



ORDER NO. 2022-133
REQUEST OF PLANNING & ZONING SUBCOMMITTEE

UPON THE REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council votes to approve the amendments to Section V. Special Regulations relative to an increase in affordable and workforce housing requirements to 13% – amend Sections V.G.3.d.; V.H. 3.a, V.L.3.b.ii; add new section V.K.3.f; to amend the increase to reflect a combined workforce and AHU requirement to 13% of which 1% increase be applied to Affordable Housing units and 2% increase be applied to workforce housing units found in Special Regulations Section V.H., V.K., and V.I. and further to add and increase workforce housing requirements in the Special Regulations section V.H., V.K, and V.I.; Further to amend by deleting Section V.I. 6.d. Payment-in-lieu in its entirety; Further to amend the dimensional regulation Chart Section IV.E.2 to amend the minimum side setback to read “minimum rear/side setback” to provide clarity to the setback regulations that currently are omitted; add the definition of “Affordable Housing Units (AHU)” to Section I.E. definition section of zoning ordinance, to be inserted after “Adult Video Store” and before “Agriculture and/or Farm.” Further, to exclude Nobscot Zoning District from these amendments. Redline changes are attached.

INITIAL READING:

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Ottaviani, Stefanini, Steiner
NAYS: Long, Mallach, Stewart-Morales
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
IN COUNCIL: December 20, 2022

TABLED TO FUTURE MEETING DATE

FIRST READING:

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person
PASSED IN COUNCIL: January 3, 2023

City of Framingham



The City Council of Framingham



SECOND READING:

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani,
Stefanini, Steiner, Stewart-Morales

NAYS: None

ABSTAIN: None

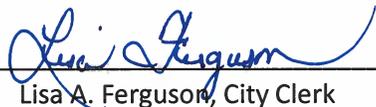
ABSENT: All members were present in person or via teleconferencing

PASSED IN COUNCIL: January 17, 2023

A True Record, Attest:

1/18/2023

Date Approved



Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

1/19/23

Date Approved



Charlie Sisitsky, Mayor

ORDER 2022-133 Amendments to Affordable and Workforce Housing

The following are the sections are amended as follows:

- **V.G.3.d. (Mixed Use Regulations)** Residential Composition Residential composition in a proposed Mixed Use development shall be comprised of studios, one-bedroom units and two-bedroom units only. In no case may other rooms in a unit be converted to additional bedrooms. Dwelling units within a Mixed Use development may measure no less than 600 square feet. No more than twenty percent (20%) of the units in a Mixed Use development proposal may consist of studio units. No more than three individuals unrelated by birth, marriage or adoption may occupy a dwelling unit in a Mixed Use development. The Planning Board may require a stipulation of said limit on unrelated individuals be included within all leases, condominium documents, protective covenants and other related documents.
- **V.H. 3.a. (Inclusionary Zoning)** In any development subject to this Section V.H, at least **10-11 percent** of the dwelling units shall be Affordable Housing Units (AHU). Fractional interests shall be rounded up to the next whole number. Nothing shall preclude an applicant from providing more AHUs than the number required herein.
- **V.L.3.b.ii. (Open Space Cluster Development R-3 and R-4 Districts)** Design: The Neighborhood Cluster Development Ordinance design standards found in Section V.K.3.d.2., 4., 7., 9-12, 15-18 and the Inclusionary Housing Ordinance requirements of Section V.H. of these Zoning Ordinances apply.
- **new section V.K.3.f; (Neighborhood Cluster Development R-1 and R-2 Districts) to amend the increase to reflect a combined workforce and AHU requirement to read as follows:**

NCD projects must comply with all the requirements of Section V.H. Inclusionary Housing Ordinance in addition to providing the current required percentage of workforce housing units as amended from time to time.

- **to amend the increase to reflect a combined workforce and AHU requirement to 13% in Special Regulations Section V.H., V.K., and V.I.**
- **V.I.6. (Adult Housing)** Workforce and Inclusionary Housing In an effort to provide a diversity of housing stock within the development and the City of Framingham, a developer of an AH project shall provide a minimum of ~~ten~~**eleven** percent of the units as Affordable Housing Units (AHU), pursuant to Section 6.a and a minimum of ~~twelve~~**ten** percent of the units as Workforce Housing units, pursuant to Section 6.b.
- **V.I.6.a. Affordable Housing Unit (AHU)** All AH projects that are approved after January 1, 2019, under the minimum age requirement of 62 years of age shall comply with the requirements set forth in Section V.H of these Ordinances.
- **V.I.6.b. Workforce Housing Units** i. The number of Workforce Housing units shall equal **10-12** percent of the total number of AHU in the project. The first ~~ten~~**twelve (12)** Workforce Housing units shall be counted as part of the total number of residential units. Each required Workforce Housing unit above ~~ten~~**twelve** shall be added onto the total number of residential units. For example, a project with 100 units the developer shall provide a minimum of ~~80~~**77** units as market rate, ~~10-11~~ units as AHU, and ~~10-12~~ Workforce Housing Units for a total of 100 units. For

