

**TOWN OF GLASTONBURY
AFFORDABLE HOUSING STEERING COMMITTEE AGENDA
WEDNESDAY, JULY 28, 2021 – SPECIAL MEETING
6:00 P.M. – COUNCIL CHAMBERS, 2ND FLOOR, TOWN HALL**

Committee Members:

Deborah Carroll – Town Council
Lillian Tanski – Town Council
Sharon Purtill – Town Plan & Zoning Commission
Christopher Griffin – Town Plan & Zoning Commission
Neil Griffin – Executive Director, Housing Authority
Carl Stenman – Housing Authority Board of Commissioners
Nick Paindiris – Community Member
Patty Parent – Community Member
Richard J. Johnson – Town Manager
Rebecca Augur – Director of Planning & Land Use Services
Jonathan E. Mullen, AICP – Planner - Excused
Glenn Chalder - Consultant

1. Roll Call
 - a. Pledge of Allegiance
 2. Public Communication and Petitions
 3. Special Business
 - a. Goal Setting for Affordable Housing Steering Committee - Facilitated Discussion
 - b. Examination of Potential Affordable Housing Strategies for Glastonbury - Facilitated Discussion
 4. Adjournment.
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1**INCREASE NUMBER OF AH DEVELOPMENTS****1. ASSISTED HOUSING**

- a. Housing Authority
 - Elderly / Disabled
 - Family
- b. Private / Non-Profit Developer

2. TENANT RENTAL ASSISTANCE**3. CHFA / USDA MORTGAGE**

- a. Down Payment Assistance
- b. Cooperative Ownership

4. DEED-RESTRICTED

- a. Encourage
- b. Incentivize
- c. Require

3**EXPAND HOUSING CHOICES / AREAS****1. ACCESSORY DWELLING UNITS****2. “MISSING MIDDLE” HOUSING**

- a. Two Family
- b. 3-4 Family
- c. Multiplex (5-12 units)
- d. Street-front Townhouse
- e. Cottage Court

3. NATURALLY OCCURRING AH**4. COMMUNITY VISION**

- a. Centers / Villages
- b. Water / Sewer
- c. Transit
- d. Arterial / Collector
- e. Transitional Use

2**ADD INCENTIVES / REMOVE IMPEDIMENTS****1. REMOVE MINIMUM FLOOR AREA****2. REDUCE LOT / PARCEL SIZE**

- a. Overall
- b. AH Specific

3. SIMPLIFY APPROVAL PROCESS

- a. Overall
- b. AH Specific

4. GUIDE DESIGN

- a. Form-Based Regulation
- b. Overlay Zone With Design Requirements
- c. Require Universal Design

4**ESTABLISH A SUPPORTIVE AH FRAMEWORK****1. HOUSING TRUST FUND**

- a. Zoning Fee / Municipal Funding / Grants / Donations

2. STANDARD DOCUMENTS

- a. Affordability Plan / 3rd Party Administrators / Deed Restrictions / Right-Of-First Refusal

3. ORGANIZATION(S)

- a. AH Committee / Housing Authority

4. CDBG FUNDING**5. TAX INCENTIVES**

- a. Tax Increment Financing / Abatements

6. SUPPORT “AGING IN PLACE”

- a. Social / Health / Nutrition / Transportation / Maintenance / Adaptation Programs

Examples of Local Affordable Housing Strategies

The following examples are intended for reference only to aid in discussions of what types of strategies are appropriate for Glastonbury. The Committee is not expected to have reviewed all of these examples prior to its July meeting; however, reviewing the summary below and the details (attached) of any strategy that seems particularly relevant to Glastonbury may help in upcoming discussions.

1. Increase Number of Affordable Housing Units

- Inclusionary Zoning Regulation from Darien, CT
 - Regulations per CT General Statutes 8-2i
 - Applicable to all residential zones
 - Requires 12% of units in multi-family developments set aside as affordable to households with 80% or less of Area Median Income
 - Requires 12% of units created through single-family subdivision of more than five lots be set aside as affordable
 - Set aside requirements can be met on-site, off-site or through payment of a fee in lieu
 - Provides density bonus incentives for multi-family developments only to provide more affordable units - up to 50% more units than allowed by regulation, provided at least 25% of the bonus units are set aside as affordable
 - Specifies program administration requirements to be met prior to certificates of occupancy and annually.
 - Specifies calculations for fee in lieu payments
- Deed Restriction Buy-Down Program from Stow, MA
 - Program to increase affordable housing units without new construction
 - Aimed at existing market-rate, but moderately priced housing units
 - Participants can receive up to \$50,000 for purchase of a permanent deed restriction that restricts the resale price to the maximum level of affordability at the time it is sold, and the property must be sold to a qualified buyer making 80% or less of Area Median Income
 - Program open to anyone, though Town reserved right to favor existing households with low to moderate incomes
 - Town conducts independent appraisal and determines deed restriction purchase price
 - The deed restriction contains a formula to calculate resale value
 - May also reduce property taxes
 - Uses Community Preservation Funds (MA program enabling local surcharge on property taxes for specific funding purposes, including affordable housing)

2. Add Incentives/ Remove Impediments

- Village District Form Based Code from Canton, CT
 - Provides an example of a form-based code approach, in this case it is also a Village District Zoning Regulation
 - Addresses commercial and residential in certain village areas
 - Establishes Building Form Standards regulating the placement, massing and form

- of buildings, including required and permitted elements
 - Establishes Urban Space Standards regulating the public realm, such as street trees, benches, signs, lights as well as street standards
 - Establishes Architectural Standards regulating exterior elements, materials, configurations and building techniques
 - Uses are also regulated but in broad categories, given the form-based code emphasis on design.
- Universal Design Zoning Regulations from Southampton, NY
 - Zoning Regulations ensuring accessibility of housing units in multi-family or senior housing developments
 - Intended to increase housing opportunities
 - Defines terms such as accessible design, adaptable design, universal design, and visitable design
 - Encourages and/or requires elements such as zero-step entrance, 32" clear doorways on first floors, levered door hardware, 36" wide hallways, one bedroom on ground floor, At least ½ half bathroom on ground floor, blocking in bathroom for future installation of grab bars, light controls no higher than 48," kitchen appliances arranged to enable parallel approach to appliances and sink with adequate clear space

3. Expand Housing Choice/ Areas

- Cooperative Home Ownership Program from Farmington, CT
 - Municipal program similar to a community land trust, where land costs are addressed separately from housing unit costs to enable more affordable homeownership opportunities
 - The Town leases town-owned land at a nominal fee in order for low- to moderate-income homebuyers to construct/own a housing unit on it.
 - If homeowner sells the unit, or decides to buy the land, the Town receives full-market value for the land.
 - Trust Fund established to hold the proceeds of any sales of cooperative lots. The funds are to be used to promote the acquisition of additional lots for the program.
- Cottage Cluster Development Regulations from Medway, MA
 - Regulations enabling a different housing type, consisting of smaller units.
 - In this case, the regulations also require a certain percent set aside as affordable units, depending on the total number of units.
 - Smaller unit sizes also keep sales prices in the moderate range
 - Enables up to 8 units per acre in a cottage cluster, which may include a carriage house, cottage, two-family/ duplex and/or community building
 - Minimum of 75% of units must be in a cottage court configuration – oriented around a common central courtyard with front porches required.
 - Pedestrian connections are required between units, public rights of way, the courtyard and parking areas
- Housing Opportunity Purchase Program from Westport, MA

- Municipal program offering a grant to finance the gap between the affordable and market prices of an existing home for First Time Homebuyers, in exchange for a permanent deed restriction on affordability.
- Funded through a municipal Housing Trust Fund
- First Time Buyers must be at 80% or below Area Median Income with a maximum of household assets of \$75,000
- Must obtain a qualified mortgage and have at least 3% for down payment
- Grant amount is the lesser of the maximum grant amount or the amount between the affordable and actual sales price, and is paid at closing
- Home must be of an appropriate size for the household

4. Establish Supportive Affordable Housing Framework

- Affordable Housing Trust Fund ordinance from Fairfield, CT
 - Accepts funding from a variety of sources, including Building Department fees, inclusionary zoning fees, monetary gifts, grants, loans and grants
 - Authorizes expenditures on wide variety of activities associated with affordable housing as defined by CT General Statutes Sect. 8-30g, including the investigation, appraisal, acquisition, constructing, rehabilitating, repairing, administration, fees and maintenance costs related to affordable housing
 - The Fairfield Affordable Housing Committee and the Director of Community and Economic Development make recommendations to the Board of Selectmen for expenditures
 - Annual report is required

- Commercial Linkage Fees Regulation and Affordable Housing Trust Fund ordinance from Stamford, CT
 - Establishes Affordable Housing Trust Fund, funded through a fee on commercial building permits
 - Funded annually based on 5% of building permit fees associated with the repair, addition, alteration and renovation of commercial buildings
 - The Trust Fund is authorized to finance creation of affordable housing units, rehabilitation of multi-family units, assist in the conversion of residential properties to a common interest community, or home ownership assistance programs.
 - A seven-member Board of Trustees administers the fund.

SECTION 580. INCLUSIONARY ZONING

[Added 5/31/2009]

581. Background and Purposes

These regulations are intended to encourage the development of below market rate dwelling units within the Town of Darien, consistent with Section 8-2(i) of the General Statutes of Connecticut.

582. Applicability

Inclusionary Zoning Regulations shall apply to all zones that allow dwelling units as a principal or special permit use.

583. Affordable Requirements

Developments resulting in the creation of additional multi-family dwelling units shall designate a minimum of twelve percent (12%) of the total number of dwelling units as affordable housing as defined by Connecticut General Statutes. For the purpose of this regulation, the term multi-family is defined as a single property with two or more dwelling units, whether attached or detached. Dwelling units constructed pursuant to Section 405e. are exempt from the requirements of this regulation.

Single-family subdivisions or re-subdivisions resulting in a total of five or more building lots shall designate a minimum of twelve percent (12%) of the total number of dwelling units as affordable housing as defined by Connecticut General Statutes. All other single family subdivisions are exempt from the requirements of this regulation.

The affordable housing requirement shall be satisfied by: providing affordable housing units on the subject property; providing affordable housing units elsewhere within the Town of Darien; or paying a fee in lieu; or providing some combination thereof.

All affordable housing units shall be affordable to households with an income equal to or less than 80 percent of the State Median Income (SMI) for the State of Connecticut Household incomes are published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). Income levels are to be adjusted for household size per HUD requirements.

[Amended 2/28/2016]

584. Below Market Rate Dwelling Unit

A below market rate (BMR) dwelling unit is defined as a dwelling unit occupied by an income-eligible household as described in the Section 583 where the maximum sales price or rent shall be restricted for forty years or the life of the unit, whichever is longer, using the methodology for maximum housing payment calculations outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies.

585. Incentives

Developments subject to the provisions of Section 580, except for single-family subdivisions, may, at the absolute discretion of the Commission, be eligible for an increase in permitted density up to 50 percent greater than the allowed density provided at least 25 percent of such incentive units are designated as below market rate and the Commission determines that such incentives do not adversely affect the health, safety and welfare of the public in general, and the immediate neighborhood. In such cases, the Commission may, at the absolute discretion of the Commission, allow any or all of the following waivers, provided the Commission finds that such waiver encourages the development of below market rate housing and is consistent with the surrounding neighborhood:

- a. Recreational or open space requirements may be reduced.
- b. Minimum yard requirements may be reduced.
- c. Maximum building coverage requirements may be increased.
- d. Parking requirements may be reduced.
- e. Height may be increased to allow three stories.
- f. Height may be increased to allow up a maximum building height of 32.5 feet by Special Permit.

In no case shall the Commission approve a waiver described in a. through e. above, resulting in a requirement that deviates by more than 25% from the originating regulation. On lots less than 0.6 acres in area in the Designed Business Zone (DB), the Commission may increase building coverage by up to 50 percent from the originating regulation, provided that the Commission shall find that the height and bulk of the proposed buildings on the subject site shall not adversely impact abutting residential properties.

[Amended 12/18/2011; 7/15/2012; 2/28/2016]

586. Affirmative Fair Housing Marketing Plan

The applicant shall submit an affirmative fair housing marketing plan for the below market rate dwelling units. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing laws.

[Replaced 11/28/2010]

587. Program Administration

Prior to the issuance of any Certificate of Occupancy, any application under Section 580 shall identify the non-profit entity or property manager who will be responsible for program administration. The program administrator is subject to the approval of the Commission or its designated representative. The program administrator shall:

- a. Annually review and certify to the Commission the annual income of households residing in below market rate dwelling units in accordance with a procedure established in advance and approved by the Commission.
- b. Maintain a list of eligible households in each category, as described in Section 586, who have applied for participation in the program. Applicants within each category shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission, or its designated

representative.

- c. Annually certify to the Commission that the selected household actually resides in the below market rate dwelling unit.
- d. Certify to the Commission that below market rate dwelling units sold or re-sold do not exceed the maximum purchase price as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.
- e. Certify to the Commission that below market rate dwelling units for rent shall not exceed the maximum monthly rent as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

588. Additional Standards

- a. On-Site: Affordable units shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and shall be indistinguishable from market rate units with respect to the exterior finishes, including landscaping, but interiors may include standard finishes and need not be of 'luxury' quality. Those units shall be designed and located to maintain the architectural elements and character of the neighborhood. Examples of how to calculate the number of units required are shown in Appendix E of the Zoning Regulations.
- b. Phasing: Affordable units shall be developed simultaneously with or prior to the development of the other units on a pro rata basis.
- c. Deed Restrictions: In order to maintain affordable dwelling units for at least forty years or the life of the unit, whichever is longer, the following restrictions shall apply:
 - 1. Affordable units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price for said dwelling unit, as determined in accordance with Subsection 587d above or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.
 - 2. Affordable units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with Subsection 587e above.
- d. Alternative Sites: The Commission may, at its absolute discretion, approve the construction or rehabilitation of the required affordable units on another site in Darien, provided that such off-site affordable units shall be maintained for at least forty years or the life of the unit, whichever is longer, in the same manner as on-site units. The Commission may condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units or

establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.

- e. Payment of a Fee: The Commission, at its absolute discretion, may require the applicant to pay a fee in lieu of constructing some, or all, of the required affordable housing units. Such fee shall take the form of a onetime cash contribution to a Town of Darien housing trust fund, or other Commission approved non-profit or for-profit organization dedicated to affordable housing initiatives. Said funds shall be paid prior to the issuance of the first Zoning Permit. Units created with such funds shall be designated as affordable in the same manner as required in Section 584. An example of Fee In Lieu Payment Calculations is in Appendix E.
- f. Where the contribution is targeted to assist an identified off-site project providing below market rate dwelling units, the Commission may, at its absolute discretion, condition the issuance of certificates of occupancy for the development project with the completion of the off-site below market rate dwelling units or establish other reasonable performance conditions necessary to insure that the off-site units will be built in a timely manner.

[Amended 2/28/2016]

589. Inclusionary Zoning

The provisions of Section 580 shall apply to Larger Developments within the Corbin Subarea, subject to the following:

- a. The incentives and waivers set forth in section 585 shall not apply to Larger Developments within the Corbin Subarea.
- b. The Commission may approve affordable housing units that are subject to additional occupancy restrictions based on age or disabilities, provided that such additional restrictions comply with all applicable housing laws. Each affordable housing unit that is subject to multiple restrictions shall be counted as a single unit for compliance with Section 583.

[Added 4/9/2017]

Affordable Housing Deed Restriction Program: Frequently Asked Questions

Rev. 2.2
January 13, 2005

What is the CPC Affordable Housing Deed Restriction program?

The Community Preservation Committee (CPC) is sponsoring a program in which it will purchase deed restrictions for existing housing in Stow in exchange for a contractual guarantee (deed restriction) making the housing affordable in perpetuity. To be affordable, housing units, when they are eventually sold, must be sold to individuals or families who earn less than 80% of the median household income for this area.

Why is the CPC sponsoring this program? What are the benefits of this program?

As a town, we need to increase our affordable housing stock to support a diverse, vibrant community and to meet our 10% affordability requirements mandated by the Commonwealth of Massachusetts (Chapter 40B). This program will help the Town provide additional affordable housing without creating new housing. The houses will help the Town meet its state-imposed 10% certified affordable housing requirement, provide affordable housing to families and individuals who need it, and help enable existing homeowners, such as our senior citizens who have fixed incomes, to continue living in their homes. Specifically, Stow benefits from:

- Increased affordable housing without additional housing construction
- Diversity in our population
- Continued diversity in our housing architecture
- Assisting residents, especially those with modest incomes, to remain living in their Stow homes
- Enabling our public employees and young adults, such as our grown children, to purchase a starter home in Stow

Why would I want to do this?

If you participate in this program, you will receive money from selling the deed restriction, and your property tax burden will most likely be reduced. Additionally, you will be helping the community reach its affordability requirement without increasing housing stock and demand on Town services.

While the Deed Restriction Program is an exciting opportunity to sell a portion of the equity in your home without altering your living arrangements, this program is not for everyone. You may have other legal and financial options available. You should seek the advice of legal and financial professionals before entering into this program. Additionally, senior citizens can contact the Stow Council on Aging for a list of assistance programs.

Does housing that participate in this program qualify towards our mandated 10% affordable housing?

This program is part of the housing plan EO418 already approved by the Department of Housing and Community Development (DHCD) for Massachusetts.

Who is eligible?

Anyone who owns a house in Stow is eligible, but the best candidates today will have homes with a market value of about \$325,000 or less. Approved participants will receive up to \$50,000 for selling a deed restriction for their house, reducing the maximum value of their home to the maximum level for affordability when it is sold.

**Do I have to have an “affordable income” in order to participate in this program?
Can I stay there if my income is higher than the state limits for “low-income” families?**

No income level is required to sell a deed restriction for your home; however, we reserve the right to favor sellers whose income meets the requirements for affordable housing. Only those individuals or families who have qualifying incomes will be eligible to purchase a dwelling that has an affordable housing deed restriction.

What criteria do I need to qualify for this program?

The CPC will evaluate a range of criteria, including whether you qualify for affordable housing, want to remain in your home, how long you have lived in Stow, whether you are a municipal employee, the number of bedrooms your house has and appraisal results. For a complete list of how candidates will be evaluated, see the Stow Affordable Housing Deed Restriction Program Data Sheet (available from the CPC or online on the Stow CPC web site).

What steps should I take if I am interested in this program?

1. Get an estimate of the assessed value of your house. You can contact the Board of Assessors Office at the Stow Town Building but realize that the Town conducts appraisals for its own purposes. Eventually, you may also want to get a separate appraisal as well.
2. Speak to the CPC for more information, then complete the Stow Affordable Housing Deed Restriction Program Data Sheet (this is the application form). We'll go from there.

