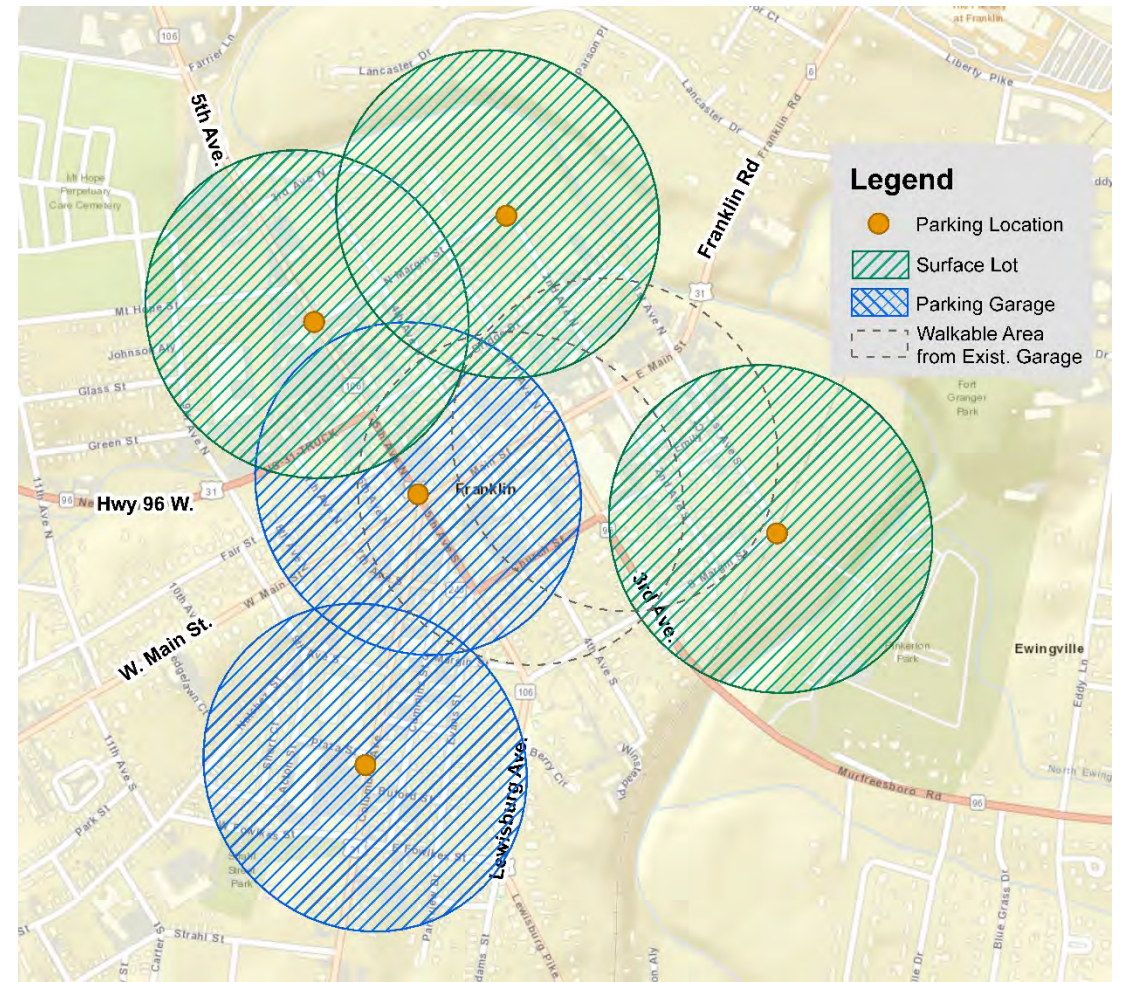
