HISTORIC
FRANKLIN
TENNESSEE

ITEM #12
WRKS
11/12/13

MEMORANDUM

November 5, 2013

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, ACA - Community & Economic Development
Lisa Clayton, Parks Director
Kevin Lindsey, Parks Facilities Superintendent
Kelly Dannenfelser, Principal Planner PT, AICP

SUBJECT: Municipal Code Parkland Dedication and Credits for Park Facilities - Interim Solution

Purpose

The purpose of this memorandum is for the BOMA to consider the establishment of a Title in the Municipal Code on Parks with a new Chapter on Parkland Dedication and Credits for Park Facilities. The Parkland Dedication section presently resides in the City's Zoning Ordinance.

Background

The City requires new development to contribute towards community-wide park needs through a parkland dedication requirement of either parkland or monetary fee. Modification requests are being decided without an understanding of the actual city-wide park needs, but staff has drafted a master parks needs analysis RFP. As an interim step, it has been recommended that the Zoning Ordinance section of parkland dedication be moved to the Municipal Code. The attached ordinance accomplishes this with several modifications, which are outlined below:

- The first clarifies that the City may accept parkland of five acres or larger, but if the dedication requirement totals less than five acres then payment-in-lieu of dedication and/or credit for park facilities shall be utilized.
- The second is to specify the amount of in-lieu-of payment fee that reflects the actual City costs for purchasing land and making park facilities improvements.
- The third is to formalize the credit for park facilities to be used towards a percentage of the payment-in-lieu of dedication fee.

Financial Impact

The primary purpose of a parkland dedication ordinance is to ensure new development provides sufficient land for parks, greenways/blueways, recreational amenities, and/or cash dedicated toward the acquisition and improvement of parks created by the increased density. It has been decided a needs assessment and comprehensive park plan will provide the community guidance for expanding the City's recreational amenities as the community grows. In addition, the needs assessment and comprehensive park plan will include benchmarks to ensure the Parkland Dedication Ordinance is keeping pace with development in terms of acquiring parkland and creating new recreational amenities.

Recommendation

It is recommended that the BOMA approve this ordinance, as amended as an interim solution until parkland needs assessment and comprehensive plan can be completed.

ORDINANCE 2013-59

TO BE ENTITLED: "AN ORDINANCE TO AMEND THE CITY OF FRANKLIN MUNICIPAL CODE BY CREATING TITLE 25 CHAPTER 4 RELATING TO PARKS AND THE DEDICATION OF PUBLIC LAND FOR PARKS."

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 park land dedication or fees-in-lieu for new residential and mixed-use new development through Zoning Ordinance requirements; and

WHEREAS, operating and maintenance costs for public park land of less than five acres is not cost effective for the City, although private improvements in new developments are encouraged to provide park-like amenities at a smaller scale to be enjoyed by citizens within the development; and

WHEREAS, providing flexibility for a developer to provide smaller-scale on-site improvements to enhance the development that will count as credits towards the City parkland requirement achieves quality of life standards and the needs of the City; and

WHEREAS, removing Section 5.5.4-5.5.9 from the Franklin Zoning Ordinance and establishing a Title in the Franklin Municipal Code on park land dedication and park facilities credits will provide latitude to City staff in achieving recreational facilities within private developments that meet the intent of this Chapter.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that Title 25, Chapter 4 of the Franklin Municipal Code shall be created to read as follows:

Title 25 – PARKS

Chapter 1. Reserved

Chapter 2. Reserved

Chapter 3. Reserved

Chapter 4. Dedication of Public Land for Parks and Greenways/Blueways

Sec 25-401. - Dedication of Public Land for Parks and Greenways/Blueways
In addition to the standards for open space set-asides, 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.

Sec 25-402. – General Requirements

(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) **If the parkland dedication requirement totals less than five (5) acres, the applicant shall provide Payment in-Lieu of Dedication or a combination of Credit for Park Facilities and Payment-in-Lieu of Dedication in order to meet the requirements of this Chapter.**

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

(d) 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 **of five (5) acres or more**, except where the BOMA determines that two or more parcels **totaling five (5) or more acres** 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.

25-403. - Procedure for Dedication of Park Land

(1) 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.

(2) 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.

(3) Upon receipt of the Concept Plan or Preliminary Plat, the parks department shall review the proposal and prepare a recommendation regarding the dedication.

(4) 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.

25-404. - Payment In-Lieu of Dedication

(1) 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:

(a) All or part of the land required to be dedicated is not suitable for public recreation and open space purposes;

(b) 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;

(c) 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

(d) Existing park land in the area is adequate to serve the development.

(2) Procedure for Approval

(a) 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.

(b) 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.

(c) 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.

(3) 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.

(4) Amount of Payment

(a) The payment-in-lieu fee shall be equivalent to the fair market value of the acreage required for park land dedication plus the average cost of the per acre capital improvements associated with a park ($89,900) or the average cost per acre of the City acquiring parkland and installing the essential capital improvements for a park to become a useable amenity within the corporate limits of the City during the previous three (3) years is currently $266,900 per acre (land value $177,000 and improvements $89,900), whichever is less.