You can schedule an appointment with the CPC by contacting CPC Administrator, Deb Seith at dseith@comcast.net or 978-562-5464.

How will you protect and keep private my financial information?

The only case in which the CPC will need financial information is if you want to prove that you are eligible for affordable housing yourself. In this case, CPC members will work with the Stow Housing Authority and Council on Aging to keep your information confidential.

How do you determine the value of my house?

If you apply for this program, the CPC will perform an independent appraisal to determine the value of your house in order to validate that the Town will receive at least the value of the deed restriction payment. In the event the reduction in value of your house is greater than the amount you received from the CPC, based on the day you sell the deed restriction, you may be entitled to a tax deduction.

How much can I sell my house for?

The deed restriction contains a formula to determine the selling price when an affordable house is to be sold. The formula, which is tied to the current interest rate, goes into effect the day that a Purchase and Sales Agreement is signed by a new buyer.

Does this program reduce my property value?

It reduces your property value to at most the maximum level for affordability. At the same time, your property tax burden will most likely be reduced as a result.

How will my tax rate be affected?**Will I save in tax payments if I participate in this program?**

The Board of Assessors determines how much you must pay in taxes. You can make the case that you should have a reduction in property taxes by participating in this program.

How soon can a change in property taxes take affect?

Any changes in property taxes would go into affect the following year from which you signed the deed restriction.

If I participate in this program, will you cover my lawyer fees?

We encourage you to get your own legal counsel, but we will pay relevant closing costs.

Can I make improvements to my house if it has a deed restriction?

Absolutely, improvements can increase the marketability of your house, but they may not affect the market value of your house. The market value is determined by the formula that is in the deed restriction.

Will I lose my house after a certain number of years?**Will I have to leave my house after a certain amount of time?**

No, you can remain in your house as long as you want under this program. When you or your heirs do decide to sell your house, it must be sold or transferred to a qualified purchaser.

What restrictions are there for selling my house?**Can I sell it to anyone?**

When you decide to sell your house, you must sell to a qualified buyer, someone who makes 80% of the median income for a family of four for the Greater Boston area. The Stow Housing Authority is a resource that is available to help you find a qualified buyer should you need assistance.

Can I sell my deed restriction back to the Town if I change my mind later on?

No, when a deed restriction is purchased, it remains in effect in perpetuity or as long as law allows.

How do I confirm that a buyer is eligible?

You can work with the Stow Housing Authority for assistance.

Can I sell my house to family members who are eligible?

Yes, if you have family members who meet the income requirements for affordability, they can buy your house.

What happens if there is no buyer when I want to sell my house?

This situation is extremely unlikely. You have one year in which to sell your house to a qualified buyer, and you can get assistance from the Stow Housing Authority to identify potential buyers.

What happens to my heirs if I participate in this program?

Can I hand down my house to my children?

Your heirs would have to qualify for affordable housing in order to live in your house.

404. TOWN FRONTAGE

CHARACTER DESCRIPTIONS

The Town Building Form Standard is of moderate intensity, often created by a series of smaller attached structures, most commonly single-family residential, but potentially also stacked flats, service commercial, or live- work arrangements. This standard has regular entrances and the character and intensity of this frontage varies (as designated on the Regulating Plan) with the siting/location of the Build-To Line – the buildings may be placed at the rear of the sidewalk with stoops, or may be arranged with front porches and small dooryards. Similarly, the tree lawns may be found uncovered and continuous or partially covered in the street-space, depending on the street type.



Duplex (2 attached houses) type divided into four apartments



Conventional Colonial-style rowhouses



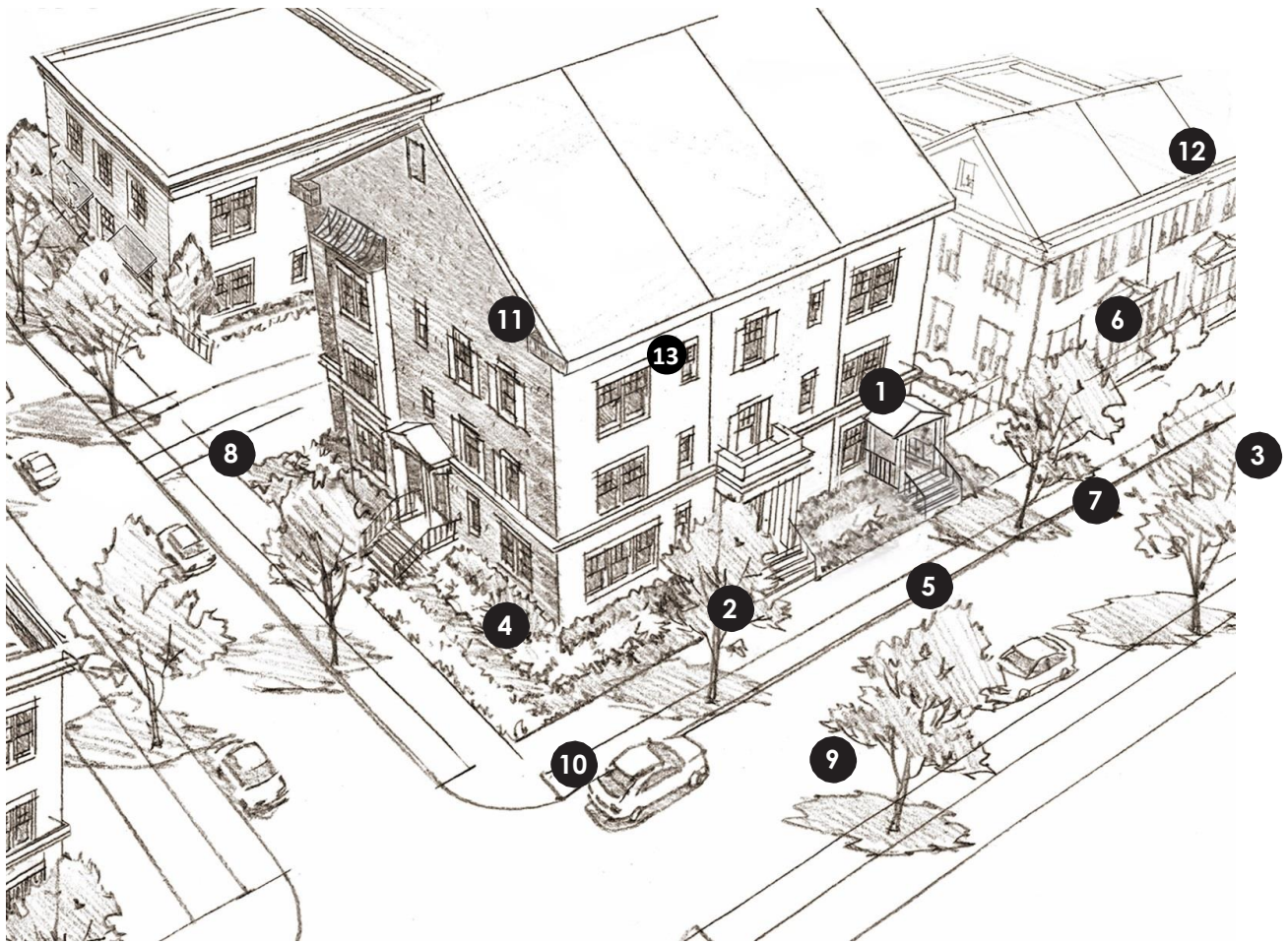
Attached single family cottages



Duplex (2-family) with appearance of single-family detached



Architecturally detailed townhouses to articulate the row

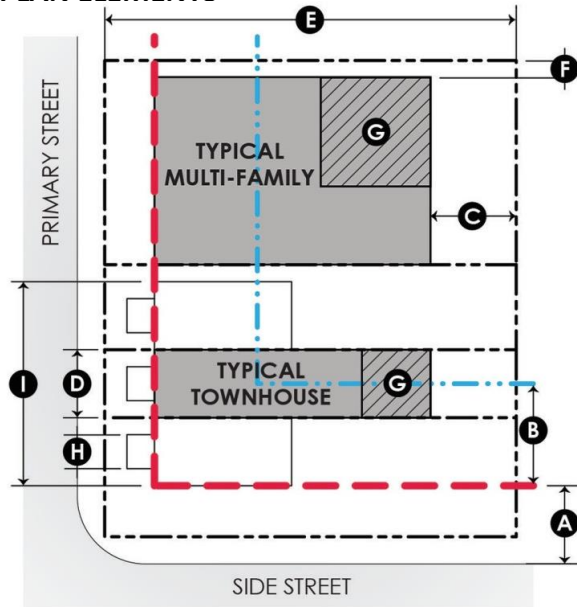


For Illustrative Purposes

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Residential Use 2. Optional ground floor Commercial Use 3. Narrow dimension facing primary street 4. Raised finished floor level for ground floor Residential Use 5. Optional stoop or porch 6. Minimum 2 story 7. Street Wall where buildings do not abut 8. Rear alley access preferable for parking and loading (service access) | <ol style="list-style-type: none"> 9. Street trees and street lighting in continuous tree lawn or tree grates 10. Build-To Line behind sidewalk providing dooryard and front yard 11. Small multi-family building (rental apartments or for sale condominiums) 12. Individual single-family attached (fee simple townhouses) 13. Required minimum fenestration; must have windows and doors facing street |
|---|--|

TOWN BFS FOR EAST GATEWAY, CANTON VILLAGE, AND HARTS CORNER DESIGN VILLAGE DISTRICTS

PLAN ELEMENTS



KEY

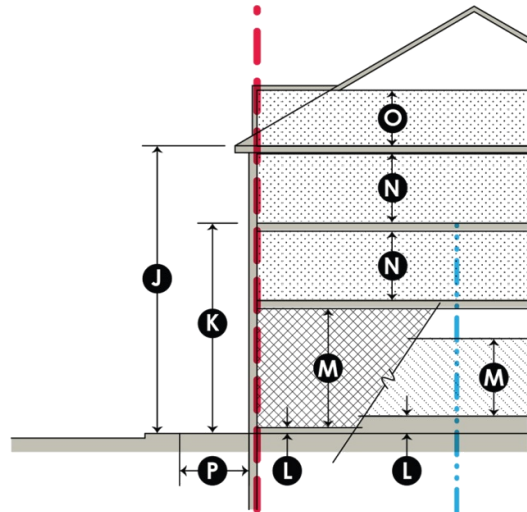
- - - Build-to Line
- - - Parking Setback Line
- - - Property Line
- Buildable Area
- Private Open Space

DIMENSIONS

- | | |
|---|--|
| A. Build-To-Line* | 30' from curb or edge of paving (Refer to Regulating Plan) |
| B. Parking Setback Line | 30' behind BTL <i>except along access ways</i> |
| C. Rear Setback | 25' min. |
| D. Lot Width | 20' min. |
| E. Lot Depth | 100' min. |
| F. Side Setback | 0' min. / 10' max. (both sides)
5' max. (one side) |
| G. Private Open Space | 20% of Buildable Area |
| H. Primary Street Façade | 33% min. |
| I. Continuous Primary Street Façade Frontage (may include multiple facades) | 120' max. |

*PL becomes the BTL when the measured BTL is in ROW.

SECTION ELEMENTS



KEY

- - - Build-to Line
- - - Parking Setback Line
- Residential Use
- Residential OR Business Use
- Business Use

DIMENSIONS

- | | |
|--------------------------------------|--|
| J. Façade Height Maximum | 3 stories / 48' max.
To top of wall plate |
| K. Façade Height Minimum | 2 stories / 24' min.
To top of wall plate |
| L. Finished Ground Floor Level | <i>Business:</i> at grade min. / 18" max.
<i>Residential:</i> at grade min. / 4'0" max. |
| M. Finished Floor Story Clear Height | <i>Business:</i> 12'0" min. / 18'0" max.
<i>Residential:</i> 9'0" min. / 18'0" max. |
| N. Upper Story Clear Height | 9'0" min. / 18'0" max. |
| O. Optional Attic Height | 8'-0" min. |
| P. Clear Walkway Width | 5'-0" min. |

Interior buildings are allowed provided all Section and Plan elements are met (excluding Build-To line). The maximum number of stories of interior buildings may be increased by one additional story (15 feet) as part of a Type II design plan application.

Accessory Buildings are allowed not greater than 25% of the floor area of the principle building.

405. DETACHED FRONTAGE

CHARACTER FOR COLLINSVILLE AND CANTON VILLAGE DISTRICTS

The Detached frontage standard is represented by the traditional single family house with small front, side and rear yards along a tree-lined street. Structures are typically 2 to 2 ½ stories in height with pitched roofs and front porches.



Simple, yet well detailed, wood siding



Small lot (close together) single family homes



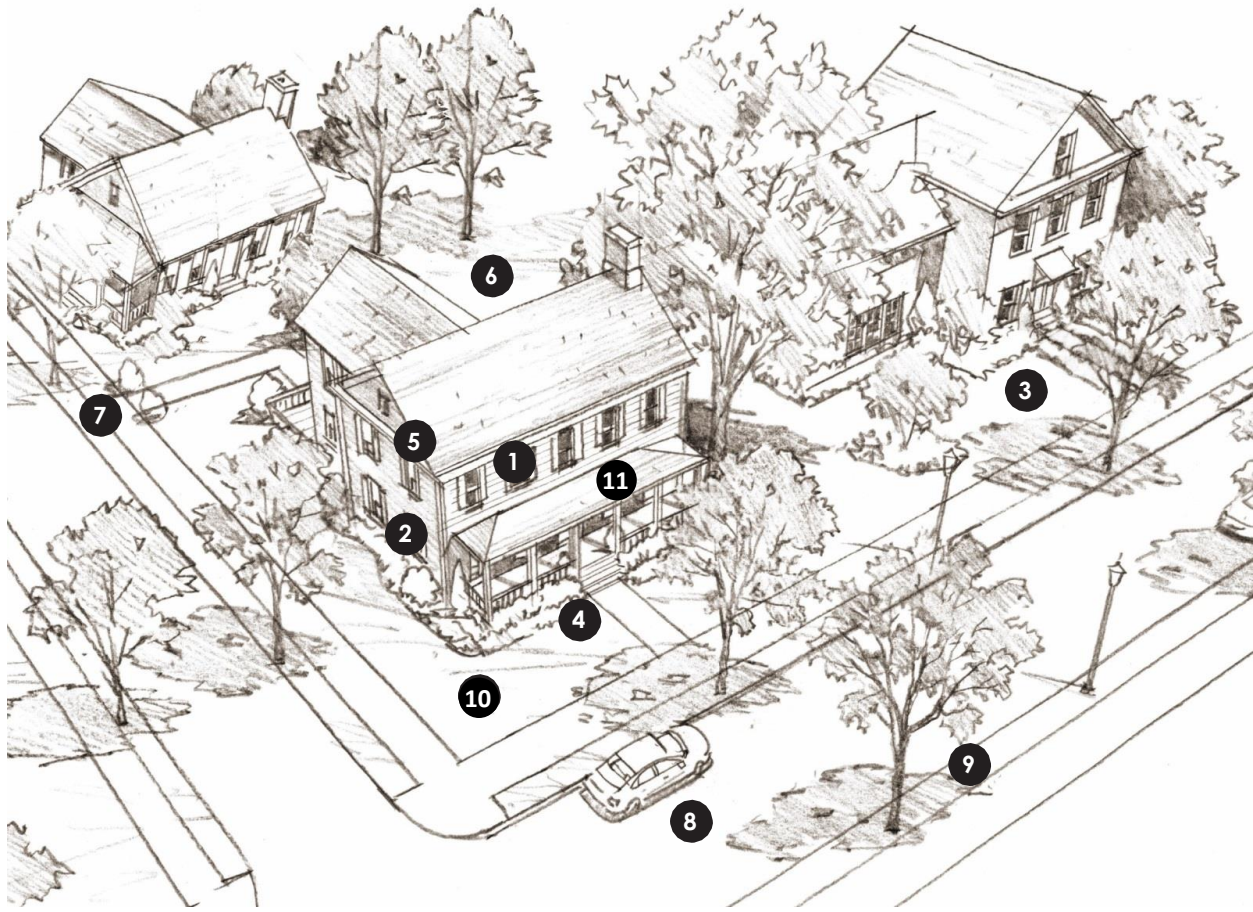
One-story bungalow with local stone



Possible home occupation uses



Possible home occupation uses

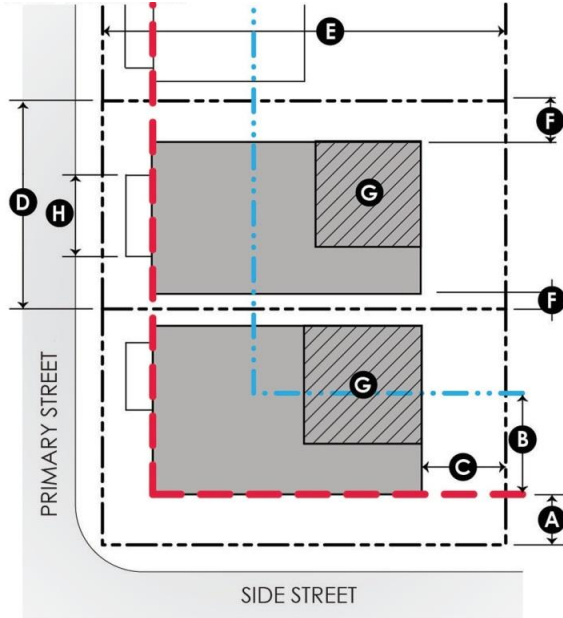


For Illustrative Purposes

- | | |
|--|---|
| 1. Residential Use | 8. On-Street parking |
| 2. Optional Business Use (Harts Corner/
Canton Village) | 9. Street trees and street lighting in
continuous tree lawn |
| 3. Wider dimension facing street | 10. Build-To Line set back providing front
yard |
| 4. Optional stoop or porch | 11. Required fenestration; must have
windows and doors facing street |
| 5. Minimum 1½ story | |
| 6. Private Open Space | |
| 7. Preferable rear alley access preferable for
off-street parking | |

BFS FOR COLLINSVILLE AND CANTON VILLAGE DESIGN VILLAGE DISTRICTS

PLAN ELEMENTS



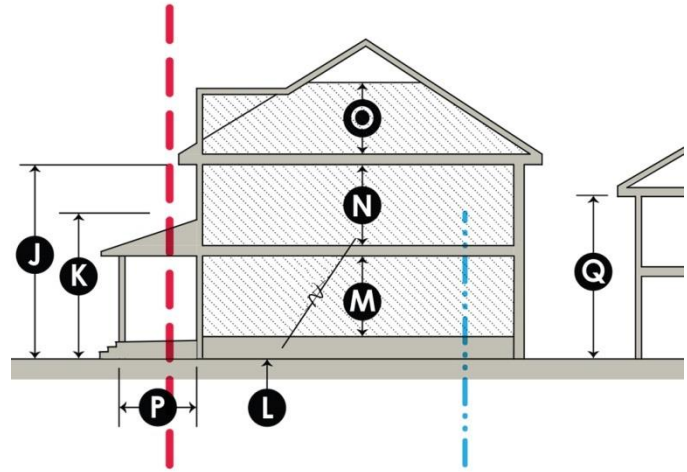
KEY

- - - Build-to Line
- · · Parking Setback Line
- Property Line
- Buildable Area
- Private Open Space

DIMENSIONS

- | | | |
|----|-----------------------|--|
| A. | Build-To-Line | 15' from Property Line
(Refer to Regulating Plan) |
| B. | Parking Setback Line | 30' behind BTL |
| C. | Rear Setback | 25' min. |
| D. | Lot Width | 40' min. |
| E. | Lot Depth | 100' min. |
| F. | Side Setback | 5' min. |
| G. | Private Open Space | 25% of Buildable Area |
| H. | Optional Porch Width | 33% min. of Façade |
| I. | Primary Street Façade | 33% min. |

SECTION ELEMENTS



KEY

- - - Build-to Line
- · · Parking Setback Line
- Residential Use or Business Use

DIMENSIONS

- | | | |
|----|-----------------------------------|--|
| J. | Façade Height Maximum | 2 ½ stories / 26' max.
To top of wall plate |
| K. | Façade Height Minimum | 1 ½ stories / 18' min.
To top of wall plate |
| L. | Finished Ground Floor Level | 2'-0" min. / 4'-0" max. |
| M. | Finished Floor Story Clear Height | <i>Collinsville:</i>
9'0" min. / 12'0" max.
<i>Canton Village:</i>
9'0" min. / 14'0" max. |
| N. | Upper Story Clear Height | 9'-0" min. / 12'0" max. |
| O. | Optional Attic Height | 8'-0" min. |
| P. | Optional Front Porch | 6'-0" min. depth |
| Q. | Accessory Building | 2 stories max. / 20' max.
To top of wall plate |

Interior buildings are allowed provided all Section and Plan elements are met (excluding Build-To line). The maximum number of stories of interior buildings in Canton Village may be increased by one additional story (15 feet) as part of a Type II design plan application.

