


## MEMORANDUM

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November 8, 2011

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator   
Vernon Gerth, ACA, Community and Economic Development  
Catherine Powers, Director of Planning and Sustainability

**SUBJECT:** Ordinance 2011-32, Zoning Text Amendment to amend Chapter 2, Section 2.4.2., of the *City of Franklin Zoning Ordinance*

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### Purpose

The purpose of this memorandum is to provide the Mayor and Board of Alderman (BOMA) with information regarding an amendment to Chapter 2, Section 2.4.2., of the *City of Franklin Zoning Ordinance*. This amendment will combine the current Concept Plan and Regulating Plan into a new document known as the Development Plan

### Background

Since the adoption of the 2008 Zoning Ordinance, Concept Plans have been in a bubble diagram format. This type of plan lacks detail and created a desire by some of the BOMA for more information about developments.

In spring 2011, a subcommittee, with representatives of the Development Community, including Matt Scrivener, Pulte Group, Alan Thompson, Regan Smith Associates, Doug Sharp, Southern Land Company, and Adam Ballash, Boyle Nashville, LLC, as well as Alderman Petersen and City staff was formed to discuss a change to the current Concept Plan, which would be beneficial to all entities

After several meetings, the subcommittee endorsed a zoning process change, which would combine the current Concept and Regulating Plan into a new Development Plan. This Development Plan will contain all the details of the current Regulating Plan, including but not limited to existing conditions, approximate lot lines, connectivity, open space, traffic impact, rough grading, and project phasing, thereby giving the BOMA substantially more information than under the Concept Plan. Of benefit to the Development Community, the Regulating Plan step in the process will be eliminated, thereby saving approximately two (2) months in the review procedure.



Additionally, the Development Plan creates certain triggers that, if a PUD is proposed by an applicant for a revision, could be reviewed by the BOMA, the Franklin Municipal Planning Commission (FMPC), or staff, depending on the extent of the changes. This amendment also creates a time limit for PUD Development Plan of 2 years, after which the PUD may be extended or canceled, depending upon a recommendation from the FMPC and action by the BOMA.

The Design Professional Group has reviewed the document and made recommendations, many of which have been incorporated and generally are supportive of the new Development Plan process.

The text amendment was recommended unanimously (7-0) by the Planning Commission at the October 27, 2011, FMPC meeting.

**Financial Impact**

Not applicable to this item.

**Options**

Not applicable to this item.

**Recommendation**

Approval of the text amendment.

CP:bw

**ORDINANCE 2011-32**

**TO BE ENTITLED: “AN ORDINANCE TO AMEND CHAPTER 2, SECTION 2.4.2, IN THE FRANKLIN ZONING ORDINANCE TO REVISE THE PLANNED UNIT DEVELOPMENT PROCESS.”**

**WHEREAS**, the Planned Unit Development (PUD) allows for flexibility in the planning review and approval process; and

**WHEREAS**, the Franklin Zoning Ordinance requires the PUD process for certain uses and developments; and

**WHEREAS**, this ordinance revises the PUD Process to replace the Concept Plan and the Regulating Plan with the Development Plan in Section 2.4.2.

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

**SECTION I.** That Chapter 2, Section 2.4.2 of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~striketrough~~; to add the following text noted in **bold**; and is approved to read as follows:

2.4.2 Planned Unit Developments (PUD)

This subsection provides a procedure for reviewing and approving PUDs.

...

(2) Scope

- (a) The PUD review process ~~is divided into two major phases. The first phase is the approval of a Concept Plan by the BOMA that addresses land uses, density and intensity of development, public facilities, transportation, infrastructure provision, open space, and other major development issues. The second phase is the approval of a Regulating Plan by the FMPC that demonstrates compliance with the approved Concept Plan and this ordinance.~~ **consists of a Development Plan that is reviewed and approved by the BOMA, after a recommendation from the FMPC.**
- (b) The procedures set forth in Subsections (6) and (7) below do not constitute a Zoning Map Amendment. Uses shall be determined through the application of base zoning districts and the established overlay districts. Applicants in the PUD process may simultaneously request Zoning Map Amendments, pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments, during the ~~Concept~~ **Development** Plan process established in Subsections (6)(a) through (6)(h) or Subsection (7) below.

...