(b) Said fair market value of the land shall be presumed to be equal to the cost of the land paid by the developer who has become the owner of record within the previous twelve (12) months or a certified appraisal prepared by a State of Tennessee qualified appraiser within the previous twelve (12) months provided by the developer at their cost.

(c) When determining the value of the land being developed, said value shall be based on the market value in an undeveloped, unimproved state. The applicant shall submit a proposal for the payment-in-lieu fee and supply the information necessary for the Parks Department Director or their designee to evaluate the adequacy of the proposal. Unless the land is acquired by the developer who becomes the owner of record within the previous twelve (12) months, this information shall include at least one appraisal of the property, completed within the previous twelve (12) months by a State of Tennessee qualified appraiser.

~~(a) 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.~~

~~(b) Each appraisal shall be performed by a Tennessee-licensed real estate appraiser.~~

~~(c) 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.~~

~~(d) 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.~~

~~(e) 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.~~

(5) 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.

(6) 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.

25-405. - Credit for Park Facilities

(1) When park facilities are provided in a proposed development, monetary credit towards the Payment-in-Lieu of Dedication Fee may be given to the applicant when the following requirements are met:

(a) Improvements for park facilities credit must meet all federal, state, and local regulations and guidelines and be compliant with the Americans with Disabilities Act;

(b) Facilities shall be readily accessible and connected to other facilities, public rights-of-way, and greenways as determined by the Departmental Review Team (DRT);

(c) The ultimate owner of the facilities counting as credit shall be fiscally responsible for all monies required for operations, maintenance, or physical improvements to the park facilities through annual dues, special assessments, or similar arrangements; and

(d) One (1) copy of the sealed site plan and sealed construction documents, the value of the land in accordance with Sec. 25-404 (4), and the estimated value of the proposed park facilities improvements shall be submitted to the appropriate plan review personnel within the Parks Department during the development review phase.

(e) In no case shall the applicant be entitled to credit or refund that exceeds the prescribed percentages as provided in Sec 25-405 (2) and (3) and the total value of the Payment-in-Lieu of Dedication Fee unless approved by the Board of Mayor and Aldermen.

(2) An applicant may receive a monetary credit for up to eighty (80) percent of the Payment-in-Lieu of Dedication Fee by providing park facilities. Examples include a swimming pool, recreation center building, community garden, pavilion/gazebo, outdoor gym, playground, picnic area, athletic courts, open play areas, improved greenways not identified in adopted City Plans, or other park facilities as approved by the Parks Director.

(3) An applicant may receive a monetary credit for up to one hundred (100) percent of the Payment-in-Lieu of Dedication Fee by providing the park facilities with the dedication of all-access easement for a multi-use trail (constructed) within an improved greenway in accordance with adopted City Plans, a privately-owned park facility of more than five (5) contiguous acres, or a historic battlefield or other significant historic property, as approved by the Parks Director.

(4) The calculation of Credit for Park Facilities shall consist of the sum of the value of the land plus the proposed park facilities improvements in accordance with this Chapter. Any remaining percentage of the total Payment-in-Lieu of Dedication Fee that is not met by the Credit for Park Facilities shall be paid to the City prior to issuance of the first Building Permit. In the case of a disagreement between the City and the developer regarding credits, the final decision on applicability and value shall be determined by the BOMA.

ATTEST:

BY: _____
ERIC S. STUCKEY
City Administrator

CITY OF FRANKLIN, TENNESSEE

BY: _____
DR. KEN MOORE
Mayor

PASSED FIRST READING _____

PASSED SECOND READING _____

Approved as to form:

By: _____
Shauna R. Billingsley
City Attorney

DRAFT

Summary of Land Value and Parkland Improvements by Quadrant

Quadrant 1	Average Price Per Acre	Passive Park (1-acre) Improved	Total
	$ 270,000.00	$ 60,200.00	**$ 330,200.00**
	Average Price Per Acre	**Historic Park (1-acre) Improved**	**Total**
	$ 270,000.00	$ 49,500.00	**$ 319,500.00**
	Average Price Per Acre	**Active Park (Organized Recreation) (1-acre) Improved**	
	$ 270,000.00	$ 160,000.00	**$ 430,000.00**

Quadrant 3	Average Price Per Acre	Passive Park (1-acre) Improved	Total
	$ 163,000.00	$ 60,200.00	**$ 223,200.00**
	Average Price Per Acre	**Historic Park (1-acre) Improved**	**Total**
	$ 163,000.00	$ 49,500.00	**$ 212,500.00**
	Average Price Per Acre	**Active Park (Organized Recreation) (1-acre) Improved**	
	$ 163,000.00	$ 160,000.00	**$ 323,000.00**