projects with 110 units, the developer shall provide a minimum of ~~86~~ **89** units as market rate, ~~12~~ **11** units as AHU, and ~~13~~ **11** Workforce Housing Units for a total of 111 units (the 111th unit is the Workforce Housing Unit).

- and further to add and increase workforce housing requirements in the Special Regulations section V.H. **(Inclusionary)**, V.K **(Neighborhood Cluster Development)**, and V.I. **(Adult)** to **reflect a required additional 2% to workforce housing units per project;**

➤

- **Further to amend by deleting Section V.I. 6.d. Payment-in-lieu in its entirety;**

V.I.6.d. Payment in Lieu of Constructing Affordable Housing Units for AH Projects special permit issued after January 1, 2019, with a minimum age of 55 years or older Notwithstanding any provision in the AH Ordinance, an Applicant who is granted a Special Permit for Active Adult Housing by a Decision of the Planning Board and filed with the City Clerk after January 1, 2019, with a minimum age of less than 62 years if age shall make a cash payment for the required number of AHU under Article V.H.3 of these Ordinances. The City of Framingham shall use such funds to construct AHUs within Framingham that are not age restricted and shall be open to all who qualify under Section V.H of these Ordinances. Such requirements of payment in lieu shall be as follows.

i. The payment shall be made prior to the issuance of a Certificate of Occupancy for each unit that represents 10 percent of the total project. FRAMINGHAM ZONING ORDINANCES SECTION V. SPECIAL REGULATIONS FEBRUARY 1, 2021 SECTION V. PAGE 157

a) For ownership developments, the financial contribution for each affordable unit shall be equal to the difference between the average market sales price for the market-rate units in the subject development and the purchase price affordable to a two-person low income household as defined by the respective years AMI for the Boston-Cambridge Area.

b) For rental units, the financial contribution for each affordable unit shall be equal to the difference between the average market rental price for the market-rate units in the subject development and the rent affordable to a two-person low-income household as defined by the respective years AMI for the Boston-Cambridge Area. Such funds shall be paid yearly, prior to the start of each calendar year.

c) Framingham shall utilize the funds to create AHU within close proximity to the project.

d) The funds for the creation of AHU shall be deposited into a special Housing Account held by the Planning Board and used exclusively for the construction or rehabilitation of new AHUs within Framingham. The Chair of the City Council and Chair of the Planning Board shall jointly provide a recommendation to the Mayor for approval regarding the location of the new affordable housing units and/or the appropriation for the use of such funds. All such recommendations shall be voted during an open public meeting where all three parties are present.

- **Section II.K. Nobscot Village District – No Change to this section.**

6. Mixture of Residential

a. A mixture of affordable housing options shall be required for all residential projects within the B-4 District to aid in providing access to all those who choose to make Framingham their home. **Developers are required to comply with Section V.H of the Framingham Ordinances.**

b. Residential uses that exceed fifty (50) units shall require 5% (five percent) of the units designated as Workforce Housing Units. The number of units designated as Workforce Housing Units shall be included in the total number of units **after deduction of the required number of Affordable Housing Units (AHU).** Such Workforce Housing Units shall not increase the Affordable Housing Unit (AHU) requirements pursuant to Section V.H of the Framingham Zoning Ordinances.

c. The provision of more than 5% (five percent) Workforce Housing Units, may provide the basis for the Planning Board to grant waiver requests (Section II.K.11 of these Zoning Ordinances) and dimensional relief (Section II.K.8 of these Ordinances, but shall not be considered for requests of constructing structures over three (3) stories and/or above forty (40) feet in height.

d. Projects within the B-4 District shall provide a mixture of housing options, which may include Workforce Housing, artist live-work housing, over-55 housing, over-62 housing, townhouses, etc. to promote an integrated and diverse community.

➤ **Further to amend the dimensional regulation Chart Section IV.E.2 to amend the minimum side setback to read "minimum rear/side setback" to provide clarity to the setback regulations that currently are omitted; add the definition of "Affordable Housing Units (AHU)" to Section I.E. definition section of zoning ordinance, to be inserted after "Adult Video Store" and before "Agriculture and/or Farm."**