Accessory Buildings are allowed not greater than 25% of the floor area of the principle building.

6. ARCHITECTURAL STANDARDS

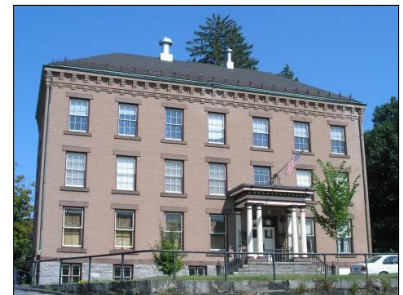
601. INTENT

A. Character

1. These Architectural Standards are intended to preserve the character of Canton as permitted by *CGS Title 8, Chapter 124 Zoning, § 8-2j. Village districts* which states in part, “(b) The regulations establishing village districts shall protect the distinctive character, landscape and historic structures within such districts and may regulate, on and after the effective date of such regulations, new construction, substantial reconstruction and rehabilitation of properties within such districts and in view from public roadways...”.
2. The Architectural Standards serve to establish a coherent character and encourage a high caliber, lasting quality of development that reflect and complement the traditional materials and techniques of the Canton region and Connecticut. Buildings shall be reviewed by the ZEO to verify that they meet the Architectural Standards (as well as the balance of this Code).
3. In order to establish and maintain a sense of place, these standards specify an architectural aesthetic of load-bearing walls and all building materials shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).



Town-type (narrow facade) in siding



Brick Main-type building

602. GENERAL PRINCIPLES

A. Intent

1. Architectural style is restricted to particular historical periods that work within each district – must be determined by the design architect to represent a defined style of the area.”
2. Consistency with overall character of the subject district shall apply to all applications and the architectural standards.”
3. Each Design Village District has variations on architectural character - see Building Form Standards - but the materials and proportions appropriate to the region, as outlined in this Chapter, will be similar.
4. Commercial “franchise”, “logo”, or “brand name” prototype architecture is strongly discouraged.
5. Buildings, lot elements, fenestration, and other architectural elements shall be designed to be appropriate for the character of each Design Village District (at a human scale, to have good proportions and relationships within the composition of the entire building), and to relate to the size of other buildings in the surrounding area.



Rustic or farm-style in Harts Corner



Historic Greek Revival style

B. Equivalent or Better

1. While the materials, techniques, and product types prescribed here are allowed by-right, equivalent or better practices and products are encouraged. Substitutions or alternate materials, techniques, and products may be submitted to the ZEO for review.
2. Additional products may be added to the list through Section 208. Text Amendment to this Code or may be allowed on a case by case basis through a departure from a design standard approved in accordance with Section 205.

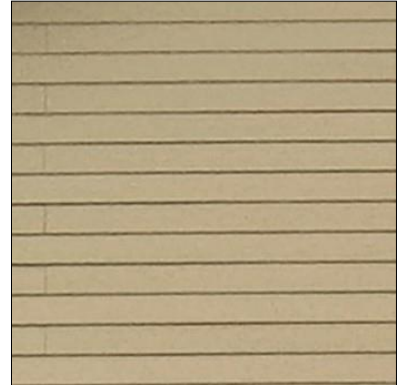
C. Clearly Visible from the Street-Space

1. These standards apply in conditions where clearly visible from the street-space. These controls therefore concentrate on the views from the public space and minimize interference in the public realm.

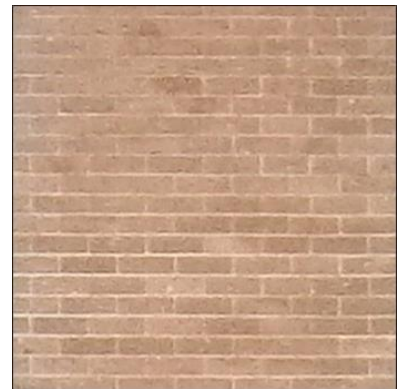
603. BUILDING WALLS

A. Intent

Building walls fronting on or generally facing a street define the public realm - the street-space. All walls shall express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details, creates in the view an appreciation, evokes an emotion, and are applicable where clearly visible from the street-space.



Wood clapboard (horizontal) siding



Brick



Stone



Primary material of wood clapboard siding with secondary material cedar shingles

B. Implementation

1. Primary Materials

The following materials are permitted for 75 to 100 percent of the building wall surface area – per façade:

- a. Clay brick or synthetic equivalent and tile masonry.
- b. Natural stone (or synthetic equivalent).
- c. Wood – clapboard or shingles (or equivalent)
- d. Fiber cement siding (such as Hardie-Plank™) equivalent or better siding.
- e. Glass curtainwall systems (only permitted in the EGDVD).
- f. Vertical metal siding (only permitted in HCDVD).
- g. Composite siding (such as Boral™ equivalent or better).
- h. Vinyl shingles on cellular or PVC clapboard.



Glass curtainwall system

2. Secondary Materials

The following materials are permitted for a maximum ten percent of building wall surface area – per façade:

- a. Pre-cast masonry (for trim and cornice elements only).
- b. Gypsum Reinforced Fiber Concrete (GFRC – for trim elements only).
- c. Metal (for beams, lintels, trim elements and ornamentation only).
- d. Molded urethane foam (such as Fypon™) equivalent or better (for trim elements and ornamentation only).
- e. Split-faced block (only for piers, foundation walls and chimneys).
- f. Glass block (only permitted in the EGDVD).
- g. EFIS.
- h. PVC trim.
- i. Vertical siding permitted as a secondary treatment.



Split-face concrete block

3. Projections

- a. Only porches (between 8 feet and 10 feet deep with a width not less than 1/3rd of the façade), overhanging eaves, awnings, storefronts, bay windows, stoops (not more than 5 feet deep and 8 feet wide not including steps), steps, balconies, or handicapped ramps approved by the ZEO may project beyond the BTL.
- b. Awnings shall maintain a clear height of at least 8 feet.
- c. Awnings may have supporting columns/posts at their outer edge provided that a minimum of 8 feet clear width is maintained between columns, there is a minimum of 24 inches between the columns/posts and the back of curb, and a clear walkway of 5 feet minimum occurs adjacent and parallel to the awning columns/posts. A minimum 8 feet clear height is required.



Stoop

- d. Balconies and stoops shall not project within 5 feet of a common lot line.
- e. Covered sidewalks or arcades shall have a minimum clear height of 9 feet (signage or lighting permitted to 9 feet clear) and a minimum clear width from BTL to inside column face of 10 feet. The area shall include a minimum 5 feet of clear walkway.
- f. All improvements must comply with the American with Disabilities Act.

4. Configurations and Techniques

The following configurations and techniques are permitted.

- a. Walls
 - i. Building walls visible from the street have windows and doors per Section 606.
 - ii. Fenestration and wall openings shall not span vertically more than one story.
 - iii. Fenestration shall correspond to interior space and may not span across building structure, such as the ceiling to floor above thickness required for structure and mechanical systems.
 - iv. Material changes shall be made with construction details typical for each abutting material – as where an addition (of a different material) is built onto the original building.
- b. Wood Siding and Wood Simulation Materials
 - i. Siding shall be in a lap (horizontal or shingle) configuration. East Gateway and Harts Corner Design Village Districts may use vertical siding.
 - ii. Siding shall be smooth or rough-sawn finish.
- c. Brick, Block, and Stone
 - i. All masonry shall be detailed in load-bearing configurations – lighter weight material on top e.g. wood siding over masonry base.
 - ii. Please refer to Section 302.C.2 – Blocks.
- d. Finish coat siding shall be in a lap same as wood.



Lap wood siding



Load-bearing configuration



Projecting awnings



Glass block in transom of storefront

604. ROOFS AND PARAPETS

A. Intent

Roofs and parapets shall demonstrate recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the district and are applicable where clearly visible from the street-space.

1. The roof type is integral to the design of the building and its architectural character.
2. The roof design shall help maintain the balance, setbacks and visual lines of the street-space.
3. Roof types, excluding flat roofs, shall have overhanging eaves such as gabled or hipped roofs.
4. Parapets are low guarding walls at the edge of roofs (usually flat) and are formed by extensions of the building façades.
5. Cornices are crowning (trim) projections on a parapet wall. While this Code requires certain horizontal dimensions, these elements shall be designed for the architectural style of the building and proportionate for the dimensions of the façade.



Dormer in asphalt shingle roof



Eaves – projecting from the gable end of the building form – with decorative trim



Projecting cornice at parapet



Standing seam material with snow guards

B. Implementation

1. Materials

Only the following materials are permitted:

- a. Clay or concrete (faux clay).
- b. Tile (beavertail or flat roman).
- c. Slate (or equivalent synthetic or better).
- d. Metal (standing seam shingles, equivalent or better).
- e. Cedar shingles.
- f. Membrane materials meeting state building code for flat roofs.
- g. Asphalt shingles in the slate architectural or shale style.
- h. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
- i. Gutters and Downspouts may be wood, PVC, vinyl, and/or metal.

2. Configurations and Techniques

- a. Parapet Roofs are allowed on Main, Main Storefront, and Town BFS where the roof material is not visible from any adjacent street-space.
- b. Pitched Roofs (exclusive of roofs behind parapet walls) are allowed on all Building Form Standards:
 - i. Simple hip, gable roofs, and dog house dormers, shall be symmetrically pitched between 5:12 and 18:12.
 - ii. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
 - iii. Dog house dormers pitched in-between

3. Overhang Requirements

- a. Eaves shall overhang 6 to 30 inches on the primary structure.
- b. Eaves and rakes on accessory buildings, dormers, other similar structures and accessory features may, but are not required to, overhang between 0 to 12 inches.
- c. Timber eaves and balcony brackets shall be a minimum of 4 inches by 4 inches in dimension.

4. Cornices and Other Features

- a. Buildings without visible roof surfaces and overhanging eaves shall satisfy the overhang requirement with a cornice or similar form projecting from the top of the building wall horizontally between 6 and 12 inches beyond the building walls on the primary structure.
- b. Skylights and roof vents are permitted only on the roof plane opposite the street-space (or BTL), when perpendicular to the street-space or when shielded from street-space view by the building's parapet wall.

605. STREET WALLS

A. Intent

1. The public space in part is physically defined by buildings, walls, embankments, or fences. Land should be clearly public or private – in public view and under surveillance or private and protected.

2. Street walls establish a clear edge to the street-space where there are no buildings. These requirements include masonry walls, wooden fences, or planted hedges that define outdoor spaces and separate the street- space from the private realm (e.g. parking lots, trash cans, gardens, and equipment). All street walls shall be as carefully designed as the building façade, with the finished side out (i.e. the “better” side facing the street- space).
3. Planted landscape screening shall be equally effective throughout the year.

B. Implementation

1. Materials

The following materials are permitted:

- a. Native/regional stone and equivalent imitation stone.
- b. Metal (wrought iron, welded steel and/or electro-statically plated black aluminum) – may be used for gates.
- c. Metal work may additionally be treated to imitate a copper patina (aged green finish).
- d. Brick.
- e. Stucco on concrete block or poured concrete (only when a brick or stone coping on top of the wall is provided).
- f. A combination of materials (e.g. stone piers with brick infill panels).
- g. Wood (picket fence, no split rails).
- h. Hedges.
- i. Continuous row of densely planted shrubs.
- j. Composite or cellular PVC



Wood fence



Stone all with iron railing

2. Configurations and Techniques

- a. Street walls along any unbuilt BTL, or forward line (PSL) of a Build-To Zone, shall be built to the height and length specified in the Building Form Standards Section 402.C.3
- b. Copings shall project between 1 and 4 inches from the face of the street wall. Street walls taller than 4 feet shall be subject to the fenestration requirements of Section 606.B.



Hedges and dense plantings

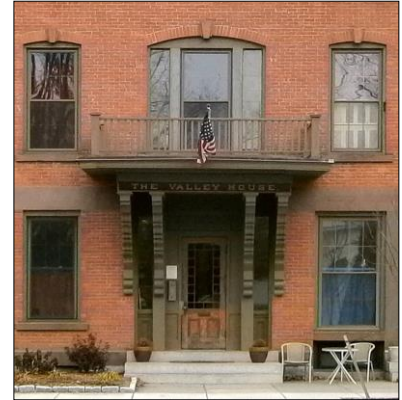


Planted embankment and grade change

606. WINDOWS AND DOORS

A. Intent

The placement, type, and size of windows and doors on the façade largely establish the scale and vitality of the street-space. The types and numbers of windows (divided by multiple panes of glass) and doors that define the façade and maintain a design and spacing of the fenestration along the street-space appropriate for the character description of the district. For commercial buildings, windows and doors allow interplay between the shop interiors and the street-space. Restaurants and retail establishments benefit from exposure to the passers-by and the street-space benefits from the visual activity. For residences, windows form the “eyes on the street” surveillance, which provides for the security and safety for the area.



Main entrance door with sidelights and a covered stoop

B. Implementation

1. Minimum Fenestration Requirement

- a. Store Front: 50% to 90%
- b. Ground Floor: 35% to 70%
- c. Upper Story: 20% to 70% (not required for existing façade walls in the East Gateway greater than 24' in height, measured to the bottom of the roof soffit or equivalent feature where no roof soffit exists)

2. Materials

- a. Window frames shall be of metal, wood, clad wood, vinyl, steel or fiberglass.
- b. Window glass shall be clear, with light transmission at least 72 percent.
- c. Un-tinted Low-E coatings are permitted.
- d. Non-transparent specialty windows, such as round or oval or hexagonal, limited to one per façade, may utilize stained or opalescent glass or other material approved by the ZEO.
- e. Window screen frames shall match the window frame material, or be dark in color (anodized or painted).
- f. Doors shall be of wood, clad wood or metal and may include glass panes or fiberglass.
- g. Shutter materials shall be painted wood, clad wood, composite or cellular PVC.



Storefront



12-over-12 divided lights

3. Configurations and Techniques

a. All Windows

- i. The horizontal dimension of the pane shall not exceed the vertical dimension except where otherwise prescribed in this Code (no more squat than square), excluding transom and auxiliary windows.
- ii. Windows may be ganged horizontally if each grouping (maximum 5 per group) is separated by a mullion, column, pier or wall section that is at least 4 inches wide.
- iii. No ground floor window may face or direct views toward a common lot line within 10 feet unless:
 - That view is contained within the lot (e.g. by a privacy fence/ street wall) or,
 - The sill is at least 6 feet above the finished floor level.
- iv. Bay windows shall not project more than 36 inches beyond the BTL; must have a 5 foot clear walkway; shall have a minimum interior clear width at the façade of 4 feet; walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary building wall from which they project.
- v. Exterior shutters, if applied, shall be sized the full height and one- half the width of the window opening and mounted at the edge of the window opening, over the trim if it exists, even if inoperable.
- vi. Windows with multiple panes shall represent divided lites or simulated true, profited or grill in-between the glass. Removable muntins or grills are allowed.



Double-hung with storm windows



606.B.3.a.vi

b. Upper-Story Windows

- i. Windows shall be double-hung, single-hung, awning, or casement windows.
- ii. Fixed windows are permitted only as a component of a system including operable windows within a single wall opening. Per Section 403, in the East Gateway, upper story windows are not required to be operable if the upper story is accomplished through the provision of unoccupied/ unfinished interior space, façade elements, and other architectural features allowed in that district.
- iii. Residential buildings/floors: panes of glass no larger than 36" vertical by 30" horizontal.



606.B.3.b.vi

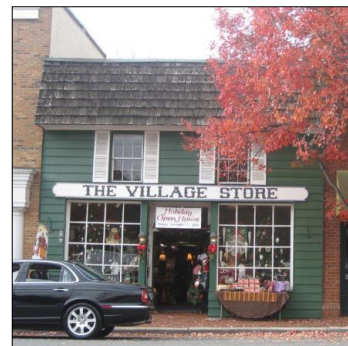
- iv. The maximum pane size for office uses is 48" vertical by 42" horizontal.
 - v. Egress windows shall be installed according to the appropriate building code.
 - vi. On the BTL side of the roof-pitch, attic stories may have windows only via dormers and windows in gable-ends.
- c. Storefront Windows
- i. Single panes of glass shall not be permitted larger than 8 feet in height.
 - ii. Ground story windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). (See Section 607. Signage.)
 - iii. A minimum of 75 percent of the window surface shall allow a view into the building.
 - iv. Storefronts may extend up to 24 inches beyond the façade or BTL into the street-space.
- d. Doors
- i. At least one functioning entry door shall be provided along each ground story façade at intervals not greater than 60 feet, and must be utilized as an entrance. (This requirement shall be satisfied for large footprint uses, such as groceries and street front parking garages, through the use of liner shops.)
 - ii. Double-height entryways (those that span more than one story) shall not be permitted.
 - iii. A door shall not be recessed more than 3 feet behind its façade or storefront and, in any case, shall have a clear view and path to a 45-degree angle past the perpendicular from each side of the door.