(6) Procedure

The review procedure for a **new PUD**, ~~reviewed in two separate phases~~, shall be as follows. The BOMA shall approve **Concept Development Plans** by resolution regardless of the need for an associated Zoning Map Amendment application. ~~FMPC decisions on Regulating Plans shall also be made by resolution regardless of the need for an associated Zoning Map Amendment application.~~ **For amendments or revisions to Concept Plans, Regulating Plans, or Development Plans, the review procedure shall be established in Subsection 2.4.2(11), below.**

(a) Step 1 – ~~Preliminary Concept Plan~~ Meeting

- (i) Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall supply preliminary information to the Department of Planning and Sustainability in a form established by the Department of Planning and Sustainability. Such information shall be submitted at least three business days prior to the ~~preliminary plan~~ concept meeting.

...

...

(c) Step 3 – BOMA/FMPC **Joint Conceptual Project** Workshop

...

- (v) The meeting procedure shall be established by the ~~BOMA FMPC~~ **Bylaws**; however, this workshop shall not be a public hearing.

...

(d) Step 4 – Neighborhood Meeting

Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, the applicant shall be required to hold at least one formal neighborhood meeting prior to the formal application for a PUD. The applicant shall perform the following:

...

- (iii) Provide the Department of Planning and Sustainability with a written summary or transcript of the meeting as part of the **Concept Development Plan** application (Step 5);
- (iv) Identify, in writing, the concerns of the neighboring property owners raised at the neighborhood meeting. Such information shall be required at the time of the **Concept Development Plan** application (Step 5); and

...

(e) Step 5 – PUD ~~Concept Development Plan~~ Application

...

- (f) Step 6 – Department of Planning and Sustainability and DRT Review and Recommendation on ~~Concept~~ **Development Plan**
  - (i) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the ~~Concept~~ **Development Plan** application pursuant to the deadlines described in the Administrative Manual.
  - ...
  - (iii) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised ~~Concept~~ **Development Plan**.
  - (iv) Upon submittal of a revised ~~Concept~~ **Development Plan**, the Department of Planning and Sustainability shall prepare a final review of the ~~Concept~~ **Development Plan** that incorporates the comments from the DRT by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with conditions, or disapproval of the ~~Concept~~ **Development Plan** application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.
- (g) Step 7 – FMPC Review and Recommendation on the ~~Concept~~ **Development Plan**
  - ...
  - (ii) The FMPC shall make a recommendation on the ~~Concept~~ **Development Plan** to the BOMA in accordance with this ordinance, state law, and the FMPC Bylaws.
- (h) Step 8 – BOMA Review and Decision, by Resolution, on the ~~Concept~~ **Development Plan**
  - (i) The BOMA shall review, hear, and make the final decision on all applications for a ~~Concept~~ **Development Plan** application. In making such decision, the BOMA shall consider but not be bound by the recommendation of the FMPC.
  - (ii) The BOMA shall make a decision on the ~~Concept~~ **Development Plan** application in accordance with this ordinance and state law.
  - (iii) The BOMA shall hold one reading on the ~~Concept~~ **Development Plan** resolution, and it shall also be a public hearing. **If the Development Plan is accompanied by a Rezoning request, then**

**the one Reading of the Development Plan shall be placed on the same BOMA Agenda as the 2<sup>nd</sup> Reading and Public Hearing of the Rezoning request.**

- (iv) Upon approval of the resolution, the PUD ~~Concept Development~~ Plan shall be considered to be approved. A majority vote of the full membership of the BOMA shall be required to pass the decision and resolution regarding the ~~Concept Development~~ Plan.

~~(i) — Step 9 — PUD Regulating Plan/Pattern Book Submittal~~

~~(i) — Upon the approval of the Concept Plan, the applicant shall submit a Regulating Plan or Pattern Book (as appropriate) in a form established by the Department of Planning and Sustainability within one year of the effective date of the Concept Plan resolution.~~

~~(ii) — A PUD may be comprised of more than one regulating plan over the duration of the project if consistent with the phasing plan for the development.~~

~~(iii) — If the applicant does not submit a Regulating Plan or Pattern Book within one year of the date of the Concept Plan approval, BOMA may initiate steps to rehear, reconsider, or revoke the Concept Plan.~~

~~(j) — Step 10 — Department of Planning and Sustainability Review and Recommendation on the Regulating Plan~~

