



Legislation Text

File #: 16-0620, **Version:** 1

DATE: August 2, 2016

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator - Community/Economic Development
Emily Hunter, Planning and Sustainability Director
Jim Svoboda, Principal Planner

SUBJECT:

Consideration of Ordinance 2016-030 To Be Entitled: "An Ordinance To Amend Title 21, Affordable And Workforce Housing Of The Franklin Municipal Code In Order To Delete Chapter 7, Inclusionary Housing For Previously Approved Planned Unit Developments." (08/09/16 WS, 08/23/16 1st BOMA Reading 8-0) SECOND AND FINAL READING

Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning removing the Inclusionary Housing for Previously Approved Planned Unit Developments requirements in the Franklin Municipal Code.

Background

In 2010, the BOMA adopted Ordinance 2010-21 establishing inclusionary housing regulations and standards to promote the development of affordable and workforce housing within the City. The Ordinance amended Title 21 of the Franklin Municipal Code to add a new Chapter 7, Inclusionary Housing For Previously Approved Planned Unit Developments, which required any residential Planned Unit Developments (PUDs) approved prior to April 1, 2010, that requested an increase in density to provide at least ten (10) percent of the additional units being requested to be affordable housing units. The Ordinance established various options for how the requirement could be met. In 2015, the BOMA determined that in order to continue to promote housing diversity within the City it was necessary to adopt Ordinance 2015-03 and amend the regulations to apply to all PUDs, regardless of the date of approval.

On April 7, 2016, the Tennessee General Assembly adopted Public Chapter 822 prohibiting local governments from enacting, maintaining, or enforcing any zoning regulations, requirements, or conditions of development imposed by land use or zoning ordinances, or regulations, that require the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable housing. The Act applies to all existing and future regulations. The passage of this Act invalidates the provisions adopted by the City and therefore it is necessary for BOMA to remove the PUD Inclusionary Housing requirements from the Municipal Code. The Act however does not affect local governments from creating or implementing incentive-based programs designed to increase the construction and rehabilitation of moderate or lower-cost private residential or commercial rental unit. The existing incentive based programs in Title 21 are not affected by the Act and the City can evaluate other opportunities to

incentivize and promote the development of affordable and workforce housing.

Financial Impact

The BOMA will no longer be able to receive fees-in-lieu of funds as an alternative for the construction of affordable/workforce housing units associated with requests for increased density in previously approved residential PUDs.

Recommendation

Staff recommends approval of Ordinance 2013-030.