606.B.3.c.iii



606.B.3.d.iii

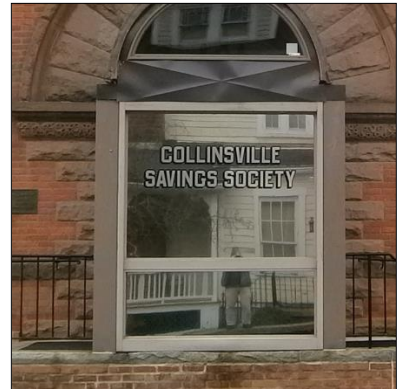


606.B.3.c.i

607. SIGNAGE

A. Intent

1. See *Zoning Regulations 7.3. Signage*.
2. Signs along commercial frontages should be clear, informative to the public, and durable.
3. Signs in the Collinsville Village Design Village District are subject to review by the Collinsville Historic Commission and should be scaled and detailed for this mixed-use, pedestrian-oriented area and not for high speed automobile traffic.
4. Signage that is glaring or too large creates distraction, lessens the urban experience, and creates visual clutter.
5. These standards may be supplemented by a Coordinated Sign Theme approved under Section 7.3.G. of the Zoning Regulations.
6. A change in signage does not constitute a change in façade area calculated under Section 204.B.



Painted within ground floor windows



Wall sign within area between ceiling of ground floor and second story sill



Company logo



Wall sign lighting

B. Implementation

1. General Design and Materials

- a. Wall signs are permitted within the area between the second story window sill line and the first floor ceiling, within a horizontal band not to exceed 3 feet in height. This band shall be no higher than 24 feet or lower than 12 feet above the adjacent sidewalk.
- b. Letters shall not exceed 24 inches in height or width and 3 inches in relief. Signs shall not come closer than two feet to an adjacent common lot line.
- c. Company logos may be placed within the horizontal sign band or placed or painted within ground story windows.
- d. A single masonry or bronze plaque bearing an owner's or building's name may be placed in the building's cornice/parapet wall or under the eaves, and above the upper story windows. Any such plaque shall be no larger than a rectangle of 18 square feet in size. Company logos or names in this position shall not be larger than a rectangle of 8 square feet in size.
- e. Blade signs (not more than 4 square feet with a minimum 8 feet clear height above the sidewalk) may be hung within the permitted wall sign area, perpendicular to the BTL or from a ground story overhang or awning.
- f. Prohibited Signs: Billboards, free-standing pole signs, marquees, any kind of animation, and roof signs (except for Canton Village Design Village District) are prohibited.
- g. Monument Signs are prohibited in Canton Village and Collinsville Design Village Districts.
- h. Internally lit signs are permitted in Canton Village, East Gateway or Harts Corner Design Village Districts only. See *Zoning Regulations 7.3. Signage* for details.
- i. Signs painted directly on façades are prohibited (excepting those existing prior to January 2015).

2. Awnings/Sidewalk Overhangs

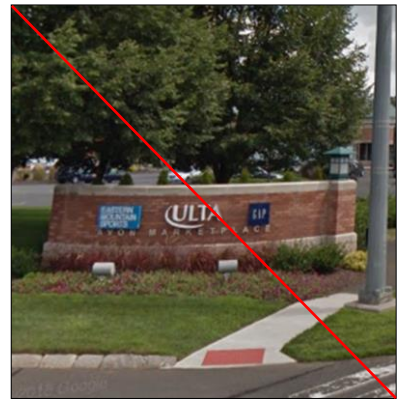
- a. See Section 603.B.3 for dimensional restrictions.
- b. Only the following materials are permitted: canvas or equivalent (no shiny or reflective fabric/material), metal, or glass.
- c. Lettering on awnings shall be limited to 9 inches in height on the vertical face of the curb side of the awning.



Blade sign perpendicular to building



Awning with lettering



No suburban monument signs

608. LIGHTING & MECHANICAL EQUIPMENT

A. Intent

Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night by applying the appropriate fixtures in the correct locations – street lights are pedestrian – scaled and should occur along all streets but “cobra-head” highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

Mechanical equipment is generally any Heating Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, hoods, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements shall not be located in any public visible areas or be visible from the public street. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.



Pedestrian-scaled street lamps

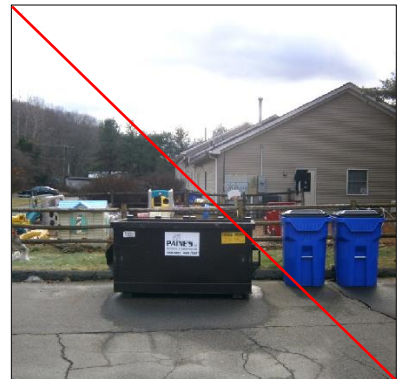
The illustrations below are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a street-space (e.g. within an alley or hidden from view).



*No highway fixtures
(except Route 44)*



*No electrical equipment on
front facade*



No unscrapped dumpsters

B. Implementation

1. Stormwater Management
 - a. See *Zoning Regulations 7.13. Stormwater Management*.
2. Lighting
 - a. See *Zoning Regulations 7.4. Outdoor Lighting*.
 - b. Lighting standards should be developed to meet the minimum standards of the *Illumination Engineering Society of North America (IESNA)*, with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas.
 - c. Street lights shall be located and specified per Section 504.C. Streetscape Elements.
 - d. When mounted to the front of the building, exterior lights shall be located between 6 feet and 15 feet above the adjacent grade.
 - e. Lighting elements shall be specified to include LED, metal halide, or halogen elements with a spectrum of light in the daylight range. Low pressure sodium lamps are prohibited. High-intensity discharge (HID) or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated as technologies advance and produce additional equivalent or better elements.
 - f. Floodlights or directional lights (maximum 100-watt bulbs) may be used to illuminate alleys, common access easements, parking garages and working (maintenance) areas, but shall be fully shielded.
 - g. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) intent and guidelines.
 - h. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on Civic Use Buildings, historic or locally significant buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
 - i. Site lighting shall be of a design similar to and a height no taller than the street lights and be located so as to illuminate only the lot - shielded or aimed in such a way that they do not shine into other lots or the street-space. An exterior lighting plan may be required and be approved as consistent with these standards by the ZEO.
 - j. See also Section 607. Signage.
3. Mechanical Equipment
 - a. The following shall be placed behind and away from any BTL, may not be stored or located within any street-space, and shall be screened from view from the street-space: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
 - b. Roof mounted equipment shall be placed behind and away from any BTL and be screened from view from the street-space.

4. Solar Energy Equipment

- a. Location: Solar energy equipment may be located on the roof of a principal structure or an accessory structure, on the side of such structures, on a pole, or on the ground, subject to the Building Form Standards.
- b. Height: The system shall comply with the maximum height standards for the Design Village District in which it is located, provided that a roof-mounted system shall not extend more than 5 feet above the roofline of the structure on which it is mounted.
- c. Nonconforming Structure-Height: Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than 5 feet above the roof surface.
- d. Area: The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
- e. The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.



Rain garden for stormwater infiltration

ARTICLE IV
Universal Design
[Adopted 12-23-2002 by L.L. No. 52-2002¹]

§ 123-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSIBLE DESIGN — Generally refers to houses or dwellings that meet specific requirements for accessibility. These requirements are found in state, local, and model building codes, and the regulations of the Fair Housing Amendments Act of 1988, the American National Standards Institute (ANSI) standards, and the Americans With Disabilities Act (ADA) accessibility guidelines. These regulations, guidelines and laws dictate standard dimensions and features, including but not limited to door widths, clear space for wheelchair mobility, countertop heights for sinks and kitchens, audible and visual signals, grab bars, switch and outlet height.

ADAPTABLE DESIGN — Allows some features of a building or dwelling to be changed to address the needs of an individual with a disability or a person encountering mobility limitations as he/she ages. Essential design elements such as wider doorways and halls and barrier-free entrances are included as integral features, while provisions are made for features to be adapted (modified or added) as needed. To meet the definition of "adaptable," the change must be able to be made quickly without the use of skilled labor and without changing the inherent structure of the materials. For example, bathroom walls may be designed with additional supports or reinforcements between wall studs for future installation of grab bars.

UNIVERSAL DESIGN — The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

VISITABLE DESIGN — Refers to homes that are not only accessible to guests with disabilities visiting the homes of nondisabled hosts, but to the future needs of the nondisabled residents as well.

VISITABILITY — A design criterion that affords all persons basic access to residential buildings. Access features to visitable homes include a zero-step entrance, accessible hallways, and bathrooms with doors wide enough for a wheelchair user to enter. Such features on the first level of a dwelling make the home visitable to guests with disabilities and can help a resident adapt in his/her home should the resident's needs change due to disability, age, or reduced mobility.

§ 123-31. Purpose; legislative findings.

A. The Town of Southampton has enacted certain provisions in its Zoning Code to provide for increased housing opportunities and lifestyle options, consistent with

1. Editor's Note: This local law also provided that applications for SC-44, and MFPRD developments which received final conditional approval by the date of adoption of this local law would be exempt from the provisions of this article.

the recommendations of the Town of Southampton Master Plan of 1970 and the 1999 Comprehensive Plan Update. Community planning objectives encourage that the Town enable a wide variety of housing types and, more particularly, to help make possible housing opportunities with purchase and rental costs in keeping with the financial means of the Town's residents who have low or lower-middle incomes. Given that there are many economic factors impacting young adults, families, and senior citizens, including but not limited to limited or fixed incomes, physical restrictions, and the rapidly accelerating costs of purchasing and maintaining a single-family residence, the Town Board has enacted legislation to provide for such multifamily housing, congregate senior housing, and retirement communities within the Town on a floating zone basis.

- B. The purpose of this article is to require that, to the extent practicable, new developments designated as senior housing or multifamily housing should incorporate the adaptable design and visitable design concepts of universal design, respectively, to reduce problems meeting requirements for accessibility pursuant to the Americans With Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA).
- C. Universal design, as defined in § 330-5,² is a flexible, inclusive process aimed at enabling all occupants access regardless of size, age, or abilities, including but not limited to accessibility code compliance. The diverse needs of the development's population should be accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.
- D. Visitability, as defined in § 330-5,³ is a design criterion that affords all persons basic access to residential buildings. The visitability standard is lower than full accessibility. Therefore, visitability is not the same as the Americans With Disabilities Act (ADA) or the National Rehabilitation Act of 1973, Section 504, Compliant accessibility, or the Fair Housing Act Amendments of 1988 (FHAA). Buildings of four or more units require compliance to FHAA standards and will automatically be visitable; however, visitable dwellings are not necessarily FHAA-compliant.
- E. The Town Board finds that incorporation of certain universal design features in the design of certain housing developments is in the best interests of the likely occupants of the housing complex, future occupants, and the community at large. Such features on the first level of a dwelling provides basic access and makes the home visitable to guests with disabilities and can help a resident adapt in his/her home should the resident's needs change due to disability, age, or reduced mobility.
- F. Constructing units with visitable design includes a zero-step entrance; wider doors and passageways within the dwelling; locating at least one bathroom or powder

2. Editor's Note: See also § 123-30.

3. Editor's Note: See also § 123-30.

room on the accessible entry floor and the ability to install grab bars safely and conveniently within such bathrooms.

- G. The methods of achieving a zero-step entrance include consideration of grade when planning the site of multifamily housing and senior housing developments. Grading an accessible route flush with the entrance of a unit is typically less costly than constructing a ramp, and often less than installing steps. Angling doorways at the end of hallways eases entry for persons using mobility aids. Exterior accessible routes should be considered when designing the site. Moreover, accessible routes and wider doorways make movement of people, furniture, baby strollers, and assistive devices such as wheelchairs, walkers and crutches safer and easier.

§ 123-32. Terms and exclusions.

- A. As used in this chapter, the term "high-density residential development" generally refers to housing developments where the Suffolk County Department of Health Services indicates the need for a sewage treatment facility, rather than an on-site conventional subsurface sanitary system (e.g., cesspools).
- (1) Suffolk County Department of Health Services utilizes the following land use classifications for residential properties in the Town of Southamptton, based upon planning studies associated with Peconic Estuary Program and South Shore Estuary Reserve Program:
 - (a) Low density: greater than or equal to one acre for single-family homes; greater than or equal to two acres for two-family homes ("duplexes"); greater than or equal to three acres for three-family homes (triplexes).
 - (b) Medium density: between 0.2 and one acre for single-family homes; between 0.4 and 2.0 acres for two-family homes ("duplexes"); between 0.6 and 3.0 acres for three-family homes (triplexes).
 - (c) High density: less than or equal to 0.2 acre for single-family homes; less than or equal to 0.4 acre for two-family homes (duplexes); less than or equal to 0.6 acre for three-family homes (triplexes).
 - (2) High-density residential land uses include mobile home parks, apartment buildings, residential cooperatives, and residential condominium complexes.
 - (3) High-density residential developments may also include a concentration of detached dwelling units in which the underlying residential zoning has been superseded by a floating zone designation and the density has been more than doubled, typically to achieve community planning objectives such as, but not limited to, housing units set aside for low-to-moderate-income persons or the elderly.
- B. Although likely classified as high-density residential land uses, two-family and three-family dwellings (i.e., duplexes and triplexes) to be constructed on single and

separate lots in permitted zoning districts shall not be subject to the requirements of this article unless there is a multitude of such dwelling units being constructed in any one development project in the context of a Planned Development District (PDD), Senior Citizen Housing Project (SC-44), or Multifamily Housing Project (MFPRD).

- C. Nothing herein shall be construed as to require single-family detached dwellings to be constructed on single and separate lots created by typical subdivision plat to be conforming to accessible, adaptable, or visitable design elements of universal design.
- D. Nothing herein shall be construed as to require detached mobile homes to be sited on lots within a permitted Mobile Home Subdivision Residence Zone (MHS-40) to be conforming to accessible, adaptable, or visitable design elements of universal design.

§ 123-33. Certain design concepts of universal design required.

- A. For high-density residential developments designated as "senior housing" and approved on a floating zone basis pursuant to Chapter 330, Article III, Senior Citizen Zone, SC-44, or § 330-246, Planned Development Districts, PDD, the following supplemental adaptable design development standards shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses and attached two-, three-, or four-family dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements which may impact accessibility and fair housing provisions of the residential development.
 - (1) Zero-step entrance. For housing units located on the ground floor, there shall be at least one stepless entrance to the dwelling, with a wheelchair-accessible walkway leading to it, unless it is impractical to do so because of terrain or unusual characteristics of the site.
 - (a) Only one zero-step entrance is required to be accessible to any one ground floor dwelling unit. The stepless entrance may be located at the front, rear, side or within an attached garage. There shall be less than a one-half-inch rise.
 - (b) It is preferred that the doorway utilized for the stepless entrance provide at least 34 inches' clear passage. A thirty-six-inch door, hung in the standard manner, provides such accessible entrance. If sliding doors are used for the stepless entrance, those with the lowest bottom track shall suffice, and at least a thirty-four-inch clear opening is preferred.
 - (c) A sidewalk or driveway being utilized as the accessible route to the stepless entrance must have a slope no greater than 1:12. The ratio of length to height should be a foot long for every inch in height, and less

steep whenever possible. Ramps for accessible routes are permitted for slopes greater than 1:20.

- (d) Site impracticability due to unusual circumstances. An accessible route to a building entrance is impracticable when the unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10%, measured between an entrance and the closest vehicular or pedestrian arrival points.
 - (e) The Building Inspector may waive the requirement of a stepless entrance if the applicant demonstrates that the topographical conditions of the site will create an undue hardship. The Building Inspector shall refer such request for a waiver to the Town Planning Board for review and recommendations, prior to making a final determination. A decision shall be made on the request for a waiver of the stepless entrance requirement no later than the 30th day after receipt of the request and supporting documentation.
- (2) Doorways and passageways.
- (a) All doors on the ground floor (including bathrooms, walk-in closets, and any door intended for human passage) shall have at least a thirty-two-inch clear opening.
 - (b) A thirty-four-inch door, hung in the standard manner, provides the acceptable nominal thirty-two-inch clear opening. Pocket doors or sliding doors are acceptable doors and have the added advantage of not impinging on clear floor space in small rooms.
 - (c) Levered door hardware is preferred, but not required. This universal design feature makes it easier for all people, particularly the elderly, to gain ingress and egress through closed doors.
 - (d) All hallways and room entrances on the ground floor shall be at least 36 inches wide for an accessible route through the dwelling.
- (3) Convenience facilities.
- (a) There shall be at least one bedroom located on the ground floor. A den, library, studio or family room may be considered as a bedroom to satisfy this requirement.
 - (b) There shall be at least 1/2 bathroom (powder room) located on the ground floor, and it shall be designed with thoughtful arrangement of fixtures or sufficient floor space to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit.

- [1] Bathroom entry door may swing out or into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering space may include any knee space or toe space available below bathroom fixtures.
 - [2] A sixty-inch turning radius in the ground floor bathroom is preferred, but not required, and the clear space under a wall-hung lavatory can be included in this measurement.
- (4) Adaptability features. All dwelling units shall be constructed with a keen sensitivity to allow for future renovations as age, mobility, or health conditions of occupants or future occupants may necessitate accessibility improvements.
- (a) Bathrooms. Reinforcements or what is commonly referred to as "blocking" shall be provided between wall studs around the toilet and the bathtub/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of 32 inches from the floor, extending at least to a height of 38 inches from the floor. Reinforcements may be provided by way of plywood or wood blocking.
 - [1] Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required which safely accommodates a twenty-four-inch grab bar and provides proper backing for attachment flange. Where a toilet is adjoining a side wall, a minimum twenty-six-inch-wide reinforced area is required which safely accommodates a twenty-four-inch grab bar and provides proper backing for attachment flange. For a side wall adjoining a toilet, a forty-two-inch wide reinforced area is preferred which safely accommodates a forty-two-inch wide grab bar and proper backing for flange.
 - [2] Along a tub wall, reinforcements shall be at least 50 inches wide which safely accommodates a forty-eight-inch grab bar and provides proper backing for flange. Side walls shall have a minimum twenty-six-inch wide reinforced area, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - [3] Inside a shower stall, reinforcements shall be at least 26 inches wide on each side adjoining a wall, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - (b) Light switches and other environmental controls shall have operable parts located in accessible locations, no higher than 48 inches from the floor and no lower than 15 inches above the floor.
 - [1] Controls or outlets that do not satisfy these requirements are acceptable, provided that comparable controls or outlets (i.e., that perform the same functions) are provided within the same general area and are accessible.

