

Title X – X

Chapter X – Requirements for Public Arts Development Fee

Sec. X-001 – Purpose.

It is the intent and purpose of this chapter to establish the regulatory procedure for assessing and collecting art development fees for new development within the City of Franklin to incorporate art throughout the community, requiring the developer to pay their pro rata share of the costs of new public art.

Sec. X-002. Authority.

This chapter is adopted pursuant to the powers conferred by the Franklin Municipal Charter.

Sec. X-003. – Definitions

- (1) *BOMA* means the City of Franklin Board of Mayor and Aldermen.
- (2) *FPAC* means the Franklin Public Arts Commission.
- (3) *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.
- (4) *Art in public view* means art located on the exterior of public or non-residentially zoned private property able to be viewed/observed from public property.

Sec. X-004. – Requirements

- (1) The creation of new commercial and mixed-use developments shall address the following requirements for the public arts development fee.
- (2) The schedule and method for determining public arts development shall be as specified in appendix A, comprehensive fees and penalties, chapter 26, public arts.

Sec. X-005. EXCEPTIONS:.

The arts fee shall not be assessed for the following projects or portions thereof:

1. Any project for which the total value of all construction or work for which the permit is issued is \$500,000 or less.
2. The repair, renovation or rehabilitation of a building or structure that does not alter the size or occupancy load of the building.
3. The repair, renovation or rehabilitation of a building or structure for any handicapped facilities pursuant to this code.
4. Public art within the development as approved by FPAC.

Sec. X-006. - Art Developer Fees.

Developers shall be required to meet the public art impact fee requirements through payment of public art impact fee in the amount as set forth in appendix A, comprehensive fees and penalties, [chapter 26](#), public arts. Such public art 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.

Sec. X-007. – Contract for public arts development fees

The developer shall enter into a contract with the city which contains terms and conditions relative to the public arts development fees required to be paid 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. X-008. Use of public arts development fees.

One hundred percent of the public arts development impact fees collected shall be used for the acquisition or development of art in public view within the City of Franklin.

Sec. X-009. Ordinance administration and final approval.

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

Sec. X-010. Revision of fees.

The BOMA shall review public arts development impact fees as established in appendix A, comprehensive fees and penalties, chapter 26, public arts at least once every five years.

Sec. X-011. Special fund; right to refund.

In accordance with Private Act 1987, chapter 117, public arts development impact fees will be deposited in a separate account, as determined by the City of Franklin Finance Department, and reserved for acquisition and development of public art within the City of Franklin. The city shall account for all public arts development impact fees. Any public arts development impact fees paid for such purposes shall be committed by the city within ten 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 year of becoming eligible for a refund, or such right shall be barred.

Appendix A, Chapter 26, Public Arts

<i>Public Arts Development Impact Fees</i>	0.5% of the cost of construction valuation of at least \$500,000
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