



Town of Glastonbury

Community Development

TO: Town Plan & Zoning Commission
PREPARED BY: Shelley Caltagirone, Director of Community Development
DATE: October 11, 2024
RE: **Inclusionary Zoning Regulations**

The Town Council Chair has referred revisions to the Town's inclusionary zoning controls to the Commission for a recommendation. Proposed changes include:

- Extending inclusionary zoning requirements to all multi-family developments of 10 units or more regardless of ownership versus rental structure.
- Increasing the required set-aside rate for affordable units from 10% to 12%.

As background, the Council adopted the current inclusionary zoning controls in July 2023. The adopted text is attached with the proposed revisions shown. When the Commission reviewed the draft 2023 text, it included an inclusionary zoning program that applied to all multifamily housing, not just rental. The Council amended the proposal before adoption to limit the inclusionary zoning controls to only rental projects. The Commission supported the 2023 draft and forwarded the attached letter to the Council on May 5, 2023.

Recommendation

If the Commission is in support of the draft text amendment, the following motion is offered for consideration:

"BE IT RESOLVED, the Glastonbury Town Plan & Zoning Commission hereby recommends adoption of the proposed amendment to the Building Zone Regulations to expand inclusionary zoning controls, as described in a report by the Director of Community Development dated October 11, 2024, as it will further the goals of the Town's Affordable Housing Plan."

Attachments:

1. DRAFT Text Amendment, dated September 20, 2024
2. TPZ letter to Town Council, dated May 5, 2023
3. CRCOG Report on Referral

DRAFT Amendment to Building-Zone Regulations

Inclusionary Zoning

September 20, 2024

Definitions:

2.12 Dwelling, Affordable Unit

A Dwelling which will be conveyed by deeds containing covenants or restrictions which shall require that, in perpetuity, 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

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.
 - 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):

Section 4.12.3(2): "Affordable Dwelling Units,"

- a) Purpose: To provide for the construction of affordable dwelling units as encouraged by the 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:

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) 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.

Special Regulations for Permitted Uses

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%~~ **12%** of the proposed dwelling units as Affordable Dwelling Units. In calculating the number of required Affordable Dwelling Units, all fractions shall be rounded up to the nearest whole number. The Town Plan and Zoning Commission will not require more than ~~ten~~ **twelve** percent (~~10%~~ **12%**) 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.



Town of Glastonbury

TOWN PLAN AND ZONING COMMISSION

May 5, 2023

Thomas P. Gullotta, Chairman
Glastonbury Town Council
2155 Main Street
Glastonbury, CT 06033

RE: Text Amendments - Inclusionary Zoning – Town Plan & Zoning Commission Comments

At its regular meeting of May 2, 2023, the Town Plan and Zoning Commission provided a favorable recommendation to the Town Council regarding text amendments for inclusionary zoning. To provide context for the motion, the Commission wishes to relay background about the review and specific comments and recommendations pertaining the draft text amendments prepared by Community Development staff.

The Commission deliberated the inclusionary zoning issue over three hearings, beginning April 4, 2023. At its first hearing, it reviewed the text amendments that had been forwarded to CRCOG in October 2022. The Commission then requested Community Development staff to share a working draft of text amendments prepared by the previous Planning and Land Use director as a point of comparison. The Commission found several aspects of this draft to be preferable and directed staff to combine the two versions into a single draft for review (dated April 28, 2023). Notably, that draft included fee-in-lieu and density bonus options, which the Commission favors. Please note that the staff draft included the expansion of multifamily development to Residential Zones RR, A, AA, and AAA, which the Commission considered but ultimately rejected. You may review the details of this draft and its differences from the original reviewed on April 4th in the staff memo dated April 28, 2023 (published on the Town website).

The Commission wishes to convey the following comments and to forward a final revised text amendment (attached) reflecting its recommendations:

1. The Commission does not support expanding multifamily develop through amendment of Building-Zone Regulation Section 6 at this time. Therefore, it recommends striking Section 6.12 from the draft text amendment, which would have permitted multifamily development at a yet to be determined density in Residential Zones RR, A, AA, and AAA. The Commission pointed out that multifamily developments can currently be achieved in these areas by pursuing a PAD rezoning.
2. The Commission supports a 10-unit threshold for applying inclusionary zoning in the Subdivision Regulations and in the Building-Zone Regulations where multifamily developments are currently permitted (PAD, ARZ, TC, and TCMU zones).

3. The Commission supports a 10% inclusionary rate not only in the Subdivision Regulations, but also in the Building-Zone Regulations where multifamily developments are currently permitted (PAD, ARZ, TC, and TCMU zones).
4. The Commission supports a density bonus incentive for projects that achieve a 20% or higher inclusionary rate in the PAD, TC and TCMU zones. The recommended bonuses are as follows: 6 units per acre in PAD (existing), 0.6 FAR in TC, and 8 units per acre in TCMU.
5. The Commission supports a fee-in-lieu alternative to construction of affordable dwellings in subdivisions, but was divided on the question of whether a fee-in-lieu should be allowed for multifamily developments. The Commission recommends that the amount of the fee-in-lieu should be substantial enough such that it does not discourage the construction of affordable units in higher density developments. The Commission also recommends that the fee should not be a percentage of housing unit production cost or sales price, but rather a fee that would be constant across all development types or zoning districts. Some commissioners preferred a limited fee-in-lieu program in order to maintain a smaller, more manageable Affordable Housing Trust Fund and associated program. Some Commissioners also recommended exploring additional ways to build the trust fund, including a conveyance tax on property sales.
6. The Commission does not support a requirement to make affordable dwelling units of comparable size to market-rate units. Rather, the Commission would recommend setting minimum size and bedroom count requirements.
7. The Commission supports the prioritization of certain populations for affordable housing, and would recommend the following populations for consideration:
 - a. Individuals or families who live and work in the Town of Glastonbury who provide volunteer emergency/life-saving services for residents of the Town.
 - b. Individuals or families who are employed by the Town of Glastonbury or Glastonbury Public School system.
 - c. Individuals or families who live and work in the Town of Glastonbury.
 - d. Individuals or families who live in the Town of Glastonbury.
 - e. Individuals or families who work in the Town of Glastonbury.
 - f. Individuals or families who previously lived for a minimum of one (1) year in the Town of Glastonbury and wish to return.
 - g. All other individuals or families.

The Commission strongly supports this effort to implement the Town's Affordable Housing Plan welcomes the opportunity to continue this important discussion as the Town Council takes up the matter at future public hearings.

Sincerely,

Robert J. Zanlungo, Jr.
Chair, TOWN PLAN AND ZONING COMMISSION

October 7, 2024

TO: GLASTONBURY PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2024-96: Proposed text amendment regarding the percentage of multifamily housing development units be made affordable, increasing from 10 to 12 percent.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Staff commends this effort to provide more housing choice and opportunity in housing for all ages, income and backgrounds.

The public hearing date has been scheduled for 11/12/2024.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Jacob Knowlton.

DISTRIBUTION: Planner: East Hartford, Manchester, Bolton, Hebron, Marlborough, Rocky Hill, Wethersfield, East Hampton, Portland, Cromwell, River COG

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

William Rice, Vice Chairman
Regional Planning Commission



Jacob Knowlton
Community Development Planner