- (c) Kitchens shall be designed with thoughtful arrangement of appliances and cabinetry so as to provide at least 30 inches of clear space by 48 inches lengthwise, which allows a parallel approach by a person in a wheelchair at the oven range or cooktop, refrigerator, dishwasher and sink.

- [1] Clearance between counters and all opposing base cabinets, countertops, appliances, or walls is preferred to be at least 40 inches.

- [2] In U-shaped kitchens with a sink or range or cooktop at the base of the "U," a sixty-inch turning radius is preferred, to allow a parallel approach. Alternatively, base cabinets may be removable at that location to allow for knee space for a forward approach by a wheelchair user.

- [3] A side-by-side refrigerator-freezer appliance is preferred, but not required, as a universal design feature which allows easier access for all people.

- B. For high-density residential developments designated as "multifamily housing" and approved on a floating zone basis pursuant to Chapter 330, Article IV, Multifamily Planned Residential Development, MFPRD, or § 330-246 Planned Development District, PDD, the following supplemental visitable design development standards shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses, attached two-, three-, or four-family dwellings, excluding single-family detached dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements which may impact accessibility and fair housing provisions of the residential development.

- (1) Zero-step entrance. For housing units located on the ground floor, there shall be at least one stepless entrance to the dwelling, with a wheelchair accessible walkway leading to it, unless it is impractical to do so because of terrain or unusual characteristics of the site.

- (a) Only one zero-step entrance is required to be accessible to any one ground floor dwelling unit. The stepless entrance may be located at the front, rear, side or within an attached garage. There shall be less than a one-half-inch rise.

- (b) It is preferred that the doorway utilized for the stepless entrance provide at least 34 inches' clear passage. A thirty-six-inch door, hung in the standard manner, provides such accessible entrance. If sliding doors are used for the stepless entrance, those with the lowest bottom track shall suffice and at least a thirty-four-inch clear opening is preferred.

- (c) A sidewalk or driveway being utilized as the accessible route to the stepless entrance must have a slope no greater than 1:12. The ratio of

length to height should be a foot long for every inch in height, and less steep whenever possible. Ramps for accessible routes are permitted for slopes greater than 1:20.

- (d) Site impracticability due to unusual circumstances. An accessible route to a building entrance is impracticable when the unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10%, measured between an entrance and the closest vehicular or pedestrian arrival points.
 - (e) The Building Inspector may waive the requirement of a stepless entrance if the applicant demonstrates that the topographical conditions of the site will create an undue hardship. The Building Inspector shall refer such request for a waiver to the Town Planning Board for review and recommendations, prior to making a final determination. A decision shall be made on the request for a waiver of the stepless entrance requirement no later than the 30th day after receipt of the request and supporting documentation.
- (2) Doorways and passageways.
- (a) All doors on the ground floor (including bathrooms, walk-in closets, and any door intended for human passage) shall have at least a thirty-two-inch clear opening.
 - (b) A thirty-four-inch door, hung in the standard manner, provides the acceptable nominal thirty-two-inch clear opening. Pocket doors or sliding doors are acceptable doors and have the added advantage of not impinging on clear floor space in small rooms.
 - (c) Levered door hardware is preferred, but not required. This universal design feature makes it easier for all people, particularly the elderly, to gain ingress and egress through closed doors.
 - (d) All hallways and room entrances on the ground floor shall be at least 36 inches wide for an accessible route through the dwelling.
- (3) Convenience facilities.
- (a) Bathroom. There shall be at least 1/2 bathroom (powder room) located on the ground floor, and it shall be designed with thoughtful arrangement of fixtures or sufficient floor space to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit.
- [1] Bathroom entry door may swing out or into the clear floor space provided at any fixture if the maneuvering space is provided.

Maneuvering space may include any knee space or toe space available below bathroom fixtures.

[2] A sixty-inch turning radius in the ground floor bathroom is preferred, but not required, and the clear space under a wall hung lavatory can be included in this measurement.

(4) Adaptability features. All dwelling units shall be constructed with a keen sensitivity to allow for future renovations as age, mobility, or health conditions of occupants or future occupants may necessitate accessibility improvements.

(a) Bathrooms. Reinforcements or what is commonly referred to as "blocking" shall be provided between wall studs around the toilet and the bathtub/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of 32 inches from the floor, extending at least to a height of 38 inches from the floor. Reinforcements may be provided by way of plywood or wood blocking.

[1] Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. Where a toilet is adjoining a side wall, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. For a side wall adjoining a toilet, a forty-four-inch wide reinforced area is preferred to safely accommodate a forty-two-inch grab bar with proper backing for flange.

[2] Along a tub wall, reinforcements shall be at least 50 inches wide which safely accommodates a forty-eight-inch grab bar and provides proper backing for flange. Side walls shall have a minimum twenty-six-inch-wide reinforced area, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.

[3] Inside a shower stall, reinforcements shall be at least 26 inches wide on each side adjoining a wall, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.

(b) Light switches and other environmental controls are preferred, but not required, to have operable parts located in accessible locations, no higher than 48 inches from the floor and no lower than 15 inches above the floor.

(c) Kitchens are preferred, but not required, to be designed with thoughtful arrangement of appliances and cabinetry so as to provide at least 30 inches of clear space by 48 inches lengthwise, which allows a parallel approach by a person in a wheelchair at the oven range or cooktop, refrigerator, dishwasher and sink.

- [1] Clearance between counters and all opposing base cabinets, countertops, appliances, or walls is preferred to be at least 40 inches.
 - [2] In U-shaped kitchens with a sink or range or cooktop at the base of the "U," a sixty-inch turning radius is preferred, to allow a parallel approach. Alternatively, base cabinets may be removable at that location to allow for knee space for a forward approach by a wheelchair user.
 - [3] A side-by-side refrigerator-freezer appliance is preferred, but not required, as a universal design feature which allows easier access for all people.
- C. Application to new construction of single-family and multifamily dwelling units on or after the effective date of this article that is funded with financial assistance from the Town of Southampton.
- (1) As used in this section, "financial assistance" from the Town of Southampton includes real estate purchase, lease, or donation or a Town contract to provide funding or a financial benefit for housing.
 - (2) For high-density residential developments designated as senior housing or multifamily housing and approved on a floating zone basis, and to be constructed through a building contract or similar contractual agreement involving a Town-funded program or financial assistance, including but not limited to federal community development block grant (CDBG) funds and Town affordable housing capital reserve funds, the supplemental adaptable design and visitable design development standards cited in § 123-33A and B, respectively, for senior housing and multifamily housing shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses and attached two-, three-, or four family dwellings, excluding single-family detached dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements, which may impact accessibility and fair housing provisions of the residential development.
 - (3) For single-family dwellings and multifamily dwellings which are to be constructed on single and separate lots involving a Town-funded program or financial assistance, including but not limited to federal community development block grant (CDBG) funds and Town affordable housing capital reserve funds, the supplemental standards cited in § 123-33B are preferred, but not required, consistent with the fair housing policies of the United States Department of Housing and Urban Development (HUD).
- D. Waivers of the above supplemental design criteria are applicable only if it can be shown that the site conditions make the requirement impracticable or if the particular requirement significantly reduces the affordability of the housing units

for the target population for which specialized zoning approval or municipal funding has been authorized to enable the high-density residential development. The applicant must provide supporting documentation that the topographical conditions of the site or inclusion of basic access features will create an undue hardship and significantly impact the affordability of the units.

§ 123-34. Enforcement.

- A. The Planning Board shall ensure that, as a condition of site plan approval, the aforementioned specific universal design standards are to be incorporated in the architectural design by requiring that the site plans be endorsed with a stamp noting "Universal Design Required - Town Code Chapter 123" where applicable.
- B. Prior to the issuance of a building permit, the Building Inspector shall ensure that the architectural plans conform to the aforementioned specific universal design standards which have been incorporated as a condition of site plan approval and noted by endorsement on the approved site plans.
- C. Prior to the issuance of a certificate of occupancy, the Building Inspector shall ensure that the construction is consistent with the aforementioned specific universal design standards.

§ 123-35. Violations of approval or conditions; penalties for offenses.

Pursuant to § 330-184.1, any violation of the approval or conditions, including specific covenants or easements, established by the Planning Board with respect to a specific site plan application shall be deemed a violation of the Zoning Code punishable under the provisions of § 330-186.

Cooperative Homeownership Program Model Ordinance: Town of Farmington Town Code

<https://ecode360.com/7145441>

In order to increase its affordable housing stock, the Town of Farmington began a program in 1981 known as the Plan for Cooperative Ownership. To make the purchase of single-family homes more affordable to home-buyers of low and moderate income, the Town of Farmington enters into a partnership with the individual in which the Town would own the land and the individual would own the home on the land. This partnership would enable the individual to pay a mortgage only on the home (not the land) making it much more affordable. Individuals whom are selected for the program are responsible for their own financing and have the responsibility of choosing a realtor to help find an existing home in Farmington. After four years, the homeowner pays annual land-lease fees to the Town of Farmington, which then go into the Farmington Cooperative Housing Trust Fund. In exchange for financial assistance, the unit is deed restricted, ensuring that if the property is sold, it is sold to another income-eligible household. The enabling ordinance from the Town of Farmington code is noted below:

§ 12- 1 Background.

For several years the Housing Authority of the Town of Farmington has been administering a program to promote the construction of housing for low- and moderate-income persons and families by leasing land at a nominal rent on which the lessee constructs and finances a home to be occupied by the lessee and his or her family. A summary of the plan is attached hereto as Exhibit A.¹¹¹ The Housing Authority is hereby authorized to revise Exhibit A from time to time, as appropriate. At the time of sale of the property or at the time that a lessee purchases the land, the Town receives the current fair market value for the land. In order to have a fund in which the proceeds of the sale of land and other money may be deposited and held for use in effecting future purchases of land for the program, it is appropriate that a trust fund be established.

§ 12-2 Purpose.

The purpose of a trust fund is to hold and maintain proceeds derived from the sale of cooperative housing lots, accrued interest income and any other money received for the purpose of acquiring additional lots for the Cooperative Housing Program.

§ 12-3 Establishment.

A trust fund, to be known as the "Farmington Cooperative Housing Trust Fund" (the "trust fund") be and is hereby established to promote the acquisition of additional lots for construction of housing for persons and families having low or moderate income.

§ 12-4 Trustee.

The trustee of the trust fund shall be the Housing Authority of the Town of Farmington. All actions involving the receipt of funds into the trust fund and the expenditure of funds from the trust fund shall be approved by the trustee. Approval by the trustee shall consist of a vote by a majority of the members of the Authority present at any meeting at which a quorum is present.

§ 12-5 Signing of checks; investment.

All checks drawn on the trust fund shall be signed by the Town Manager and the Town Treasurer or their designated agents approved by the Town Council. The trust fund shall be held or invested in bank accounts or short-term securities which can be readily liquidated to obtain funds to carry out the purpose of the trust.

§ 12-6 Auxiliary services.

The facilities and services of the various agencies and departments of the Town of Farmington shall be available to the trustee as it may reasonably require.

COTTAGE CLUSTER DEVELOPMENT

Revised Draft – February 12, 2021

ARTICLE : To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 8.12 Cottage Cluster Development as follows:

Section 8.12 Cottage Cluster Development

A. Purposes. The purposes of Cottage Cluster Development are to;

1. provide a variety of smaller, more affordable housing choices, including single-family dwelling units, duplexes, and carriage houses, in order to meet the needs of a diverse population;
2. encourage new residential development types that foster community and a sense of place while allowing for flexibility in design based on site characteristics and context;
3. promote affordability and variety in housing design and site development while ensuring compatibility and integration with surrounding neighborhoods and land uses;
4. build community cohesion among Cottage Cluster residents through the design of internal pedestrian circulation, orientation of dwelling units, and inclusion of Courtyard(s);
5. provide common open space to be shared by Cottage Cluster residents
6. prioritize pedestrian connectivity and minimize the visual presence, noise, and impacts of vehicular traffic and parking.

B. Definitions. Where the following terms appear in this Section 8.12, they shall have the following meanings.

1. **Carriage House:** A small single-family dwelling located above an attached or detached garage structure in a Cottage Cluster Development.
2. **Community Building:** A building providing indoor and/or outdoor space available for use by all residents of the Cottage Cluster Development, including but not limited to a picnic shelter, tool shed, exercise room, lounge room for meetings, classes, or games, or child care room.
3. **Community Garden:** An open space designed as a collection of individual garden plots available to residents for horticultural purposes, including storage facilities for necessary equipment.
4. **Cottage:** A small detached, single-family dwelling unit with narrow massing.
5. **Cottage Cluster Development:** A Cottage Court or a cohesive grouping of Cottage Courts, carriage houses, and two family houses/duplexes. A Cottage Cluster Development may also include shared community garden plots, parking courts, and community buildings and facilities.
6. **Cottage Court:** A collection of small private homes arranged around a common courtyard which becomes an important community-enhancing element of the site.

Cottage Courts may also have shared community garden plots, parking courts, and recreation buildings and facilities.

7. **Courtyard:** A courtyard (or court) is a common open space, often surrounded by a building or buildings, that is open to the sky. Courtyards may include a variety of passive recreational activities, community gardens, and other amenities for community gatherings.
8. **Exclusive Use Area:** A private open space or private yard associated with a private residence for passive recreational use including but not limited to landscaped areas, gardens, and seating. The Exclusive Use Area is not intended for public access or access by other residents of the Cottage Cluster.
9. **Maximum unit size:** A limit on the gross floor area of a residential dwelling unit, based on the total size of the original construction and any additions or other subsequent alterations, expressed as a square foot measurement.

C. Applicability.

1. By Special Permit. The Planning and Economic Development Board may grant a special permit for a Cottage Cluster Development for up to eight dwelling units per acre for any tract of land in the AR-I, AR-II, and VR districts. A Cottage Cluster Development is subject to the requirements of site plan review, land disturbance permits, and all other generally applicable land use regulations.
2. Lots with legally pre-existing nonconforming buildings shall be eligible for a Cottage Cluster Development special permit provided there is no increase in any dimensional nonconformity or the creation of a new nonconformity, and the applicant can demonstrate compliance with the parking and density and dimensional requirements of this Section 8.12.

D. Affordable Housing. A Cottage Cluster Development is subject to Section 8.6 Affordable Housing of this Bylaw.

E. Use Regulations.

1. A Cottage Cluster Development special permit may provide for any or a combination of the following uses as determined by the Planning and Economic Development Board:
 - a. Carriage House
 - b. Cottage
 - c. Two Family House/Duplex
 - d. Community Building
2. Existing structures on the subject property may be incorporated into a Cottage Cluster Development.
3. A maximum of fifteen percent of the total number of dwelling units in a Cottage Cluster Development may be Carriage Houses.
4. A maximum of twenty-five percent of the total number of dwelling units in a Cottage Cluster Development may be Two Family Houses/Duplexes.

F. Density and Dimensional Regulations.

1. The dimensional regulations for Cottage Cluster Developments are given in Table 8.12 – 1 and illustrated in Figure 8.12 - 1. There are no minimum lot area, maximum lot

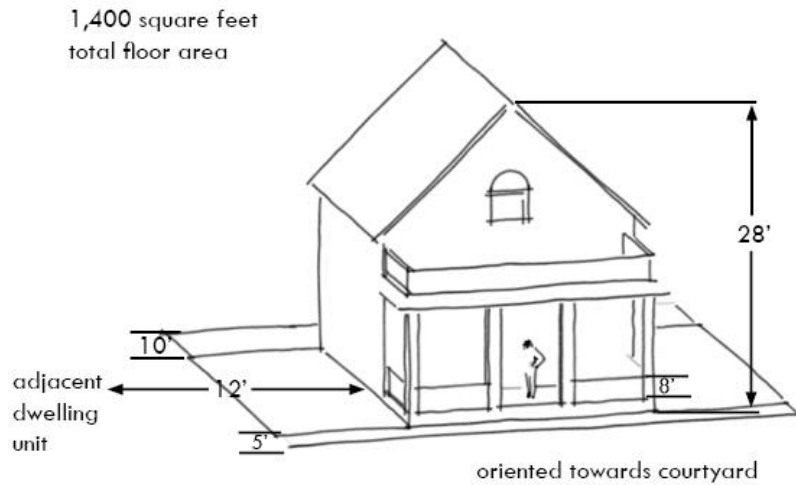
coverage, or minimum open space requirements except for the required Courtyard under this Section.

2. The total square footage of a dwelling unit in a Cottage Cluster Development shall not be increased beyond the maximum dwelling unit size specified in Table 8.12 – 1. Notation shall be placed on the title to any property for the purpose of notifying future owners of such limitation.

Table 8.12 - 1: Dimensional Standards for Cottage Cluster Developments

Maximum dwelling unit size	<p>Cottage: one thousand square feet on first floor; fourteen hundred square feet total</p> <p>Carriage House: eight hundred square feet</p> <p>Two Family House/Duplex: two thousand square feet on first floor; twenty-eight hundred square feet structure total</p> <p>Maximum dwelling unit size does not include the basement area or the area of an attached or detached garage.</p>
Minimum lot frontage	Fifty feet
Maximum impervious coverage	Fifty percent
Minimum building setback	From property adjacent to the Cottage Cluster Development: twenty feet from lot line
Minimum building setbacks	<p>When land is divided into lots.</p> <ul style="list-style-type: none"> • Side setback: six feet • Rear setback: ten feet <p>When land is not divided into lots.</p> <ul style="list-style-type: none"> • Minimum distance between buildings: twelve feet. The shared wall of a two family house/duplex is exempt. • Rear setback; ten feet, if the rear of a dwelling unit is adjacent to a parking area, alley or other common space. <p>Front setback</p> <ul style="list-style-type: none"> • five feet to porches; ten feet to porches of buildings wider than twenty-five feet. • If the dwelling unit is oriented towards a Courtyard or other common space, the front setback shall be that space between the edge of the porch and the edge of the Exclusive Use Area where it meets the Courtyard or other common space. • If the dwelling unit is oriented towards a street, the required standard front setback of the underlying zoning district applies.
Maximum Height	<p>Cottage: 28 feet</p> <p>Carriage House: 28 feet including the garage</p> <p>Two Family House/Duplex: 28 feet</p> <p>Other buildings or structures: 28 feet</p>

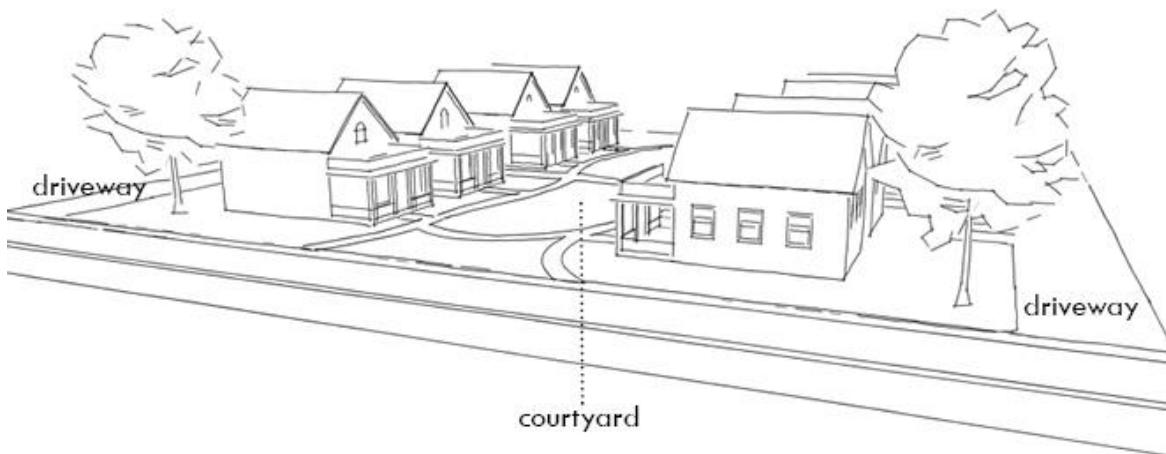
Figure 8.12 - 1. Cottage Dimensions



G. Site Design

1. The primary development configuration of a Cottage Cluster Development shall be a Cottage Court. See illustrative example in Figure 8.12 – 2. Cottage Court below. A minimum of seventy-five percent of the dwelling units in a Cottage Cluster Development must be developed within a Cottage Court, per Paragraph I herein. There is no limit to the number of Cottage Courts except as provided in the density limitations specified in Paragraph C.1 herein.
2. The secondary configuration of a Cottage Cluster Development may be developed in a manner that does not meet the Cottage Court standards of Paragraph H herein including the addition of carriage houses and two family/duplexes.