~~(i) — The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Regulating Plan pursuant to the deadlines described in the Administrative Manual.~~

~~(ii) — The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.~~

~~(iii) — From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised Regulating Plan.~~

~~(iv) — Upon submittal of a revised Regulating Plan, the Department of Planning and Sustainability shall prepare a final review of the Regulating Plan by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with modifications, or disapproval of the Regulating Plan application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.~~

~~(k) — Step 11 — FMPC Review and Decision, by Resolution, on the Regulating Plan~~

- ~~(i) The FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the Administrative Manual.~~
- ~~(ii) The FMPC shall review, hear, and make the final decision on all applications for a Regulating Plan application in accordance with this ordinance, state law, and the FMPC Bylaws.~~
- ~~(iii) The FMPC shall make a decision on the Regulating Plan in accordance with this ordinance and state law.~~
- ~~(iv) The FMPC shall make its decision in the form of a resolution.~~

(7) Approval Criteria for the PUD ~~Concept~~ **Development** Plan  
 Recommendations and decisions on a ~~Concept~~ **Development** Plan shall be based on consideration of the following criteria:

(a) Plan and Ordinance Consistency

- (i) Whether the proposed ~~Concept~~ **Development** Plan is consistent with the land use plan or other applicable city plans;
- (ii) Whether the proposed ~~Concept~~ **Development** Plan is consistent with the purpose of this ordinance, including, but not limited to, the applicable character area overlay district;
- (iii) Whether the proposed ~~Concept~~ **Development** Plan will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife habitat, water quality, and vegetation;
- (iv) Whether the proposed ~~Concept~~ **Development** Plan will ensure efficient development within the city;
- (v) Whether the proposed ~~Concept~~ **Development** Plan will result in a logical and orderly development pattern; and

...

(b) Design

- (i) The proposed ~~Concept~~ **Development** Plan illustrates a design that supports and is consistent with the land use plan.
- (ii) The proposed PUD **Development** Plan will provide community amenities to support the public health, safety, and general welfare including, but not limited to, land dedicated for safety-service purposes, additional park and recreational facilities,

additional open space, and non-vehicular connections (e.g., bike/hike trails) to the greater community.

...

(c) Public Facilities and Infrastructure

- (i) The proposed ~~Concept~~ **Development** Plan demonstrates a safe and adequate on-site transportation circulation system that is integrated with the off-site circulation system of the city.
- (ii) The proposed ~~Concept~~ **Development** Plan provides for sufficient pedestrian and vehicular connections between residential and nonresidential uses and with the planned on-site open space and recreational uses.
- (iii) The proposed ~~Concept~~ **Development** Plan will have adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection, and streets.

...

...

~~(8)~~ **(8)** Approval Criteria for the PUD Regulating Plan

~~Recommendations and decisions on a Regulating Plan shall be based on consideration of the following criteria:~~

~~(a)~~ **(a)** Compliance with the PUD Concept Plan

~~The Regulating Plan demonstrates full compliance with the Concept Plan.~~

~~(b)~~ **(b)** Compliance with the Ordinance

~~(i) The Regulating Plan demonstrates full compliance with Chapter 5: Development Standards, unless otherwise modified through procedures set forth in this chapter.~~

~~(ii) That the Regulating Plan meets all the requirements or conditions of any applicable development approvals (e.g., Variance, or modification of development standards permitted and approved as part of the PUD process).~~

~~(c)~~ **(c)** Phasing

~~The proposed phasing plan of the development insures protection of natural resources and the health, safety, and welfare of the city, and its residents.~~

~~(9)~~ **(8)** Effect of ~~Concept~~ **Development** Plan Approval on Project Entitlements and Design

- (a) The project entitlements, the density and/or intensity approved by BOMA in the ~~Concept~~ **Development** Plan, shall be subject to the



application of the development standards of this ordinance and any conditions of the approved ~~Concept~~ **Development Plan**. If, upon the application of the development standards and the conditions of the approved ~~Concept~~ **Development Plan**, the applicant cannot achieve the maximum approved entitlements, the applicant shall be confined to the entitlements achieved from the application of the standards in this ordinance and any conditions of approval.

