

ORDINANCE 2009-63

TO BE ENTITLED: "AN ORDINANCE TO AMEND CHAPTER 6, SECTION 6.3.4, AND CHAPTER 6, SECTION 6.3.7 OF THE FRANKLIN ZONING ORDINANCE TO REVISE REQUIREMENTS RELATING TO PERFORMANCE AGREEMENTS."

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

SECTION I. That Chapter 6, Section 6.3.4(1) of the City of Franklin Zoning Ordinance is hereby amended to add the following text noted in **bold**; and is approved to read as follows:

6.3 Reduction or Release of Performance Agreement and Surety

...

6.3.4

...

(1) The applicant ~~has presented~~ **shall present** a letter to the Planning Department requesting reduction of the surety, **including the percentage amount of completion of the improvement**, or release of the Performance Agreement, including a written statement from the engineer or landscape architect employed by the applicant stating that the improvements have been installed in accordance with the approved plans and specifications.

SECTION II. That Chapter 6, Section 6.3.7 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strike through~~; to add the following text noted in **bold**; and is approved to read as follows:

6.3 Reduction or Release of Performance Agreement and Surety

...

6.3.7 No Performance Agreement for public improvements or applicable private infrastructure shall be reduced to less than ~~50~~ **twenty-five percent (25%)** of its full-face amount, irrespective of the estimated cost of completing the improvements. **The amount of reduction shall range from fifty percent (50%) to seventy-five percent (75%) of its full-face amount, contingent upon the actual amount of completion of the improvements. An amount equal to ten percent (10%) of the original amount as established by the FMPC or Administrative Action shall be deducted from the reduction to account for possible future inflation costs.**

SECTION III. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

ERIC S. STUCKEY

City Administrator/Recorder

By: _____

JOHN C. SCHROER

Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL:

PASSED FIRST READING:

11/10/09

PASSED SECOND READING:

12/08/09

PUBLIC HEARING HELD:

12/08/09

PASSED THIRD READING:



HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

October 5, 2009

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*
Vernon Gerth, Assistant City Administrator for Community and Economic
Development
Gary Luffman, Interim Planning Director

SUBJECT: Ordinance 2009-63, Zoning Text Amendment to Sections 6.3.4 and 6.3.7 of the
City of Franklin *Zoning Ordinance*

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding amendments to Sections 6.3.4 and 6.3.7 of the *Franklin Zoning Ordinance* to revise regulations relating to Performance Agreements.

Background

This *Zoning Ordinance* Text Amendment is proposed to attempt to provide a solution which will allow a more realistic reduction regarding the amount of surety held for improvements that are more than fifty percent (50%) complete. At this time the current *Zoning Ordinance* allows a maximum fifty percent (50%) reduction for improvements that range from fifty percent (50%) to ninety-nine percent (99%) complete. The amendment allows the reduction to not less than twenty-five percent (25%) and the amount of reduction shall range from fifty percent (50%) to seventy-five percent (75%) of its full-face amount. An amount equal to ten percent (10%) of the original amount as established by the FMPC or Administrative Action shall be deducted from the reduction to account for possible future inflation costs. This amendment was discussed during the Design Professionals meeting with staff on September 3, 2009. Landscaping improvements reductions are unaffected by this proposed amendment.

This text amendment was recommended unanimously by the Planning Commission at the September 24, 2009 FMPC meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the text amendment is recommended.