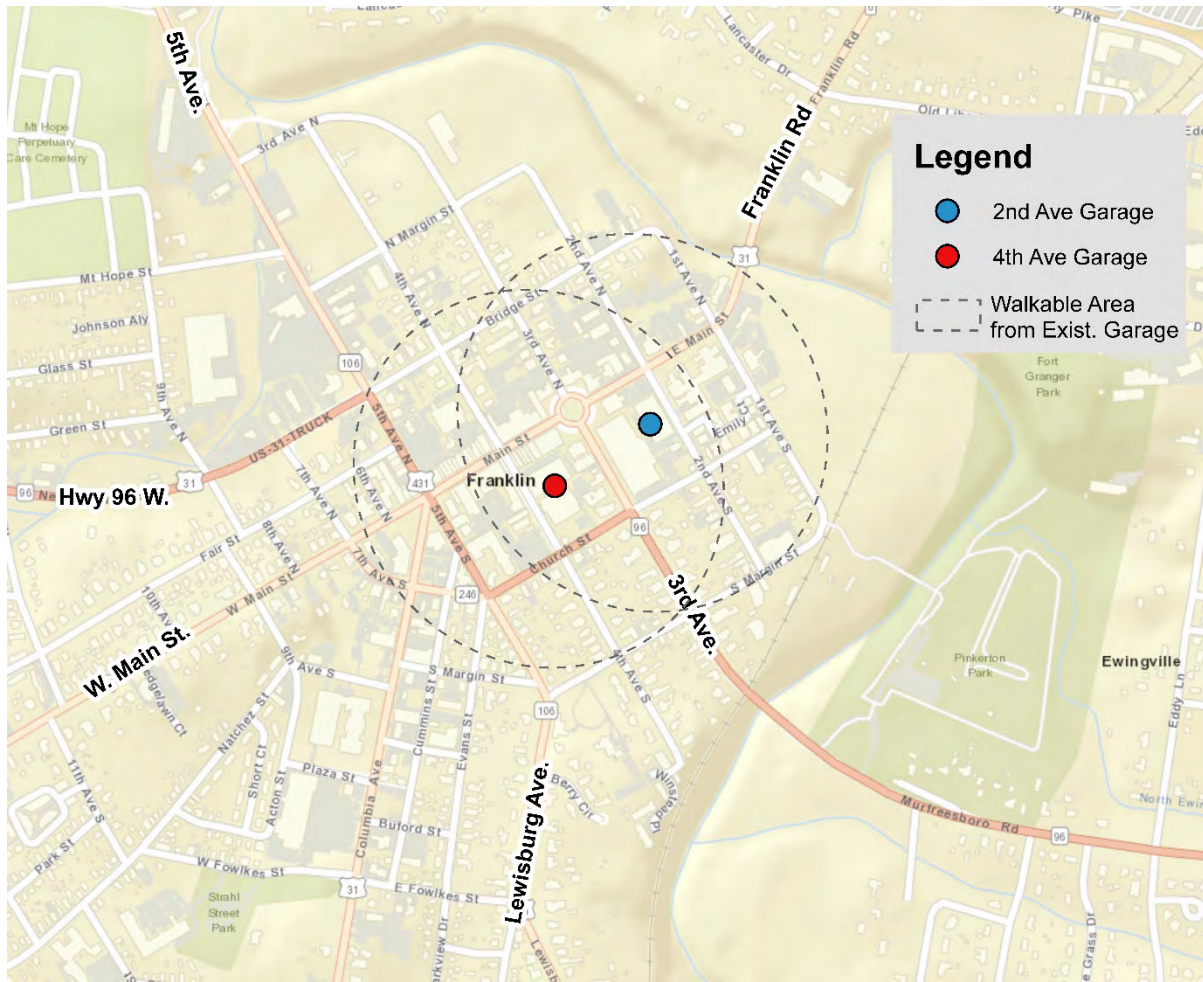
Locations in proximity to:

- Near Term: 5th Avenue North at Main Street (Approximately \$25,000 per space)
- Long Term: Plaza Street at Columbia Avenue (Public/Private partnership or the City should work to acquire space for a public garage.)

New Garage Policies

- Study increasing parking capacity with any new City Hall development proposal
- Primary locations for customers, patrons, & visitors
- Implement Parking Study policies for Valet, Wayfinding, & Technology
- Walkable, but connected with transit

Draft Recommendations: Parking Infrastructure



Draft Recommendations

Three-pronged approach:

1. Parking Infrastructure
2. **Parking Management**
3. Parking Operations

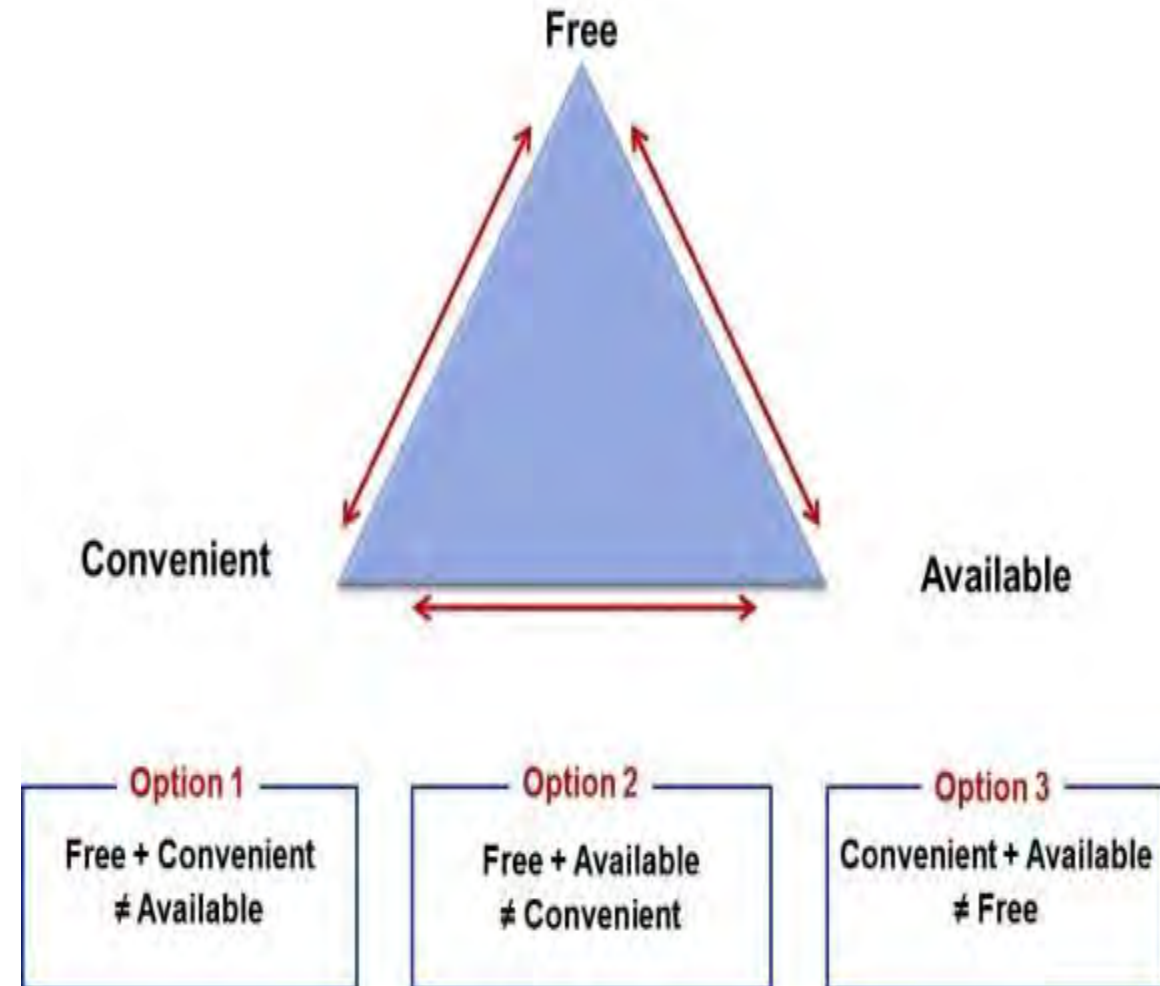


Draft Recommendations: Parking Management

- Parking Authority (short-term)
 - City should create a Parking Authority with broad scope:
 - Parking professional to run & operate
 - Enforcement of downtown parking
 - Funded via revenues from paid parking & enforcement
 - Public-Private Partnership possibilities
 - Oversee the downtown valet system
 - Support creation of private parking options & innovations (surface lots, garages that are part of larger developments, technology, apps, etc)

Draft Recommendations: Parking Management

- Paid Parking:
 - Recent institution of private, paid parking lots within Downtown core
 - Different areas of Downtown require different Parking Management options
 - Recommendations tailored to specific areas



Draft Recommendations: Parking Management

- Payment Structure
 - On-Street
 - Convenient + Available ≠ Free
 - Phased roll-out of payment locations:

Location	1 st Hour	Price/Hour thereafter
<u>Phase 1:</u> Main Street	Free	\$2.00
<u>Phase 2:</u> Streets Intersecting Main Street 1 Block in either direction	Free	\$2.00
<u>Phase 3:</u> All other Streets	Free	\$1.50

Draft Recommendations: Parking Management

▫ Garages

- Convenient + Available ≠ Free
- Conversion to paid in concert with On-street. Garages become paid parking in Phase 2 of On-street roll out
- Parking Authority should coordinate with specific stakeholders on designated parking areas in existing garages prior to implementation

Duration	Price
0-1 hour	Free
1-2 hours	\$1.00
2-3 hours	\$2.00
3-4 hours	\$3.00
4+ hours	\$7.00

Draft Recommendations: Parking Management

- New Surface Lots
 - Free + Available ≠ Convenient
 - Locations for longer-term, specialized users & employees/employers
 - Walkable to most of Downtown Core, but connected to transit (recommend a connector loop similar to the Music City Circuit with frequent services times)



Draft Recommendations: Parking Management

- Enforcement
 - Organized under Parking Authority
 - 9 am – 9 pm enforcement timeframe
 - Downtown Ambassador: Partnership with CVB Ambassador & DFA Greeter programs, while COF remains enforcement.
 - Graduated Violations:

# of Violations	Fee Prior to Notice	Fee After Notice (Issued 30 days after violation)
1st Violation	Warning	Not Applicable
2nd Violation	\$35	\$50
3rd Violation	\$50	\$100
4th Violation	\$100	\$200

Draft Recommendations: Parking Management

- Residential Permit Program (Neighborhood Driven)
 - To protect downtown residential blocks from employees or visitor/patron parkers, a permit system could be instituted at a neighborhoods/block request:
 - Set up to be neighborhood driven, not imposed by City
 - Partnership between residents, DFA, & City
 - Parking Authority to administer

Draft Recommendations: Parking Management

- Policy Changes
 - Zoning:
 - Clarify zoning standards for exemption of existing uses & square footage by adding specific guidance for: tenant build outs, COs, business license, etc.
 - Require new square footage -for any use and/or building- to provide/account for parking
 - Require Change of Use to provide/account for parking
 - Codify the ULI Shared Parking framework as the basis for shared parking (discreet vs shared parking)
 - Explore an In-Lieu of Parking Fee Option
 - Look to identified Best Practices (Greenville, SC; Burlington, VT; Beaufort, SC)

Draft Recommendations: Parking Management

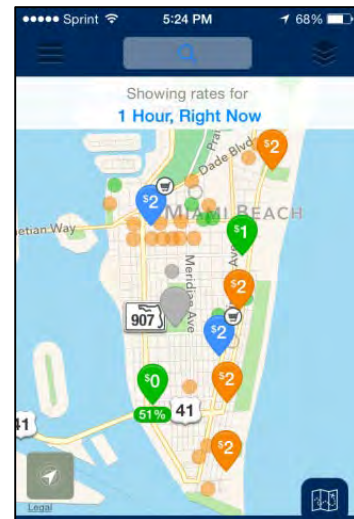
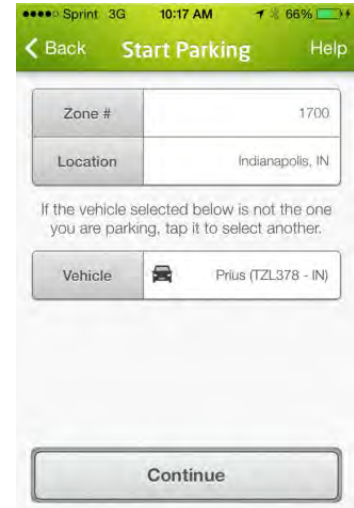
- Policy Changes
 - Valet/Ride Share (zoning & Municipal Code revisions)
 - Parking Authority should control- for overall oversight (accounting of spaces & allocation), enforcement, and contracting authority/agreements
 - Pause any new agreements until Parking Authority is enacted and/or new parking facilities are built. Parking Authority should review existing valet agreements (Special Permits) and make recommendations to BOMA on any updates to existing valet agreements.
 - Limit portion of reserved parking spaces in public garages (per ULI reserved parking in the shared parking analysis)
 - Continue to permit in limited zones (CFCO Special Areas 1 & 2)
 - Valet/Ride Share drop-offs:
 - Prohibit in any travel lane or striped on-street parking space
 - Not permitted along Main Street (Until revised Streetscape)
 - Require a plan & agreements to be on-file & up-to-date with PA
 - A Valet Parking Attendant must be on duty during business hours

