

DRAFT Amendment to Subdivision and Building-Zone Regulations

Amended for Inclusionary Zoning

Town Plan and Zoning Commission Recommended DRAFT Amendments (May 5, 2023)

Subdivision Regulations:

New Section 2.1 (all other definitions move down one number):

Affordable Housing Lots upon which dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty (40) years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent (30%) or less of their annual income, where such income is less than or equal to eighty per cent (80%) of the median income. For purposes of this definition, “median income” shall be as defined in Connecticut General Statutes Section 8-30g(a), as amended.

New Section 3.9:

3.9 Inclusionary Zoning Any subdivision containing ten (10) lots or more shall include ten percent (10%) of the total number of lots to be deed restricted for Affordable Housing, as defined in these Regulations. For purposes of determining the ten (10) lot threshold and the ten percent (10%) lot count, the Commission shall consider the lot of record, or adjacent lots of record under common ownership, as of the effective date of this amendment; and the number of lots that could reasonably be placed thereon; provided that the Commission shall not require more than ten percent (10%) of the total lots to be Affordable Housing with the exception of rounding up to the next whole number when a fraction of a lot results from the calculation. Where the ten percent (10%) results in a fraction of a lot, the fractions of 0.4 or lower shall be rounded down to the next whole number and fractions of 0.5 or higher shall be rounded up to the next whole number. Any subdivision developed in phases shall include at least one (1) Affordable Housing lot in the first stage of development, and one (1) additional lot for each additional ten (10) lots regardless of any phases or stages of development. Affordable lots shall be developed with structures of comparable quality and workmanship, shall be developed with a comparable number of bedrooms, up to three (3) bedrooms, as other Dwellings in the subject development, and shall be evenly distributed throughout the development. Affordable Housing lots shall be administered by the applicant, for profit or non-profit entity, or property manager who is responsible for administration of the Affordability Program. The development lots shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney. No variance of this requirement may be granted by the Zoning Board of Appeals.

(a) Affordability Program Requirements

- i. The applicant shall use the methodology outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as amended, to calculate the maximum housing payment for the Affordable Dwelling Units.

- ii. The property owner shall submit an affirmative fair housing marketing plan for the Affordable Housing lots. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing laws.
- iii. Prior to the issuance of any Certificate of Occupancy, the applicant shall identify themselves, a for-profit entity, a non-profit entity, or a property manager as the party responsible for administration of the Affordability Program. The Program Administrator is subject to the approval of the Town Plan and Zoning Commission. The Program Administrator shall:
 - a. Annually review and certify to the Town Plan and Zoning Commission the annual income of households residing in the Affordable Housing lots in accordance with a procedure established in advance and approved by the Office of Community Development.
 - b. Maintain a list of eligible households who have applied for participation in the Affordability Program. The Administrator shall hold an application period at the opening or re-opening of the project's waiting list of at least 30 days, after which applicants will be placed on a waiting list by lottery. Subsequent applicants shall be placed on the waiting list in order of the date and time of application.
 - c. Annually certify to the Town Plan and Zoning Commission that the selected households reside in the Affordable Housing lots.
 - d. For rental units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots 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.
 - e. For owned units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots Homeowners Association fees be increased such that the owner's monthly housing costs do not exceed the 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.
 - f. For owned units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots 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.

(b) Fee-in-Lieu

Applicants can alternatively satisfy the inclusionary affordability requirement by paying a fee-in-lieu of affordable housing equal to \$xx (TBD) per each required Affordable Housing Lot that will not be created. All fees shall be deposited in the Town of Glastonbury Affordable Housing Trust Fund [to be established by XX, 20XX].

Building-Zone Regulations:

Sections 2, 3, 4 and 6 would be amended per this proposal.

Definitions:

New Subsections in Section 2: “Definitions” (all definitions to be reordered accordingly and citations to be amended throughout regulations):

2.12 Dwelling, Affordable Unit

A Dwelling which will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty (40) years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent of the median income. For purposes of this definition, “median income” shall be as defined in Connecticut General Statutes Section 8-30g(a), as amended.

2.34 Multifamily Development

A residential or mixed-used development consisting of multiple Dwelling Units on the same lot, whether provided in detached Single-Family or Two-Family Dwellings, Townhouses or Multiple Dwellings.