- (b) The applicant may not apply for a Variance in order to achieve the maximum allowable entitlements after approval of the ~~Concept~~ **Development Plan**.
- ~~(c) — Design details submitted with the Concept Plan application that are components of the Regulating Plan per the Administrative Manual are supplemental and beyond the intent of a Concept Plan. If, upon the application of the development standards and the conditions of the approved Concept Plan, the applicant cannot achieve any design details shown in conjunction with the supplemental material provided with a Concept Plan application, the applicant shall be confined to the design achieved from the application of the standards and any conditions.~~

~~(10)~~ **(9)** Site Plan Review Required

~~Depending on the development type,~~ **Upon final approval of the Development Plan and resolution of any conditions of approval,** the applicant ~~may~~ **shall** be required to submit an application for Site Plan review in accordance with Subsection 2.4.3, Site Plan Review.

~~(11)~~ **(10)** Modification of Development Standards

As stated in Subsection (1), the PUD process is intended to encourage innovative land planning and design. In order to achieve the purpose and intent of a PUD, as part of an application for a ~~Concept Plan or Regulating~~ **Development Plan**, an applicant may request modifications of the development standards of this ordinance. **Modification of Development Standards (MOS) shall be reviewed by the BOMA, which may grant the MOS as requested, grant the MOS with modifications, or deny the MOS.** However, in order to protect the overall purposes of this ordinance, the following standards shall not be modified through the PUD procedure:

- (a) Section 5.8, Environmental Protection Standards; or
- (b) Table 3-5, Base District Density and Building Height.

~~(12)~~ (11) Amendments or Revisions of to an Approved PUD Development Plan, Concept Plan, or PUD Regulating Plan

- ~~(a)~~ — If an applicant desires to deviate from an approved Concept Plan or Regulating Plan, the deviation may be made with the approval of the appropriate city department with the exception of those changes stated in paragraph (b) below. However, if a proposed change will, in the opinion of the appropriate city department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the city at large, then a re-submittal to the FMPC and/or BOMA pursuant to the provisions of this chapter shall be required. Unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings, a neighborhood meeting and PUD conceptual project workshop shall be required for revisions to Concept Plans.
- ~~(b)~~ — Any of the following deviations from an approved Concept or Regulating Plan shall require re-submittal to the FMPC or the BOMA, as well as a new neighborhood meeting and FMPC/BOMA conceptual project workshop (if applicable):
  - ~~(i)~~ — The density or intensity of the development is to be increased;
  - ~~(ii)~~ — For nonresidential and mixed-use buildings, the gross square footage is to be increased or the number of stories is to be reduced or increased;
  - ~~(iii)~~ — Open space is to be decreased from the percentage approved in the Concept Plan or Regulating Plan;
  - ~~(iv)~~ — There is any change in plans for historic structures or sites (The HZC shall review and provide a recommendation to the FMPC.);
  - ~~(v)~~ — Drainage, streets, or other engineering design changes will materially alter items approved in the Concept Plan or the Regulating Plan; or
  - ~~(vi)~~ — There are any major changes that could potentially create adverse impacts on stormwater quality or quantity management.
- ~~(c)~~ — For Concept Plans, the FMPC shall review and make a recommendation on the amendment to BOMA who shall review and make a decision on the proposed amendment. The FMPC shall consider amendments to Regulating Plans.
- ~~(d)~~ — In making the distinction between a non-substantial deviation and a change that substantially affects the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the city at large of an approved Concept Plan or Regulating Plan, the appropriate city department head may require that the applicant hold a conceptual project workshop to gather information about the proposed change and to solicit input from BOMA and/or the FMPC.

The following subsections provide the framework for revisions or amendments to Concept Plans, Regulating Plans, or Development Plans. For those Concept Plans approved prior to July 1, 2008, Subsection 2.4.2(11)(a) shall be the governing review process, as they were originally approved by BOMA, with review from the FMPC. For Concept Plans or Regulating Plans approved between July 1, 2008 and (effective date of this ordinance), either subsection 2.4.2(11)(a) or 2.4.2(11)(b) shall apply, depending on the elements of the development proposed for revision (for example, Subsection 2.4.2(11)(a) would be the governing review process for an increase to the overall entitlements, while Subsection 2.4.2(11)(b) would be the governing review process for a change in the overall block-structure of a development).