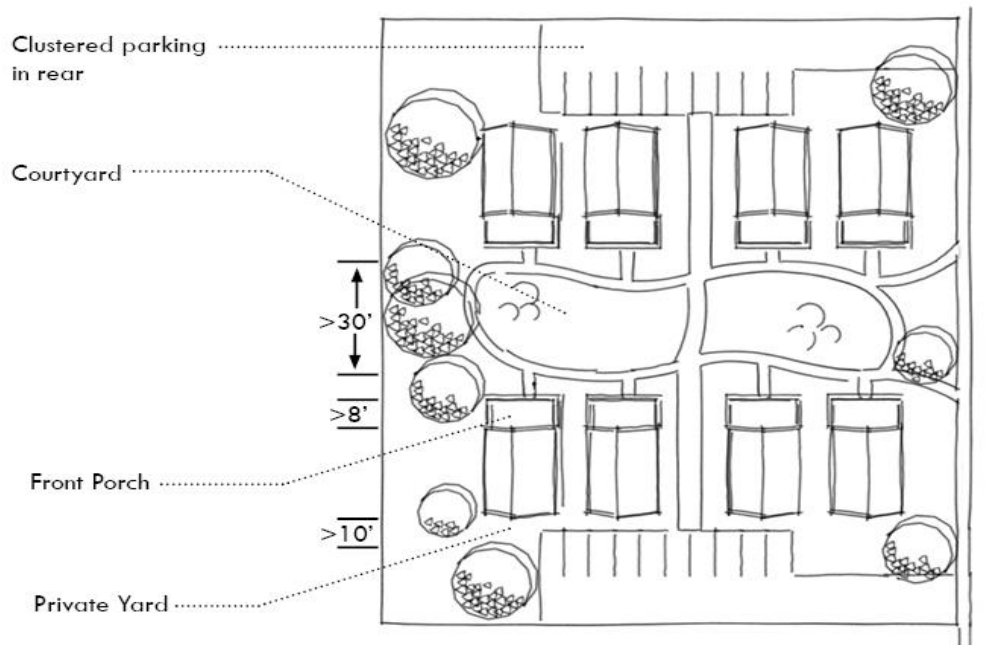
Figure 8.12 - 2. Cottage Court



H. Cottage Court Standards

1. See Figure 8.12 – 3. Cottage Court Standards below.

Figure 8.12 – 3. Cottage Court Standards



2. A Cottage Court shall be developed according to the following standards.
 - a. Size and Orientation
 - 1) Each Cottage Court shall have a minimum of four and a maximum of sixteen dwelling units.
 - 2) Every dwelling unit in a Cottage Court shall be oriented toward and have their front door opening to the Courtyard.
 - b. Courtyard
 - 1) Each Cottage Court shall have a Courtyard with a minimum dimension of thirty feet on all sides. Each Courtyard must be sized to provide at least four hundred square feet per dwelling unit. Parking areas, yard setbacks, spaces between buildings of less than fifteen feet or less in width, private open space, and driveways do not qualify as Courtyard space.
 - 2) Courtyards shall have dwelling units on at least two of its sides.
 - 3) Courtyards shall be improved for passive recreational use, including but not limited to landscaped areas, picnic areas, and gardens. Courtyards may also include community amenities, including but not limited to seating, landscaping, walkways, trails, gazebos, barbecue facilities, covered shelters, play areas, and other similar features. Community buildings may be included in the required Courtyard but may not occupy more than ten percent of the minimum required Courtyard area.
 - 4) Courtyards shall be held in common ownership through a homeowners' or condominium association.

- c. Exclusive Use Area
 - 1) Open space for exclusive use shall be provided on the front, side, or rear of each dwelling unit. Each dwelling unit must be provided with a minimum of two hundred square feet of usable Exclusive Use Area, with no dimension less than ten feet. Such open space requirement may be met with a combination of space in the front, side, or rear locations of the dwelling unit.
 - 2) The Exclusive Use Area shall be separated from the Courtyard by a walkway, landscaping, hedge, or fence. If a hedge or fence is provided, it shall not exceed three feet in height.
- d. Front Porch
 - 1) Each dwelling unit abutting a Courtyard must have a covered porch oriented toward the Courtyard.
 - 2) Each front porch must have a minimum area of one hundred square feet and a minimum depth of eight feet.
- e. Privacy - Dwelling units must be designed so that window placements do not allow residents in a dwelling to peer into the living space of adjacent dwellings closer than thirty feet apart. This can be accomplished by staggering window placements or by arranging dwellings with 'open' and 'closed' sides; the open side of a dwelling may have windows facing its own side or rear yard, and the closed side may have high windows, translucent windows, or skylights.

I. Cottage Cluster Development Standards

1. Relation to adjacent neighborhood
 - a. Each dwelling unit that abuts a public right-of-way (not including alleys) and that does not abut a Courtyard must have a front façade oriented towards the public right-of-way.
 - b. Gated access to a Cottage Cluster Development is prohibited.
2. Design - Building design should incorporate features of traditional New England architecture, utilizing forms such as steeply pitched roofs, gables, or dormers and be consistent with the *Medway Design Review Guidelines*. Variety in building design among the cottages within a Cottage Cluster Development is required. High-quality exterior materials and architectural details consistent with the building's cottage style should be used to provide visual interest.
3. Walkability - Pedestrian connections are required between each building and public right of way, Courtyard, and parking area.
4. Community buildings and other features are encouraged subject to the following:
 - a. Must be clearly incidental in use and size to the dwelling units
 - b. Must be no greater than 28' in height
 - c. Must be commonly owned by the residents
 - d. Must be architecturally compatible with Cottage style
5. A common driveway may be administered as part of a homeowners' or condominium association. Alternatively, it may be jointly owned in fee or as an easement as specified on the deeds of the owners of the properties to which it provides access.

J. Historic Properties - Any property proposed for a Cottage Cluster Development pursuant to this sub-section which includes a building that is 75 years of age or older shall be reviewed by the Medway Historical Commission to determine if it is an “historically significant building” and if it is a “preferably preserved historically significant building” in accordance with the criteria specified in Medway General Bylaws Article 17 Historical Properties. If so determined to be a preferably-preserved historically significant building, the property shall be incorporated into the Cottage Cluster development and comply with the following additional requirements for a special permit pursuant to this sub-section.

1. A preferably preserved historically significant building shall be not demolished unless:
 - a. The Building Commissioner has determined that it is unused, uninhabited or abandoned, and open to the weather; or
 - b. The Board of Selectmen or the Board of Health has determined it to be a nuisance or dangerous pursuant to applicable state laws and/or the State Building Code;
2. Renovation of a historically significant building shall be completed in a manner that preserves and/or enhances the building’s historic exterior architecture and features;
3. The project’s new construction shall be designed to reflect the historic nature of the property, its primary building, and buildings in the surrounding neighborhood including historic homes, carriage houses, barns, sheds, garages, agricultural buildings, other similar out buildings, and historic forms of house additions traditionally undertaken in the neighborhood.
4. Any property proposed for a Cottage Cluster development pursuant to this sub-section which had a building that was 75 years of age or older located on it, which building has been demolished without the authorization specified in J.1. herein, shall not be eligible to apply for a Cottage Cluster Development special permit until at least three years after the date that the demolition of said building was completed.

K. Parking Requirements

1. Number of Parking Spaces
 - a. Dwelling units less than eight hundred square feet: Minimum of one space per dwelling unit, maximum of one space per dwelling unit
 - b. Dwelling units greater than eight hundred square feet: Minimum of one space per dwelling unit, maximum of two spaces per dwelling unit only one of which may be located in a garage.
 - c. One guest parking space per four dwelling units.
 - d. Minimum and maximum parking space requirements shall include parking spaces in garages.
2. Location and Design
 - a. The location of parking spaces should be based on the scale of the overall development, rather than on a unit-by-unit basis. In so doing, the Board may consider the parking regulations included in Section 7.1.1 of the Bylaw.
 - b. Parking requirements may be met in clustered (shared) parking areas, along access alleyways, or in attached or detached garages. Each required parking space, not including guest spaces, must be located within three hundred feet of an entrance to the associated dwelling unit. Parking requirements may not be fulfilled by parking on a public street.

- c. Parking for dwelling units abutting a Courtyard shall be located at the rear or side of the dwelling units. Garages, carports, surface parking, and driveways shall not be located between the Courtyard and the dwelling units.
- d. Where dwellings have garages accessed by a front entrance located off of a public street, such garages must be set back from the front façade of the dwelling by a minimum of one foot and have a maximum of one garage door not to exceed ten feet in width.
- e. Surface parking areas should incorporate low impact development strategies to filter and minimize runoff. Parking areas may have gravel surfaces.

I. Management - The applicant must prove to the Town, based upon review by the Planning and Economic Development Board, that there will be a suitable legally-binding system in place, such as a homeowners association agreement or condominium association agreement, to ensure proper maintenance and funding of shared facilities and services, including but not limited to trash management, Courtyard, open space, shared parking areas, communal storage, communal mailbox, alleys, community building, stormwater management, and other site amenities and improvements.

L. Conditions, Limitations and Safeguards - The Planning and Economic Development Board may waive criteria and require additional criteria, including but not limited to building standards and site design, based on compelling reasons of fire safety submitted by the Medway Fire Department Chief during the public hearing.

M. Special Permit Review Criteria - The Planning and Economic Development Board may grant a Cottage Cluster Development special permit upon finding that:

- 1. The proposed plan meets the requirements of the Cottage Cluster Development Bylaw;
- 2. The dwellings are sited and oriented in a complementary relationship to each other, the Courtyard, and the adjacent properties with respect to style, scale, mass, setback, proportions and materials;
- 3. The site plan, ingress, egress, and internal circulation is designed to prioritize safe and convenient pedestrian access;
- 4. Adjacent properties and nearby streets are protected and buffered from negative visual impacts of the development, if any, by landscaping or other site planning buffering techniques;
- 5. Adequate provisions for water, sanitary sewer, and stormwater management and snow removal or on-site storage have been demonstrated; and
- 6. The site design incorporates the site's existing topography and protects natural features to the maximum extent feasible.

And to add the following to Section 8.6 Affordable Housing, B. Applicability as follows:

- 1. In applicable zoning districts, this Section shall apply to the following uses:
 - e. **Cottage Cluster Development approved pursuant a Cottage Cluster Development special permit under Section 8.12 of this Zoning Bylaw.**

Or to act in any manner related thereto:

PLANNING AND ECONOMIC DEVELOPMENT BOARD

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Housing Opportunity Purchase Program

1 GENERAL INFORMATION

The Town of Westport established the Westport Affordable Housing Trust (The Trust) by the vote of the Westport Town Meeting on May 2009. The mission of the Trust is to provide for the preservation and creation of affordable housing in Westport for the benefit of low and moderate income households. The Trust voted to fund the Westport Housing Opportunity Purchase Program (HOPP) for the purpose of creating new affordable homes. This packet contains guidelines and application for the HOPP.

HOPP offers grants to income and asset qualified First-Time homebuyers for the purpose of financing the gap between the affordable price and the selling price of an existing market rate house in Westport, MA. One (1) grant up-to \$175,000 is available for a 2-Bedroom home or a 3-Bedroom home. The program will reimburse each buyer up-to \$1,200 toward initial home inspections and any additional inspections required under this program. **Income limits and other eligibility requirements apply.**

Applicants must secure approval for a mortgage loan, submit evidence of such approval and availability of funds for a down-payment together with the application. Only one application per household will be accepted, and there is no need to submit multiple applications.

IMPORTANT DATES & APPLICATION DEADLINE

- Wednesday, November 11, 2020: Application period opens
- Wednesday, December 16, 2020, 700PM: Public online Informational session. RSVP to receive the details.
- Tuesday, January 26, 2021, 3:00PM: Application deadline.
- Lottery: If more than one, all eligible applicants will be given lottery numbers and told the date, time and place of the lottery. The Lottery will be open to the public.

COVID-19 PROCEDURES:

ANY PUBLIC SESSION WILL TAKE PLACE VIA ONLINE VIDEO CONFERENCE. FACE COVERINGS ARE REQUIRED FOR IN-PERSON MEETINGS.

The homes purchased through this program will be subject to a **deed rider that will permanently restrict the resale price of the home** and will require that upon resale, the home be conveyed to an income and asset eligible household through an affirmative fair marketing/non-discriminatory process according to Department of Housing and Community Development (DHCD) guidelines. The unit(s) will be eligible for inclusion in the Town's Subsidized Housing Inventory (SHI). For more information about this program, please contact the Trust's Housing Specialist or the Housing Assistance Office:

Leonardi Aray, Housing Specialist	Westport Housing Assistance Office
Westport Affordable Housing Trust Fund	Town Hall 816 Main Road, Westport, MA
leonardi@larayarchitects.com	westporthousing@outlook.com
617-270-3912	774-264-5126

Refer to the Town of Westport's [COVID-19 CORONA VIRUS INFORMATION](#)

2 ELIGIBILITY REQUIREMENTS

Income and asset household's qualifications apply as follow:

- 1 Combined gross annual income for all household members, from all sources in the household must be at or below 80% Area Median Income (AMI) of the Providence-Fall River Metro Area, which includes Westport, adjusted to the appropriate household size.

Maximum Income limits, 80% AMI Westport*

1-Person	2-Person	3-Person	4-Person	5-Person	6-Person
\$48,750	\$55,700	\$62,650	\$69,600	\$75,200	\$80,750

*Applicants must meet the program income limits in effect at the time they apply for the program and must continue to meet the program income limits in effect at the time when they actually purchase a home.

- 2 Applicants must be First-Time Homebuyers, which is defined as not having owned a home or interest in a home in the past three (3) years, including in trust, with the exception of:
 - a. Displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;
 - b. Single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);
 - c. Households where at least one household member is 55 or over;
 - d. Households that owned a principal residence characterized as manufactured housing or otherwise not permanently affixed to a permanent foundation in accordance with applicable regulations;
 - e. Households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.
- 3 Maximum household Assets are limited to \$75,000. See attachment "B". The grant amount will not count towards a household's maximum asset amount.

4 MORTGAGE LOAN CRITERIA

A pre-approval letter from a bank or mortgage company that complies with the following “Mortgage Loan Criteria” should be included with the “HOPP application”. The pre-approval letter should indicate that your household qualifies for a mortgage sufficient enough, including downpayment, to purchase a home at least at the Minimum Affordable Sale Price. Mortgage pre-approval is the process of a lender examining all of your finances to determine if you are financially able to buy a home, and if you are, how much you can afford.

Applicants are encouraged to work with Massachusetts Housing Partnership (www.mhp.net) and MassHousing (www.masshousing.com) or other lenders that are familiar with resale restrictions and guidelines for affordable housing.

The household must be able to obtain a mortgage that meets the LIP Program Standards for Mortgage Loan, including that:

- Down payment must be at least 3% of the purchase price, at least half of which must come from the buyer’s funds. **NOTE:** purchase price = home sale price – grant amount
- Mortgage loan must be a 30-year fully amortizing mortgage for not more than 97% of the purchase price with a fixed interest rate that is not more than 2 percentage points above the current Masshousing interest rate (www.masshousing.com).
- Monthly housing costs (inclusive of principal, interest, property taxes, hazard insurance, private mortgage insurance) shall not exceed 38% of their monthly income.
- Loans from non-institutional lenders will not be accepted.
- Non-household members shall not be permitted as co-signers of the mortgage.
- FHA and the VA does not accept the deed rider that survives foreclosure.

In order to prepare the closing documents, DHCD requires the following **no less than 2 weeks** before the loan closing date:

- A Copy of the COMMITMENT LETTER from the buyer’s lender, including Interest Rate, Points, Length of Loan (i.e. 15-yr, 30-yr), and APR (Annual Percentage Rate)
- A Copy of the PURCHASE AND SALE AGREEMENT signed by the buyer and the seller
- Contact information for the loan CLOSING ATTORNEY including name, address, phone number, and fax number (if any).
- A Copy of the signed DISCLOSURE STATEMENT

5 GRANT AND SALE PRICE GUIDELINES

HOPP will provide a grant to an income and asset qualified household to reduce the purchase price of a market-rate home in Westport to an affordable level. The grant amount will be paid by the Trust at the closing to the seller of the home.

The maximum grant amount will support the purchase of a home where the number of bedrooms is appropriate to the household size, see Attachment "A".

Maximum Sale Price Guidelines.

The estimated Affordable Sale Price is determined by DHCD.

# of Bedrooms	Affordable Sale Prices		Grant (b)	Market Sale Price, UP-TO
	Minimum (a)	Maximum		
2	\$195,700	\$217,500	\$175,000	\$392,500
3	\$216,000	\$240,500		\$415,500
4	\$234,500	\$261,000		\$436,000

(a) Eligible buyers that cannot demonstrate that have the financial capacity, without exceeding the program guidelines, to afford the Minimum Affordable Sale Prices will not qualify to enter the program. Given local market conditions, eligible buyers with limited home purchasing capacity would not be able to afford an *eligible property* in Westport, even if the maximum grant applicable would be made available.