General Regulations

New Subsection 3.29: “Affordability Program Requirements,” as follows:

For projects subject to Inclusionary Zoning regulations in Sections 4.12, 4.17, and 6.12, the following Affordability Program Requirements apply:

- a) The applicant shall use the methodology outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as amended, to calculate the maximum housing payment for the Affordable Dwelling Units.
- b) The property owner shall submit an affirmative fair housing marketing plan for the Affordable Housing lots. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing laws.
- c) Prior to the issuance of any Certificate of Occupancy, the applicant shall identify themselves, a for-profit entity, a non-profit entity, or a property manager as the party responsible for administration of the Affordability Program. The Program Administrator is subject to the approval of the Town Plan and Zoning Commission. The Program Administrator shall:
 - i. Annually review and certify to the Town Plan and Zoning Commission the annual income of households residing in the Affordable Housing lots in accordance with a procedure established in advance and approved by the Office of Community Development.

- ii. Maintain a list of eligible households who have applied for participation in the Affordability Program. The Administrator shall hold an application period at the opening or re-opening of the project's waiting list of at least 30 days, after which applicants will be placed on a waiting list by lottery. Subsequent applicants shall be placed on the waiting list in order of the date and time of application.
- iii. Annually certify to the Town Plan and Zoning Commission that the selected households reside in the Affordable Housing lots.
- iv. For rental units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots 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.
- v. For owned units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots' Homeowners Association fees be increased such that the owner's monthly housing costs do not exceed the 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.
- vi. For owned units, certify to the Town Plan and Zoning Commission that the Affordable Housing lots 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.

Planned Area Development (PAD):

Amended Section 4.12.3(c): "Definitions," delete the definition of "Affordable Dwelling Unit."

Amended Section 4.12.3(2): "Affordable Dwelling Units," new language underlined, deleted language in strike-out. "Restrictive Covenants" paragraphs to be deleted.

- a) Purpose: To provide for the construction of ~~owner-occupied~~ affordable dwelling units as encouraged by the ~~2007-2017~~ Plan of Conservation and Development and the Town's Affordable Housing Plan in conjunction with a Planned Area Development in accordance with the following.
- b) Standards: ~~Persons/families purchasing an affordable dwelling unit shall pay not more than 40% of their gross annual income for mortgage principal and interest, property taxes, and insurance and common charges if the unit is part of a common interest community. Gross income shall be equal to or less than the low (80%) income levels established by the U.S. Dept. of Housing and Urban Development for the Hartford West Hartford East Hartford, CT HMFA, as may be amended from time to time (February 2010 limit for a family of four is \$64,000).~~

~~A PAD that provides affordable dwelling units shall be allowed in underlying Residence A and Residence AA zoning districts served by water and sanitary sewer in accordance with~~

the following: For a PAD containing ten (10) or more dwelling units, ten percent (10%) of the units shall be Affordable Dwelling Units. Where the ten percent (10%) results in a fraction of a unit, the number shall be rounded up to the next whole number; provided, however, that the Town Council will not require more than ten percent (10%) of the total units to be Affordable Dwelling Units except as a function of rounding up from a fraction of a unit.

Affordable Dwelling Units shall be of comparable quality and workmanship, shall provide a comparable number of bedrooms, up to three (3) bedrooms, as other Dwellings in the subject development, and shall be evenly distributed throughout the development.

Affordable Dwelling Units shall be administered by the applicant, for profit or non-profit entity, or property manager who is responsible for administration of the Affordability Program.

The Affordable Dwelling Units shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney.

A PAD that provides 20% or more of the total proposed units as Affordable Dwelling Units in underlying Residence A and Residence AA zoning districts served by public water and sanitary sewer shall be allowed up to six (6) Dwelling Units per acre in the Residence A zone and up to five (5) Dwelling Units per acre in the Residence AA zone.

No variance of this requirement may be granted by the Zoning Board of Appeals.

- c) ~~Development Schedule The PAD Final Development Plan shall delineate the location of each Affordable Dwelling Unit. The Affordable Dwelling Units shall be constructed and certificates of occupancy issued at a rate that is approximately equal to the proportion of Affordable Dwelling Units versus total project units. Any Multiple Dwelling project developed in phases shall include at least one (1) Affordable Dwelling Unit in the first stage of development, and at least one (1) additional such unit for each additional ten (10) units regardless of any phases or stages of development.~~

Amended Section 4.12.4.b: "Procedure and Application," new paragraph #25, as follows:

25. The proposed declaration of covenants and restrictions to enforce the Affordability Program included in the application.