- (a) **Franklin Municipal Planning Commission and BOMA Review**  
The items below, in each case, are considered deviations from a Development Plan or Concept Plan of record and require approval of a revised Development Plan by the FMPC and the BOMA, according to the procedure described in Subsection 2.4.2(6), above. These items relate to the overall entitlements for a development. These items are:
- (i) Overall entitlements for the development are increased by more than 10%, i.e. the total number of dwelling units or amount of non-residential square footage is increased by more than 10%.
  - (ii) The total gross amount of open space is decreased by more than 10%. However, all plans shall provide, at a minimum, the amount of open space required by the Franklin Zoning Ordinance.
  - (iii) The number of external access points, the street network, or streets identified in the Major Thoroughfare Plan are substantially changed and impacts the project, as approved.
  - (iv) The revised plan must be submitted if there is a change to a BOMA condition that impacts the physical character of the development. For example, a change to a specific condition regarding placement/materials of an aspect of the construction. If the condition does not address a construction related condition for example a condition for monetary set-aside, only the request need be considered.
  - (v) Any revision that requires a Modification of Standards or that requires a change to a Modification of Standards previously approved for the development. However, Design Modifications, as described in Section 5.3.11 of the Franklin Zoning Ordinance,

may be granted by the FMPC as part of the Development Plan or Site Plan review process.

**(b) Franklin Municipal Planning Commission Review**

The items below, in each case, are considered deviations from a Development Plan, Concept Plan, or Regulating Plan of record and require approval of a revised Development Plan by the FMPC. These items relate to the conceptual layout of a development. A Development Plan shall not be submitted in conjunction with a site plan. These items are:

- (i) Any increase in density or intensity of more than 10%, or the number of stories is changed within a particular phase of the development and such revision impacts a particular aspect of the project established by the Development Plan.**
- (ii) Any removal of specimen trees shown as preserved on the Concept Plan/Regulating Plan; the removal of trees that establish a desired buffer for particular resources, such as historic resources, water bodies or adjacent properties. Removal of trees shall in any event require replacement trees according to Section 5.2.5(7) of the Franklin Zoning Ordinance.**
- (iii) A reduction of more than 10% in open space within a section of development that alters the character of the development in that section. For example, a reduction in the overall number of pocket parks in one of the residential sections of a development.**
- (iv) Any impact to existing historic structures or sites.**
- (v) Any revisions to drainage, streets, or other engineering design changes that alter items approved in the Concept Plan, including significant changes in traffic circulation.**
- (vi) Any change that could potentially create adverse impacts on stormwater quality or quantity management.**
- (vii) Any revision that results in a violation of the standards of Section 5.8 (Environmental Protection Standards) of the Franklin Zoning Ordinance.**
- (viii) Changes to the internal street network or block layout, such as the elimination of streets or connection points.**

**Any revision or amendment that meets any of the items in Subsection 2.4.2(11)(b)(i-viii), above, shall follow the following review and approval procedure:**

**Step 1 – Department of Planning and Sustainability Review and Recommendation on the Development Plan**

- (1) The applicant shall meet with the Department of Planning and Sustainability and other departments, as appropriate, for a preapplication conference unless waived in accordance with Subsection 2.3.6, Waiver of Required Meetings.**
- (2) The Department of Planning and Sustainability shall organize and conduct a meeting of the DRT to review the Development Plan pursuant to the deadlines described in the Administrative Manual.**
- (3) The applicant shall submit an application in accordance with Section 2.3, Common Development Review Requirements.**
- (4) If the applicant fails to submit an application within 120 days of the preapplication conference, the applicant shall be required to begin the review procedure again from the Step 1 (1), above.**
- (5) The Department of Planning and Sustainability shall make available, in writing via checklist, checkprint or memo, all comments and recommendations from the DRT to the applicant.**
- (6) From the date of receipt of the DRT comments, the applicant shall have until the deadline established in the Administrative Manual to address the comments and submit a revised Development Plan.**
- (7) Upon submittal of a revised Development Plan, the Department of Planning and Sustainability shall prepare a final review of the Development Plan by the deadline established in the Administrative Manual, and recommend to the FMPC the approval, approval with modifications, or disapproval of the Development Plan application. The Department of Planning and Sustainability may also recommend the continuance of the matter to allow for further review.**

**Step 2 – FMPC Review and Decision on the Development Plan**

- (1) The FMPC shall hold a public meeting by the date established in the FMPC Bylaws and the Administrative Manual.**

- (2) The FMPC shall review, hear, and make the final decision on all applications for a Development Plan application in accordance with this ordinance, state law, and the FMPC Bylaws.
- (3) The FMPC shall make a decision on the Development Plan in accordance with this ordinance and state law.
- (4) Upon approval of the Development Plan by the FMPC, site plan review shall be required, in accordance with Subsection 2.4.3, Site Plan Review.