(b) Grants will be the lesser of the maximum grant or the amount between the affordable sale price and the actual sale price.

The program will reimburse participant buyers up to **\$1,200** toward initial home inspections and any additional inspections required under this program. Property inspections by qualified Massachusetts-licensed inspectors are required for units purchased through this program. If the seller would not be responsible for repairs, participants must pay for any additional amounts for repairs required to be made to the property as a result of any inspection performed.

Deed Rider: The home purchased through the program will be subject to a deed rider that will permanently restrict the value of the home and will require that upon resale, the home be conveyed to an income and asset eligible household. All applicants must sign an acknowledgment of receipt of the deed rider and the Homebuyer Disclosure Statement.

Grant monies will not be disbursed if any aspect of the property, the financing, or the transaction would preclude the unit from inclusion in the Town’s Subsidized Housing Inventory.

6 PROPERTY ELIGIBILITY

The Trust, or its agent, and DHCD, will have the sole authority to determine if a home is eligible. Eligible homes should meet the following criteria:

1. Must be on a parcel located entirely in the Town of Westport, MA.
2. Cannot be subject to an existing affordability restriction.
3. Be appropriate to the household size, see attachment "A".
4. Must become the primary residence of the applicants.
5. A satisfactory septic system or other adequate means of sewage disposal must be in place. If a property does not have a current, passing Title V Certificate or other evidence of adequate sewage disposal, the seller must remedy or replace the system with their own

- funds or by obtaining funds from an approved assistance repair program in order to remedy or replace the system, so that a passing Title V Certificate is obtained.
6. The property must be determined to be in good, safe and habitable condition by the Trust. The property should be in compliance with the basic life and safety requirements of the MA (Residential) State Building Code.
 7. Except for routine maintenance as defined by Section 3401.2 and ordinary repairs exempt from a building permit as defined by Section 105 of the MA Building Code, the property should not require other repair work within five years of purchase. The Trust in its sole discretion may provide funds for repairs; the total financial assistance will never exceed the guidelines of this program.
 8. Units shall contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwave, and washer/dryer hook-up.
 9. The following inspections shall be required and all inspection reports and test result documentation must be provided to the Trust for approval. All inspections shall be completed within three weeks after the acceptance by the seller of an Offer to Purchase Real Estate, which must be conditional upon satisfactory inspections.
 - a. Water quality testing by a qualified professional from an interior faucet, which meets HUD/FHA loan requirements by testing for Coliform, E. coli, lead, nitrate and nitrite.
 - b. Property inspections by qualified Massachusetts-licensed inspectors. The property inspection must address all the items normally covered in a standard home inspection report as defined in 266 CMR 6:00 Standards of Practice.
 - c. Acceptable Radon Tests.
 - d. Other inspections deemed necessary.
 10. Buyers should be aware that the MA Department of Housing and Community Development and the buyer's lender may make additional stipulations regarding the property's condition.
 11. Condominiums are **NOT** eligible.

7 SELECTION PROCESS

Applications will be accepted until JANUARY 26, 2021.

Applications must be postmarked by that date. No Exceptions will be made. Applicants will not be required to deliver application materials and will be permitted to mail them. The "HOPP application" is included with this packet.

ONLY COMPLETE APPLICATIONS WILL BE CONSIDERED.

Applications are available at:

Housing Assistance Office Westport Town Hall, 2 nd Floor 816 Main Road, Westport, MA 02790

By phone: 617-270-3912 or 774-264-5126
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By email: leonardi@larayarchitects.com or westporthousing@outlook.com
--

Online: http://www.westport-ma.com/affordable-housing-trust-fund

- Applicants are encouraged to be in regular contact with the Housing Assistance Office during the submission of materials.
- The Town of Westport does not discriminate in the selection of applicants based on race, color, disability, religion, sex, familial status, sexual orientation, national origin, genetic information, ancestry, children, marital status, gender identity, veteran/military status and public assistance recipient.
- People with disabilities are entitled to request a reasonable accommodation of rules, policies, practices, or services. Requests may be made by calling 617-270-3912 or 774-264-5126.
- All applicants will be notified on the status of their application by mail and/or email. Applications will be assigned a “Control number”. Incomplete applications will be put on hold.
- **LOTTERY**. If more than one, all eligible applicants will be given lottery numbers and told the date, time and place of the lottery. It is not mandatory to attend the lottery. The lottery numbers will be drawn at random by a Lottery Agent selected by the Trust and witnessed by representatives of the Town in a public setting, which may be online. The drawing will select one (1) eligible applicant and create a ranking of eligible applicants.
- In the event that the selected eligible applicant is unable to purchase a home within 120 days, is unable to obtain financing, does not comply with the program guidelines, or withdraws for any other reason, the next eligible applicant will be offered the grant opportunity. An unsuccessful selected participant may apply to the next available round.
- At the discretion of The Trust, extensions totaling up to 90 days may be granted. Extensions will be granted only when circumstances outside of a participant’s control have prevented them from closing before their deadline. The participant may be required to provide additional documentation to demonstrate that good-faith efforts toward completing a transaction are underway.
- All eligible applicants who have been offered a grant must attend and obtain a completion certificate from an accepted FIRST-TIME HOMEBUYER CLASS PRIOR TO CLOSING. See Attachment “D” for a list of first-time homebuyer courses.

8 DEED RIDER

The Deed Rider describes and imposes certain important legal requirements. Please read the Deed Rider in its entirety. It is strongly recommended that you consult an attorney to explain your legal obligations and responsibilities.

A copy of the Deed Rider is available at the Westport Town Hall, 2nd Floor, 816 Main Road, Westport, MA or by request via email to leonardi@larayarchitects.com

PLEASE READ AND SIGN THE “(LIP) HOMEBUYER DISCLOSURE” AND RETURN THE SIGN-IN SHEET WITH YOUR APPLICATION.

KEEP THIS DOCUMENT ACCESSIBLE
IT CONTAINS VALUABLE CONTACT INFORMATION

LOCAL INITIATIVE PROGRAM (LIP)
HOMEBUYER DISCLOSURE STATEMENT

This Homebuyer Disclosure Statement summarizes your rights and obligations in purchasing this home. You are about to purchase a home located at _____, in _____, Massachusetts (the “Municipality”) at less than the home’s fair market value, under the Local Initiative Program (LIP). When you sell the home, that same opportunity will be given to the new buyer. In exchange for the opportunity to purchase the home at less than its fair market value, you must agree to certain use and transfer restrictions. These restrictions are described in detail in a LIP Deed Rider that will be attached to the deed to your home and recorded at the Registry of Deeds. .

PLEASE REMEMBER:

- You must occupy this home as your primary residence;
- You must obtain consent from the Department of Housing and Community Development (DHCD) and the Municipality [and _____ (if another monitoring agent is listed)] (together they are referred to as the “Monitoring Agents” in this Homebuyer Disclosure Statement) before renting, refinancing or granting any other mortgage, or making any capital improvements to your LIP home;
- You must give written notice to the Monitoring Agents when you decide to sell your property.
- Your LIP property may not be transferred into a trust.

The contact information for the Monitoring Agents is listed in the LIP Deed Rider.

Please read the LIP Deed Rider restriction in its entirety because it describes and imposes certain important legal requirements. It is strongly recommended that you consult an attorney to explain your legal obligations and responsibilities.

Primary Residence

You must occupy your LIP property as your primary residence.

Renting, Refinancing and Capital Improvements

You must obtain the prior written consent of the Monitoring Agents before you do any of the following:

- Rent your LIP home;
- Refinance an existing mortgage or add any other mortgage including a home equity loan; or

- Make any Capital Improvements (for example, a new roof or a new septic system – see attached Capital Improvements Policy) if you wish to get credit for those costs (at a discounted rate) when you sell your home.

Before taking any action, please contact DHCD for instructions on renting, mortgaging, or making capital improvements to your home. If you do not obtain the required consent from the Monitoring Agents, you can be required to pay all of the rents or proceeds from the transaction to the Municipality.

Resale Requirements

When you sell your home, you are required to give written notice to the Monitoring Agents of your desire to sell so that they may proceed to locate an Eligible Purchaser for your LIP home. Your sale price will be computed by DHCD based on the formula set forth in the LIP Deed Rider to reflect your original purchase price plus certain limited adjustments.

The allowed sale price is defined as the “Maximum Resale Price” in the LIP Deed Rider. It is calculated by adjusting the purchase price you paid for the home to reflect any change in the area median income from the time you purchased the LIP home to the time of the resale plus:

- (a) The Resale Fee as stated in the LIP Deed Rider;
- (b) Approved marketing fees, if any; and
- (c) Approved Capital Improvements, if any.

The Maximum Resale Price can never be more than the amount which is affordable to an Eligible Purchaser earning 70% of the area median income, as determined by a formula set forth in the LIP Deed Rider. The sales price will also never be less than the purchase price you paid, unless you agree to accept a lower price.

The Monitoring Agents have up to 90 days after you give notice of your intention to sell the home to close on a sale to an Eligible Purchaser, or to close on a sale to a Monitoring Agent, or to a buyer that one of them may designate. This time period can be extended, as provided in the LIP Deed Rider, to arrange for details of closing, to locate a subsequent purchaser if the first selected purchaser is unable to obtain financing or *for lack of cooperation* on your part.

It is your obligation to cooperate fully with the Monitoring Agents during this resale period.

If an Eligible Purchaser fails to purchase the home, and none of the Monitoring Agents (or their designee) purchases the home, you may sell the home to a purchaser who does not qualify as an Eligible Purchaser (in this event, this purchaser is referred to as an ineligible purchaser), subject to the following:

- (i) the sale must be for no more than the Maximum Resale Price;
- (ii) the closing must be at least 30 days after the closing deadline described above;
- (iii) the home must be sold subject to a LIP Deed Rider; and
- (iv) if there are more than one interested ineligible purchasers, preference will be given to any purchaser identified by DHCD as an appropriately-sized household whose income is more than 80% but less than 120% of the area median income.

Any sale by you to an Eligible Purchaser, or to an ineligible purchaser (as described in the LIP Deed Rider), is subject to the normal and customary terms for the sale of property, which are set forth in the LIP Deed Rider and which will be included in your Purchase and Sale Agreement.

There is no commitment or guarantee that an Eligible Purchaser will purchase the LIP home, or that you will receive the Maximum Resale Price (or any other price) for your sale of the LIP home.

A sale or transfer of the home will not be valid unless (1) the total value of all consideration and payments of every kind given or paid by the selected purchaser do not exceed the Maximum Resale Price, and (2) the LIP Compliance Certificate that confirms that the sale or transfer was made in compliance with the requirements of the LIP Deed Rider is executed by the Monitoring Agents and recorded at the Registry of Deeds by the closing attorney.

If you attempt to sell or transfer the home without complying with the LIP Deed Rider requirements, the Monitoring Agents may, among their other rights, void any contract for such sale or the sale itself.

Foreclosure

In the event that the holder of a mortgage delivers notice that it intends to commence foreclosure proceedings, the LIP Deed Rider gives the Municipality an option to purchase the home (or to designate another party to purchase the home) for a period of 120 days after notice of the Lender's intent to foreclose.

If this foreclosure purchase option is exercised, the purchase price will be the greater of (i) the amount of the outstanding balance of the loan secured by the mortgage, plus the outstanding balance of the loans secured by any mortgages senior in priority, up to the Maximum Resale Price as of the date the mortgage was granted, plus any future advances, accrued interest and/or reasonable costs and expenses that the mortgage holder is entitled to recover, or (ii) the Maximum Resale Price at the time of the foreclosure purchase option, except that in this case the Maximum Resale Price may be less than the purchase price you paid. By signing the LIP Deed Rider, you are agreeing that you will cooperate in executing the deed to the Municipality (or its designee) and any other required closing documents.

If the foreclosure purchase option has not been exercised within 120 days of delivery of the foreclosure notice to the Monitoring Agents, the mortgage holder may conduct a foreclosure sale. The mortgage holder or an ineligible purchaser may purchase the home at the foreclosure sale, subject to the LIP Deed Rider.

If the sale price at the foreclosure sale is greater than the purchase price that would have applied for the Municipality's foreclosure purchase option as described above, the excess will be paid to the Municipality. By signing the LIP Deed Rider, you are agreeing to assign any rights and interest you may otherwise have in the balance of any foreclosure proceeds available after satisfaction of all obligations to the holder of the foreclosing mortgagee, for delivery to the Municipality.

There is no commitment or guarantee that the Municipality will exercise the foreclosure purchase option, or that your Lender will receive the Maximum Resale Price (or any other price) in any foreclosure sale of the LIP home. In addition, the foreclosing lender retains the right to pursue a deficiency against you.

Violation of Restriction Requirements

If you violate any of the Restriction terms, you will be in default and the Monitoring Agents may exercise the remedies set forth in the LIP Deed Rider.

If one or more of the Monitoring Agents brings an enforcement action against you and prevails, you will be responsible for all fees and expenses (including legal fees) for the Monitoring Agent(s). The Monitoring Agent(s) can assert a lien against the home to secure your obligation to pay those fees and expenses.

ATTACHMENT “A”

HOUSEHOLD SIZE & NUMBER OF BEDROOMS

- A “household” shall mean two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.
- Appropriate Size Household means a household containing a number of members equal to the number of bedrooms in the Property plus one. The following criteria should be met:
 - a. There is at least one occupant per bedroom. Disabled households must not be excluded from purchasing a larger unit based on household size if such larger unit is needed as a reasonable accommodation.
 - b. A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.
 - c. A person described in the first sentence of (b) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the Trust agent(s) receives reliable medical documentation as to such impact of sharing.
- Maximum allowable household size may not be more restrictive than the State Sanitary Code or applicable local bylaws, and may not violate state and federal civil rights laws.

ATTACHMENT “ B ”

DEFINITION OF ASSETS

The value of necessary items of personal property, such as furniture or automobiles shall be excluded. Determination of assets shall be based upon a full and fair present cash value of the asset at the time of application to the program. If a potential purchaser divests himself or herself of an asset for less than full and fair present cash value of the asset within one year prior to application, the full and fair cash value of the asset at the time of its disposition must be declared and shall be included for purposes of calculating eligibility.

Household Assets include the following:

1. Cash held in savings and checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average balance for the last six months. Assets held in foreign countries are considered assets.
2. Revocable trusts: The cash value of any revocable trust available to the applicant.
3. Equity in rental property or other capital investments: The current fair market value less (a) any unpaid balance on any loans secured by the property and (b) reasonable costs that would be incurred in selling the asset (e.g., penalties, broker fees, etc.).
4. Stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts: The value of stocks and other assets vary from one day to another and should be determined within a reasonable time in advance of the applicant's submission of an application to participate in the subject housing program.
5. Individual retirement, 401K, and Keogh accounts: When the holder has access to the funds, even though a penalty may be assessed. If the applicant is making occasional withdrawals from the account, determine the amount of the asset by using the average balance for the previous six months. (Do not count withdrawals as income.)
6. Retirement and pension funds.
 - a. While the person is employed: Amounts the applicant can withdraw without retiring or terminating employment. Count the whole amount less any penalties or transaction costs.
 - b. At retirement, termination of employment, or withdrawal: Periodic receipts from pension and retirement funds are counted as income. Lump-sum receipts from pension and retirement funds are counted as assets. Count the amount as an asset or as income, as provided below. If benefits will be received in a lump sum, include the lump-sum receipt in net household assets. If benefits will be received through periodic payments, include the benefits in annual income. Do not count any remaining amounts in the account as an asset.

If the applicant initially receives a lump-sum benefit followed by periodic payments, count the lump-sum benefit as an asset as provided in the example below and treat the periodic payment as income. In subsequent years, count only the periodic payment as income. Do not count the remaining amount as an asset.

NOTE: This paragraph assumes that the lump-sum receipt is a one-time receipt and that it does not represent delayed periodic payments. However, in situations in which a lump-sum

ATTACHMENT "B"

payment does represent delayed periodic payments, then the amount would be considered as income and not an asset.

7. Cash value of life insurance policies available to the applicant before death (e.g., the surrender value of a whole life policy or a universal life policy): It would not include a value for term insurance, which has no cash value to the applicant before death.
8. Personal property held as an investment: Gems, jewelry, coin collections, or antique cars held as an investment. Personal jewelry is NOT considered an asset.
9. Lump-sum receipts or one-time receipts: Inheritances, capital gains, one-time lottery winnings, victim's restitution, settlements on insurance claims (including health and accident insurance, worker's compensation, and personal or property losses), and any other amounts that are not intended as periodic payments.
10. A mortgage or deed of trust held by an applicant: Payments on this type of asset are often received as one combined payment of principal and interest with the interest portion counted as income from the asset. This combined figure needs to be separated into the principal and interest portions of the payment. (This can be done by referring to an amortization schedule that relates to the specific term and interest rate of the mortgage.) To count the actual income for this asset, use the interest portion due, based on the amortization schedule, for the 12-month period following the certification. To count the imputed income for this asset, determine the asset value at the end of the 12-month period following the certification.
11. A life estate: A life estate is an interest in real property which entitles the life tenant to benefit from the property until his or her death. Usually, the life tenant is entitled to the use of a house for life and may be entitled to sell his or her interest. This right is of value to the life tenant, but it is rarely sold on an open market. (Purchasers of real property would typically not be tempted by such an uncertain term of ownership). The value of an applicant's life estate is included when calculating his or her assets based upon the Internal Revenue Service's latest guidance to determine the value of life estates (see Internal Revenue Service Publication 1457, "Actuarial Values, Book Aleph," (7-1999)).

Household Assets DO NOT include the following:

1. Personal property (clothing, furniture, cars, wedding ring, other jewelry that is not held as an investment, vehicles specially equipped for persons with disabilities).
2. Interests in Indian trust land.
3. Term life insurance policies (i.e., where there is no cash value).
4. Equity in the cooperative unit in which the applicant lives.
5. Assets that are part of an active business: "Business" does NOT include rental of properties that are held as investments unless such properties are the applicant's main occupation.
6. Assets that are NOT effectively owned by the applicant: Assets are not effectively owned when they are held in an individual's name, but (a) the assets and any income they earn accrue to the benefit of someone else who is not the applicant, and (b) that other person is responsible for income taxes incurred on income generated by the assets.

ATTACHMENT “C”

HOMEBUYER PROGRAM COURSES

The following list is intended to facilitate potential homebuyers identifying First-Time Homebuyer Class providers. The number of agencies serving low- and moderate-income households is extensive. Selected homebuyers are not required to use these agencies. Other agencies and organizations may be found at different locations. The Trust may accept courses from other agencies not included in this guide.

First-Time Homebuyer Workshops may require a nominal fee. Please check with the agency.

