

ORDINANCE NO. 96-8

AN ORDINANCE TO RECAPTURE, FROM FUTURE DEVELOPERS, PUBLIC WORKS INFRASTRUCTURE INVESTMENT MADE BY THE TOWN OF SPRING HILL, WHEREIN DEVELOPERS CONTRACTED WITH THE BOARD OF MAYOR AND ALDERMEN, AND WERE SUBSEQUENTLY COMPENSATED FOR SAME, TO PERFORM WORK BEYOND THE MINIMUM REQUIRED BY THE SPECIFIC NEEDS OF THE DEVELOPERS, SUBDIVISION REGULATIONS, CONSTRUCTION CODES OR OTHER GENERAL LAW REQUIREMENTS, THIS INVESTMENT BEING MADE BY THE TOWN FOR THE PURPOSE OF SOUND PLANNING BY CONSTRUCTION OF PUBLIC WORKS INFRASTRUCTURE FOR FUTURE GROWTH

Whereas, the Town of Spring Hill has been spread over many square miles as a consequence of annexation, such annexation being done by the Town to accommodate the rapid growth needed for the ingress of Saturn Corporation employees, this growth having precipitated more growth caused by suburbanites;

Whereas, development in Spring Hill has been separated by open spaces occasioned by the random sale of property sold for development and the resulting random timing of development;

Whereas, it is in the interest of the Town, as a general rule, to encourage the development of open land between built-out subdivisions and/or industrial/commercial structures in order to create a community and lower unit tax/rate costs for public services;

Whereas, it is in the interest of the Town to insure the lowest cost and best service be made available for future development and development density within the general plan of land use as envisioned by the Board of Mayor and Aldermen; and

Whereas, in order to insure that infrastructure construction be done to best accommodate this planned future growth rather than allowing a first developer (original developer within an infrastructure sub-system) to serve his minimum needs consistent with all subdivision and zoning regulations, codes or other general law requirements, the Town must invest in public works infrastructure for the future, and recapture this investment from future developers who will benefit from this prior investment made by the Town of Spring Hill.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE that the following ordinance be in effect to insure the recapture of investment monies by the Town of Spring Hill in future oriented public works infrastructure, the public interest requiring same:

Section One. Infrastructure System investment defined.

A developer who seeks to do development within the corporate limits of the Town of Spring Hill, unless there is a specific contract with the Town, is allowed to do public works infrastructure construction at minimum cost to himself; however, such construction must meet the requirements of all subdivision regulations, zoning codes, construction codes, major road plan requirements, or other general law requirements as adopted by the Board of Mayor and Aldermen of the Town of Spring Hill or higher level jurisdictions.

The Board of Mayor and Aldermen may, in contemplation of future growth, require the developer to construct infrastructure in a different direction, to an increased capacity, or to other miscellaneous and varied specifications, not otherwise defined herein, such specifications to be geared to accommodate future growth.

If such increase in cost to a developer is mandated by the governing Board, the developer will be compensated through credits given on development fees, this compensation to the original developer to be classified as a recapture qualified infrastructure investment.

Section Two. Implementation of plans and contracts.

The modification in infrastructure construction plans, above the minimum required of the original developer, will be determined by the planning commission pursuant to the advice of city staff and engineering consultants.

The Town engineer will calculate all dwelling unit equivalences, increased capacity and/or location requirements or other specifications as needed for infrastructure to accommodate growth and will present same to the governing Board.

The governing Board, following planning commission and engineer recommendations, may enter into a contract with the original developer to perform increased work above minimum requirements of the original development with increased costs to be compensated by development fee credits.

This ordinance is not intended to create any obligation for the Board of Mayor and Aldermen to enter into special contracts with a developer, the judgment as to whether future growth will occur or be encouraged to occur being entirely within the discretion of the governing Board.

Section Three. Authority to determine recapture rates.

Future developers, using the constructed sub-system, will compensate the Town of Spring Hill at a rate per dwelling unit or dwelling unit equivalencies by a schedule written in a resolution passed by the Board of Mayor and Aldermen, this compensation being in addition to all other development fees.

The rate setting resolution will be entitled with the specific name of the sub-system of public works infrastructure.

The Board of Mayor and Aldermen will exercise sole judgment as to whether development will occur and/or the volume of development which might occur in the vicinity of an infrastructure sub-system. The Board therefore has the authority to set recapture rates per constructed unit at whatever amount it chooses.

Full compensation, at the rate per constructed unit to include unit equivalences, will be paid to the Town anytime during a period of fifteen years following date of acceptance of the work by the Town; after fifteen years, no recapture of monies will be sought by the Town from future developers.

Passed and adopted by the Board of Mayor and Aldermen of the Town of Spring Hill, Tennessee, on the _____ day of _____, 1996.



RON HANKINS, MAYOR

ATTEST:



JUNE QUIRK, RECORDER

LEGAL FORM APPROVED:

N. HOUSTON PARKS, ATTORNEY

PASSED ON 1ST READING: 1-15-96

PASSED ON 2ND READING: Did not pass