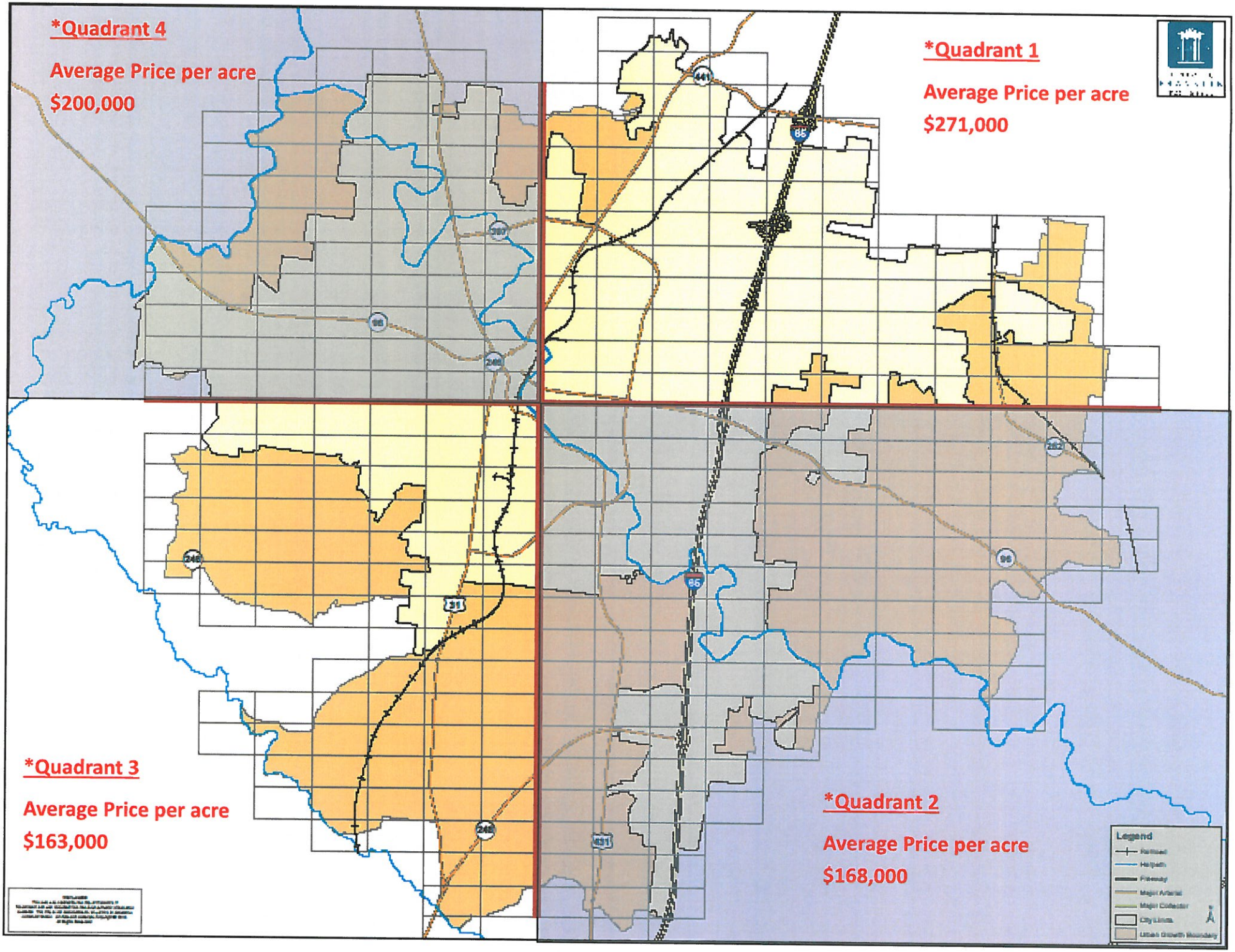
Quadrant 2	Average Price Per Acre	Passive Park (1-acre) Improved	Total
	$ 168,000.00	$ 60,200.00	**$ 228,200.00**
	Average Price Per Acre	**Historic Park (1-acre) Improved**	**Total**
	$ 168,000.00	$ 49,500.00	**$ 217,500.00**
	Average Price Per Acre	**Active Park (Organized Recreation) (1-acre) Improved**	
	$ 168,000.00	$ 160,000.00	**$ 328,000.00**

Quadrant 4	Average Price Per Acre	Passive Park (1-acre) Improved	Total
	$ 200,000.00	$ 60,200.00	**$ 260,200.00**
	Average Price Per Acre	**Historic Park (1-acre) Improved**	**Total**
	$ 200,000.00	$ 49,500.00	**$ 249,500.00**
	Average Price Per Acre	**Active Park (Organized Recreation) (1-acre) Improved**	
	$ 200,000.00	$ 160,000.00	**$ 360,000.00**

Methodology for calculating the City of Franklin's cost for acquiring land for parks and and making improvements.

	Land Value per Acre
Quadrant 1	N/A
Quadrant 2	$ 163,000
Quadrant 3	$ 168,000
Quadrant 4	$ 200,000
Total	$ 531,000
Average	**$ 177,000**

	Park Improvements per Acre
Passive Park	$ 60,200
Historic Park	$ 49,500
Active Park	$ 160,000
Total	$ 269,700
Average	**$ 89,900**


*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
Legend