Resources at the Massachusetts Housing Partnership (MHP):

<https://www.mhp.net/one-mortgage/homebuyer-resources/find-a-home-buyer-class>

Resources at Masshousing:

<https://www.masshousing.com/home-ownership/homebuyers/education>

OTHER AGENCIES

City of New Bedford, Housing & Neighborhood
Development
New Bedford
Lori Moring
(508) 979-1500

Fall River Affordable Housing Corporation
Fall River
(508) 677-2220

Boston Archdiocese Planning Ofc. for Urban
Affairs
185 Devonshire St. Suite 600
Boston, MA 02110
Phone 617-350-8885
Fax 617-350-8889
Email: km@poua.org

Chapter 7

AFFORDABLE HOUSING TRUST FUND

§ 7-1. Purpose.

§ 7-3. Expenditures from fund.

§ 7-2. Sources of funding; investments; limitations on use of fund.

[HISTORY: Adopted by the Representative Town Meeting of the Town of Fairfield 3-26-2018. Amendments noted where applicable.]

GENERAL REFERENCES

Affordable Housing Committee — See Ch. 6.

§ 7-1. Purpose.

Pursuant to C.G.S. § 7-148(c)(2)(K), the Town of Fairfield does hereby create a special fund to provide affordable housing for the Town of Fairfield. The Fund shall be known as the "Affordable Housing Trust Fund," hereinafter the "fund." Such fund shall not lapse at the end of the municipal fiscal year.

§ 7-2. Sources of funding; investments; limitations on use of fund.

- A. In addition to such sums as may be directly appropriated by the Town for deposit into said fund (if any), the Town is authorized to and shall deposit all other monies received by it for the purposes of affordable housing, from whatever source such monies are received (the "sources"). The sources may include, but are not limited to, Building Department fees, inclusionary zoning fees, monetary gifts, grants, loans, and monies received from state and federal agencies.
- B. Said fund shall be in the custody of the Town of Fairfield. All or any part of the monies in said fund may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.
- C. No sums contained in said fund, including interest and dividends earned, shall be transferred to any other account within the Town budget. However, in the event that work is performed by departments of the Town of Fairfield pursuant to this chapter, the cost of said work may be reimbursed from the fund under § 7-3B. No expenditures shall be made from said fund except in accordance with the provisions of this chapter. No expenditures shall be made from the fund in excess of the available balance in the fund.

§ 7-3. Expenditures from fund.

- A. The continuation of the fund shall be perpetual, notwithstanding that from time to time said fund may be unfunded.
- B. Expenditures shall be made from the fund only in accordance with the following procedures and requirements:
 - (1) Said expenditures shall be made exclusively for the costs associated with the investigation, appraisal, acquisition, constructing, rehabilitating, repairing, administration, fees and maintenance costs relating to parcels of land, both improved and unimproved, or development rights, easements, deed restrictions, options, interests or rights therein, the use of which shall be limited to retention or designation of parcels for their long-term use in providing affordable housing within the meaning of C.G.S. § 8-30g.
 - (2) Recommendations for any and all proposed expenditures from the fund shall be submitted to the Affordable Housing Committee (AHC) and the Director of Community and Economic Development for approval. Recommendations from AHC and the Director of Community and Economic Development for expenditures from the fund shall be submitted, including the sum to be expended, to the Fairfield Board of Selectmen for the approval of the Board of Selectmen.
 - (3) The AHC will provide an annual report of the amount in the Housing Trust Fund and the expenditures to members of the Representative Town Meeting at their January meeting.

ARTICLE V. COMMERCIAL LINKAGE FOR AFFORDABLE HOUSING¹

Sec. 146-65. Purpose and intent.²

It is the purpose of this provision to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock while accommodating the expansion of housing and commercial opportunities in the City of Stamford; to provide for a full range of housing choices throughout the City for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to mitigate the impact of commercial development on the availability and cost of housing and particularly housing affordable to low and moderate income households; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to provide a mechanism by means of which commercial development can contribute in a direct and meaningful way to increase the supply of affordable housing in light of the influx of new employees in need of affordable housing brought about as a result of such commercial development, and to establish standards and guidelines for the use of such contributions from the application of inclusionary zoning provisions.

Sec. 146-66. Definitions.³

For the purpose of this article, the following terms shall have the following meanings:

Affordable housing means housing for which persons and families pay thirty (30) per cent or less of their annual gross income, where such income is less than or equal to eighty (80) per cent of the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development.

Affordable unit shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) per cent of the gross income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) per cent of the gross income of the purchasing household or other standards as may be established pursuant to any municipal, state or federal housing program designed to assist low and moderate income households.

Commercial building shall mean any building, structure, or portion thereof that is devoted primarily or exclusively to a non-residential business or industrial use for the purpose of generating a financial gain or profit.

Commercial share means the portion of building permit fees determined by adding the totals for building permit fees paid on an annual basis for additions, repairs or alterations of commercial buildings in the City of Stamford, and for newly constructed mercantile, business and industrial buildings, divided by the total of the building permit fees collected on an annual basis by the Building Inspection Department of the City of Stamford.

Developer shall mean any individual, corporation, business trust, estate trust, limited liability company, partnership or association, or any other entity or combination thereof involved in the development of commercial construction projects.

¹Adopted 11-7-2001 as Ord. No. 973.

²Amended 3-7-2005 by Ord. No. 1039.

³Amended 3-7-2005 by Ord. No. 1039; 11-4-2020 by Ord. No. 1268 .

Linkage share means that portion of commercial building permit fees collected annually in excess of a designated annual threshold established by this article.

Threshold means the amount of building permit fees collected annually by the City of Stamford Building Inspection Department for additions, repairs or alterations of commercial buildings or structures, and for newly constructed mercantile, business and industrial buildings, beyond which an annual linkage share will be assessed.

Sec. 146-67. Creation of a commercial linkage affordable housing program.⁴

To assist in the generation of financial incentives and resources to assist in the creation of affordable housing for persons and families of low and moderate income levels, a Commercial Linkage Affordable Housing Program is hereby created. Said program shall be administered by the City of Stamford Department of Land Use Administration in accordance with the provisions of Connecticut General Statutes, § 8-2i(b) and § C6-40-1 of the Stamford City Charter, as said sections may be amended from time to time.

A. *Generation and calculation of commercial linkage fees for inclusion in Stamford Affordable Housing Trust Fund.*

On an annual basis, a Linkage Share determined to be five (5) per cent of building permit fees collected by the City of Stamford Building Inspection Department for repair, additions, alterations and renovations to commercial buildings and for construction of new mercantile, business and industrial buildings, shall be deposited into the City of Stamford Affordable Housing Trust Fund. All funds generated by the Commercial Linkage Fees and deposited in the Affordable Housing Trust Fund shall be disbursed only in the manner prescribed in the Affordable Housing Trust Fund (sections 146-70 through 146-75).

B. *Authorized uses of linkage fees.* The Commercial Linkage Fees generated pursuant to this article shall be utilized for the following authorized purposes:

1. *Creation of affordable housing units.* To encourage the development of affordable housing through a variety of means including, but not limited to, the provision of favorable financing terms to developers of affordable housing, or by means of the direct write-down of costs for non-profit developers of affordable housing, or to subsidize the acquisition of sites, existing structures or designated affordable housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.
2. *Multi-family rehabilitation program.* To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves the affordability of dwelling units within such properties through interest rate subsidies, loan guarantees or the direct write-down of project costs. Multi-family housing owned and operated by nonprofit entities that ensure maximum long-term affordability shall receive priority funding consideration.
3. *Limited Equity Cooperative or Condominium Conversion Properties.* To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a "common interest community" as defined pursuant to Connecticut General Statutes, § 47-202(7).
4. *Home ownership assistance.* To assist persons and families of low and moderate income with the financing of the purchase, repair or renovation of affordable housing through low interest loans or local grants. The administration of such loans or grants will be conducted by the City of Stamford Department of Community Development.

⁴Amended 3-7-2005 by Ord. No. 1039; 12-3-2007 by Ord. No. 1079; 11-4-2020 by Ord. No. 1268 .

C. *Exemptions.*

Governmental projects. Any construction projects being developed by, or on behalf of, any federal, state or local governmental entity will be exempt from the calculation of Commercial Linkage Fees as set forth in subsection A above.

ARTICLE VI. STAMFORD AFFORDABLE HOUSING TRUST FUND⁵

Sec. 146-68. Establishment of Stamford Affordable Housing Trust Fund.

Pursuant to the provisions of CGS 7-148(c)(2)(K), the City of Stamford (the "City") does hereby establish a Special Trust Fund to provide affordable housing for Stamford residents. The fund shall be known as the Stamford Affordable Housing Trust Fund ("SAHTF" or the "Trust"). Such Trust shall not lapse at the end of the municipal fiscal year.

Sec. 146-69. Purpose.

The purpose of the SAHTF is the preservation of existing and the creation of new affordable rental and home ownership housing in the City, pursuant to the City's Master and Affordable Housing plans. "Affordable rental and home ownership units" is defined as housing for households earning incomes of no more than eighty (80) percent of the median family income for the Stamford-Norwalk HUD Metropolitan Fair Market Rent Income Area, adjusted for household size as published annually by the U.S. Department of Housing and Urban Development, or other such equivalent income standard as may be established by a majority vote of the Zoning and Planning boards. The Trustees of the Trust shall determine an affordable rent and home ownership cost which shall not exceed thirty (30) percent of the eligible household income. Preservation and creation of affordable housing shall include but not be limited to programs designed to further housing rehabilitation and/or development opportunities and those that are designed to directly assist homeowners and renters.

Sec. 146-70. Affordable housing trustees.

There shall be seven (7) Trustees on the Board of the Trust, five (5) who shall serve ex officio and two (2) members of the public. The Trustees shall be the Land Use Bureau Chief or such Chief's designee, the President of the Board of Representatives or such President's designee, the Chair of the Board of Finance or such Chair's designee, the Chair of the Stamford Zoning Board or such Chair's designee, and the Director of Social Services for the City of Stamford or such Director's designee, and two (2) members of the public who shall be Stamford residents who reside in housing qualifying as affordable housing as defined in section 146-66 herein, who shall be appointed by the Mayor and confirmed by the Board of Representatives. The Land Use Bureau Chief shall serve as the Chair of the Board of Trustees. No Trustee shall receive a salary or other remuneration for serving on the Board.

Sec. 146-71. Meetings of the board of trustees.

- A. The Board shall meet at least quarterly. All Board meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of CGS Sections 1-225 to 1-232 and audio and video recorded.

⁵**History**—Adopted by the Board of Representatives of the City of Stamford on November 4, 2020 by Ord. No. 1268

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- B. Each member of the Board shall have one vote. All decisions of the board shall be made by simple majority of the Board Members.
 - C. The presence of at least five (5) Board members constitutes a quorum.

Sec. 146-72. Declaration of trust.

- A. The terms of the SAHTF, which shall be consistent with the provisions of this Article, shall be set forth in a Declaration of Trust, which shall be subject to the approval of the Mayor and the Board of Representatives.
- B. The Declaration of Trust shall be presented to the Board of Representatives by the Mayor within sixty (60) days after the passage of this Ordinance for review and approval.

Sec. 146-73. Sources of funding, investments, and limitations on use of fund.

- A. In addition to such sums as may be appropriated by the City for deposit into said Fund, the City is authorized to and shall deposit all monies received by it, from whatever source, for the provision of affordable housing, including fees received pursuant to CGS section 8-2i, Stamford Code sections 146-65 through 146-67, section 7.4.C.4. of the Stamford Zoning Regulations, and other fees, monetary gifts, grants and loans, unless otherwise restricted, into said Fund.
- B. Said Fund shall be in the custody of the Office of Administration. All or any part of the monies in said Trust may be invested in any securities in which public funds may be lawfully invested. All income derived from such investment shall be placed into the Trust and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.
- C. No sums contained in said Trust, including interest and dividends earned, shall be transferred to any other account within the City budget. Any applicant who has paid a fee pursuant to section 7.4.D.3 of the Stamford Zoning Regulations shall not be eligible to apply for funds from the Trust for the same project. No expenditures shall be made from said Fund except in accordance with the provisions of this ordinance.

Sec. 146-74 Affordable housing plan.

- A. The City of Stamford Land Use Bureau shall prepare the Stamford Affordable Housing Plan (SAHP).
- B. The SAHP shall be based upon and specify the Stamford Master Plan with regard to its housing goals and strategies, and shall be prepared at least every five (5) years. The Affordable Housing Plan shall be completed and adopted no later than twelve (12) months after adoption of this Ordinance.
- C. The SAHP shall provide at least include the following information:
 - 1. A survey of the Stamford Housing market both for rental and homeownership units;
 - 2. Trends and developments in the Stamford housing market, in particular with regard to housing cost and affordability;
 - 3. A comprehensive list of the affordable housing supply in Stamford by operator and program and affordability level, and trends in the development of affordable housing options;
 - 4. Identify and prioritize the affordable housing needs in Stamford, taking into consideration, among other factors, affordability levels, demographic characteristics and specific conditions in individual neighborhoods;
 - 5. Identify strategies and programs to address the prioritized needs, including goals and benchmarks for assessing the success in addressing those needs.

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- D. The SAHP shall be adopted by the Stamford Planning Board pursuant to section C6-30-4 of the City of Stamford Charter. The Plan shall also be posted on the City of Stamford website for public inspection and shall be available in hardcopy at the City of Stamford Land Use Bureau and Town Clerk office for review during normal business hours.

Sec. 146-75. Expenditures from trust.

- A. The continuation of the Fund shall be perpetual, notwithstanding that from time to time said Trust may be unfunded.
- B. Expenditures from the Trust as defined in section 146-75 must be approved by the Trustees and shall be considered approved pursuant to Part 8 of the Stamford City Charter. Notwithstanding the foregoing, any proposed expenditure over one hundred thousand dollars (\$100,000.00) approved by the Trustees shall be submitted as a recommendation to the Board of Representatives. The Board of Representatives may reject such recommended expenditure within forty-five (45) days of receipt of the recommendation by a vote of two-thirds ($\frac{2}{3}$) of the members of the Board of Representatives present and voting. If, within forty-five (45) days of receipt of the recommendation, the Board of Representatives fails to reject such recommendation, it shall be considered approved pursuant to Part 8 of the Stamford City Charter.
- C. Expenditures shall be made from the Trust only in accordance with the following procedures and requirements:
1. All expenditures listed below shall be based on and prioritized by the Stamford Affordable Housing Plan. Funds from the Trust shall only be used for the following authorized purposes:
 - a. *Creation of affordable rental or homeownership housing units.* To encourage the development of affordable housing through a variety of means including, but not limited to, the provision of favorable financing terms to developers of affordable housing, or by means of the direct write-down of costs for non-profit developers of affordable housing, or to subsidize the acquisition of sites, existing structures or designated affordable housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.
 - b. *Multi-family rehabilitation program.* To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves the affordability of dwelling units within such properties through interest rate subsidies, loan guarantees or the direct write-down of project costs. Multi-family housing owned and operated by nonprofit entities that ensure maximum long-term affordability shall receive priority funding consideration.
 - c. *Limited Equity Cooperative or Condominium Conversion Properties.* To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a "common interest community" as defined pursuant to CGS 47-202(7).
 - d. *Home ownership assistance.* To assist persons and families of low and moderate income with the financing of the purchase, repair or renovation of affordable housing through low interest loans or local grants. The administration of such loans or grants will be conducted by the City of Stamford Department of Community Development or third party, as determined by the City.
 - e. *Studies to determine the affordable housing needs of Stamford residents and for the preparation of the Stamford Affordable Housing Plan.* Selection of vendors for such service shall be pursuant to Stamford Code sections 23-13—23-18.13.
 - f. *Foreclosure and Eviction Prevention and Protection Programs.* Programs that provide support, including, but not limited to, legal services, financial counseling, or financial assistance, to

Stamford residents threatened by foreclosure, eviction or other events that may lead to homelessness.

- g. *Rental and Landlord Assistance Programs.* Programs that provide financial or other support to renters or landlords focused on low income households and landlords or organizations providing affordable housing for low income households.
2. Interim Provisions:
- a. No funds shall be disbursed from the Affordable Housing Trust fund within six (6) months of the effective date of this Ordinance except for the following purposes:
 - i. Foreclosure and Eviction Prevention and Protection Programs pursuant to section 146-75.C.1.f above.
 - ii. Rental Assistance Programs for low-income households.
 - iii. An Affordable Housing Study pursuant to City of Stamford RFP number 779 and awarded to HRA&A Advisors.
 - b. Two (2) years after the creation of the Housing Trust Fund, no funds shall be disbursed in absence of an approved Stamford Affordable Housing Plan and all expenditures must demonstrate how they meet the goals and priorities established by the SAHP. This rule may be suspended during a State of Emergency to allow for the disbursement of funds to alleviate emergency related impacts on housing.
3. Expenditures of one hundred thousand dollars (\$100,000.00) or less. The Board of Trustees shall accept, on a continuous basis, requests for funds of one hundred thousand dollars (\$100,000.00) or less for authorized purposes as outlined in subsection 146-75.C.2 from eligible parties. Eligible parties include for-profit and not-for-profit housing developers or not-for-profit organizations with the goal of furthering affordable housing, the Stamford Public Housing Authority (Charter Oak Communities), or the Stamford Department of Community Development. Individuals shall not be considered eligible parties. The Board shall quarterly review and make a determination whether or not to grant such requests. The Board shall disburse no more than thirty (30) percent of the funds available in the trust at the time it makes such determination.
4. Whenever three million dollars (\$3,000,000.00) or more are available in the Trust, the Board of Trustees shall issue a Notice of Funds Available (NoFA) to solicit proposals for how to further the City's Affordable Housing Plan, as defined in section 146-75.C.2. of this Article, and the most current assessment of the City's housing needs. Such NoFA shall be issued no later than two (2) weeks after the first Board meeting after the monies in the Trust reach the above threshold. No later than seven (7) months after the issuance of the NoFA, the Board of Trustees shall render a decision on whether or not and how to fully or partially disburse the monies of the Fund. The Board shall follow the rules established by Stamford Code Chapter 23, Article II (Purchasing).
- D. The Board of Trustees shall, at the end of each Fiscal Year, prepare a Report listing all expenditures and projects supported in said Fiscal Year, how they address affordable housing needs and priorities in accordance with the Stamford Affordable Housing Plan and how they meet the criteria of section 146-75.C. Said report shall be completed and submitted to the Planning Board, the Board of Representatives, the Board of Finance and the Director of Administration by no later than September 15 of the following Fiscal Year. The Report shall also be posted on the City of Stamford website for public inspection and shall be available in hardcopy at the City of Stamford Land Use Bureau and Town Clerk office for review during normal business hours.

Sec. 146-76. Interpretation.

Nothing in this Chapter shall be construed to limit any powers lawfully exercised by the Zoning Board exercising the Powers of such Board pursuant to State Statute or Special Acts.