Adaptive Redevelopment Zone (ARZ):

New Subsection (f) in Section 4.17: "Adaptive Redevelopment Zone (ARZ)," as follows:

Affordable Housing

Affordable Dwelling Units shall be required in accordance with the following: For an ARZ containing ten (10) or more units, ten percent (10%) of the units shall be Affordable Dwelling Units. Where the 10 percent (10%) results in a fraction of a unit, the number shall be rounded up to the next whole number. Any ARZ project developed in phases shall include at least one ()

Affordable Dwelling Unit in the first stage of development, and at least one (1) additional such unit for each additional ten (10) units regardless of any phases or stages of development; provided, however, that the Council will not require more than twenty percent (10%) of the total units to be Affordable Dwelling Units except as a function of rounding up from a fraction of a unit.

Affordable Dwelling Units shall be of comparable quality and workmanship, shall provide a comparable number of bedrooms, up to three (3) bedrooms, as other Dwellings in the subject development, and shall be evenly distributed throughout the development.

Affordable Dwelling Units shall be administered by the applicant, for profit or non-profit entity, or property manager who is responsible for administration of the Affordability Program.

The Affordable Dwelling Units shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney.

No variance of this requirement may be granted by the Zoning Board of Appeals.

New Subsection 23 in Section 4.17.3: "Procedure and Application," as follows:

23. The proposed declaration of covenants and restrictions to enforce the Affordability Program included in the application.

Special Regulations for Permitted Uses

New Section 6.12: "Inclusionary Zoning," as follows:

6.12.1 Purpose

The purpose of this regulation is to advance the recommendations of the Town's Affordable Housing Plan and to promote the development of affordable housing to meet local and regional housing needs as required by Connecticut General Statutes Sections 8-2 and 8-23.

6.12.2 Inclusionary Housing

In accordance with Connecticut General Statutes Section 8-2i, all Multifamily Developments in the Town Center and Town Center Mixed Use that consist of ten (10) or more Dwelling Units shall include a minimum of 10% of the proposed dwelling units as Affordable Dwelling Units. In calculating the number of required Affordable Dwelling Units, fractions shall be rounded to the nearest whole number, rounding down for fractions less than 0.4 and rounding up for fractions of 0.5 or more. The Town Plan and Zoning Commission will not require more than ten percent (10%) of the total units to be Affordable Dwelling Units except as a function of rounding up from a fraction of a unit.

Affordable Dwelling Units shall be of comparable quality and workmanship, shall provide a comparable number of bedrooms, up to three (3) bedrooms, as other Dwellings in the subject development, and shall be evenly distributed throughout the development.

Affordable Housing lots shall be administered by a non-profit entity or property manager who is responsible for administration of the Affordability Program.

The development lots shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney.

Applicants can satisfy the inclusionary affordability requirement by:

- A. Providing 10% of the total proposed units as Affordable Dwelling Units.
- B. Paying a fee-in-lieu of affordable housing equal to \$xx [TBD] per each required Affordable Dwelling Unit that will not be constructed. All fees shall be deposited in the Town of Glastonbury Affordable Housing Trust Fund [to be established by XX, 20XX].
- C. Providing 20% or more of the total proposed units as Affordable Dwelling Units to receive a density bonus in accordance with Section 6.12.3.

6.12.3 Density Bonus

At the discretion of the Town Plan and Zoning Commission, Multifamily Developments subject to 6.12.2 may be eligible for a density bonus provided that 20% or more of the total proposed units are designated as Affordable Dwelling Units. The Town Plan and Zoning Commission must find that the density bonus fulfills a need for Affordable Dwelling Units and that such a density bonus does not adversely affect public health, safety and welfare. In so doing, the Commission may waive any or all of the following standards, in accordance with the parameters established below, to encourage the development of Affordable Dwelling Units.

- A. Town Center Zone: The density bonus may enable a maximum Floor Area Ratio of 0.6 with the following potential waivers:
 - i. Open Space
The total required open space may be reduced to no less than 10% of the lot.
 - ii. Building Height
Maximum permitted height may be increased by one additional story.
- B. Town Center Mixed Use Zone: The density bonus may enable up to 8 units/ acre with the following potential waivers:
 - i. Building Coverage
May be increased to no more than 25% of the lot area permitted to be covered by principal and accessory buildings.
 - ii. Floor Area Maximum
The maximum floor area of any new building may be increased to not exceed 5,000 square feet.