(c) Staff Review

The items below, in each case, are considered deviations from a Development Plan, Concept Plan, or Regulating Plan of record and may be approved by the Director of Planning and Sustainability. The Director of Planning and Sustainability or his/her designee may at his/her discretion choose to forward any change to the DRT and/or FMPC for review.

- (i) There are changes in open space, which do not reduce the amount by more than 10% and do not alter the character of the development.
- (ii) There are changes in density or intensity that are less than 10%, which do not alter the character of the development.
- (iii) There are parking changes or other minor engineering revisions that do not impact the character of the project.
- (iv) There are minor changes to the street network, which do not impact the character of the development.

A revision or amendment that meets any of the items in Subsection 2.4.2(11)(c)(i-iv), above, shall submit the revision or amendment to staff and the approval of the revision or amendment shall be listed on the Administrative Agenda.

- (12) PUDs Approved Between July 1, 2008 and *(the effective date of this ordinance)*  
For any PUD Concept Plan or Regulating Plan approved between July 1, 2008 and *(the effective date of this ordinance)*, the following review procedure shall apply:
  - (i) Concept Plans that are to be amended or revised shall follow the process and procedure, as described in Subsection 2.4.2(11)(a), above.

- (ii) **Concept Plans which do not have approved Regulating Plans for all Sections or Phases within the PUD which have Sectioned or Phased Regulating Plans shall follow the process and procedure as described in Subsection 2.4.2(11)(b), above for approval of those unapproved sections or phases.**
- (iii) **Concept Plans that have not submitted any Regulating Plans for a PUD shall follow the process and procedure as described in Subsection 2.4.2(11)(b), above.**

**(13) Time Limit**

**Since the approval of a Development Plan is not intended for speculative development projects, but represents an applicant's firm intention to develop according the entitlements and master plan approved with the Development Plan, the Planning Commission shall review each Development Plan within two (2) years of the BOMA approval date and each subsequent year until the PUD Development Plan is deemed Complete. For the purposes of this subsection, Complete shall mean either the issuance of a building permit for any section of the PUD and vertical construction has commenced or the issuance of a Grading Permit for any section of the PUD and construction of streets, sewer, water, or other utilities (land preparation such as clearing, grading, and filling shall not be a sufficient level of construction activity to be considered complete); Actively Under Development shall mean that either site plans and plats are approved by the City for any section of the PUD or land preparation such as clearing, grading, and filling is underway for any section of the PUD; and Inactive shall mean that none of the items defined as Complete or Actively Under Development have occurred on site. The FMPC may consider other factors not specifically described above in the review of the status of the PUD. During the FMPC review of the status of the PUD, Development Plans shall be classified as (1) Complete, (2) Actively Under Development, or (2) Inactive. If, after review, the project is deemed Actively Under Development by the FMPC, then the project shall again be reviewed within 1 year to re-determine its status. If, after review, the project is deemed Inactive by the FMPC, the following process shall apply to determine the continued appropriateness of the Development Plan:**

- (a) **The FMPC shall make a recommendation onto the BOMA as to whether the Development Plan should remain in effect on the property, whether any amendments or revisions to the approved Development Plan are necessary, or whether the Development Plan should be revoked. The FMPC may consider the following in the review of the Development Plan the Land-use Plan, the Zoning Ordinance, the Subdivision Regulations, and/or any other City regulations.**

- (b) The BOMA shall consider the FMPC recommendation and then shall either affirm that the Development Plan should remain in effect, providing a 1 year extension for the plan, or shall act to revoke the Development Plan.

**SECTION II.** 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: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL:	<u>10/27/11</u>
PASSED FIRST READING:	_____
PUBLIC HEARING HELD:	_____
PASSED SECOND READING:	_____
PASSED THIRD READING:	_____