

DRAFT Amendment to Building-Zone Regulations

Amended for Inclusionary Zoning

June 27, 2023

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 Section 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 Dwelling Units to the Community Development Office for approval. All Affordable Dwelling Units shall be offered for rent or sale 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 the person or entity 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.

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- 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 subject to the Common Ownership Interest Act (CGS 47-200 et. seq.), certify to the Town Plan and Zoning Commission that the Affordable Housing lots Homeowners Association fees have not been increased such that the owner's monthly housing costs 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" to be replaced with new "Dwelling, Affordable Unit" definition in Section 2.12.

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~~

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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:

| | | |
|---|---|------------------------|
| <u>Percentage of Affordable Dwelling Allowed PAD Site</u> | | |
| <u>Units to be Constructed</u> | <u>Density/Acre of Buildable Property</u> | |
| | <u>Underlying Zone</u> | <u>Underlying Zone</u> |
| | <u>Residence A</u> | <u>Residence AA</u> |
| <u>20% or more</u> | <u>6 units/acre</u> | <u>5 units/acre</u> |

Affordable Dwelling Units shall be of comparable quality and workmanship as other Dwellings in the subject development, 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 must be administered per an Affordability Program approved by the Town Plan and Zoning Commission and meeting the requirements of Section 3.29.

The development shall be subject to a restrictive covenant describing the Affordability Program and 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 at a density of no more than six (6) Dwelling Units per acre of Buildable Property in the Residence A zone and no more than five (5) Dwelling Units per acre of Buildable Property in the Residence AA zone.

A PAD that provides 80% or more of the total proposed units as Affordable Dwelling Units in an underlying Residence A zoning district served by public water and sanitary sewer shall be allowed at a density of no more than ten (10) Dwelling Units per acre of Buildable Property.

No variance of these regulations regarding Affordable Dwelling Units 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.

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 proposed rental Multifamily Developments in the Town Center, Town Center Mixed Use, Planned Area Development, and Adaptive Redevelopment zones 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 as other Dwellings in the subject development; 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 are must be administered per an Affordability Program approved by the Town Plan and Zoning Commission and meeting the requirements of Section 3.29.

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