Draft Recommendations: Parking Management

- Policy Changes
 - Loading Zones
 - Big issues with big impacts
 - Creation of a partnership study between COF & DFA/Main Street/Business Owners to work through more comprehensive solution
 - Interim Recommendations:
 - Increase enforcement and monitoring of safety issues (blocking accesses/fire lanes)
 - Enforce vehicle class limits
 - Create permitting system to ensure off-peak loading times (require a working group with business/delivery services to determine locations & logistics)

Draft Recommendations: Parking Management

- Technology Recommendations
 - Pay-by-Phone Capabilities
 - Allows notifications to remind user that meter is expiring
 - Ability to pay for parking while walking to destination and extend meter without revisiting the space
 - Ability to have no actual meters distracting from the streetscape in the downtown if desired or could have as an added service, along side meters.



Draft Recommendations: Parking Management

- Technology Recommendations
 - Smart Parking Meters
 - Option along side pay-by-phone or as a stand alone system for paid on-street parking
 - Allow for credit card payment
 - Solar powered
 - Ability to have different costs for different hours of duration to encourage off-street parking for longer durations
 - Utilize multi-space meters to accommodate an entire block face
 - Can be managed from a central computer

Draft Recommendations: Parking Management

- Technology Recommendations
 - Automated Parking Guidance Systems (APGS)
 - Allows patrons and visitors to see not only where parking is available but also how much is in a particular garage
 - Creates more efficient garage as every space can be filled
 - Acts as an added service to those parking



Draft Recommendations

Three-pronged approach:

1. **Parking Infrastructure**
2. **Parking Management**
3. **Parking Operations**



Draft Recommendations: Parking Operations

- Wayfinding
 - Partner with DFA on updating wayfinding within Study Area
 - Comprehensive Wayfinding essential for successful parking functionality



Draft Recommendations: Parking Operations

- Safety
 - Lighting, regular foot patrols, add call boxes at new facilities
 - Upgrades to pedestrian safety infrastructure



Questions + Discussion

Thank you for your time!



Overview of Parking Study Recommendations

Parking Study - Immediate Recommendations	Description
Evaluate and Update Title 15 - Motor Vehicles, Traffic and Parking within Municipal Code	Reduce the parking time from four consecutive hours to two consecutive hours for on-street parking. Evaluate current fee structure associated with parking violations. Complete an overall review of Title 15.
Pedestrian Improvements - 4th Ave South	Install a brick cross walk on 4th Ave South at the existing garage/alley.
Pavement Marking Upgrades	Updating the pavement marking on all city streets to have designated parking and no parking spaces marked within the public right-of-way.

Parking - Short Term Recommendations	Project Description
Surface Parking Lot Land Acquisition	Pursue the acquisition of land within the NE and SE area of the downtown area to accommodate a future public surface parking lot.
Metered Parking - On Street	Evaluate phasing, potential revenue and feasibility associated with metering on-street parking within the downtown area.
Metered Parking - Structured Parking	Evaluate phasing, potential revenue and feasibility associated with metering parking garages within the downtown area.

Parking - Mid Term Recommendations	Project Description
Columbia Ave - Parking Garage	Pursue the acquisition of land and the construction of structure Parking Garage along Columbia Ave.
5th Ave North and Main Street - Parking Garage	Pursue the acquisition of land and the construction of structure Parking Garage near 5th Ave North and Main Street.
Construction of Surface Parking lots	As part of the CIP process the board should prioritize the construction of a surface parking lots in the NE and SE area of the downtown area.

Parking - Long Term Recommendations	Project Description
Parking Authority	Evaluate the pros and cons associated with a Parking Authority and determine the best way to manage parking long term within the downtown area.

January 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
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24	25	26	27	28	29	30

July 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
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August 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
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October 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
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21	22	23	24	25	26	27
28	29	30	31			

November 2018

Sun	Mo	Tue	Wed	Th	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2018

Sun	Mo	Tue	Wed	Thu	Fri	Sat
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Finance



CIC



BOMA



Holiday



REVISED 11-28-17