

# Memorandum

**To:** Members, Planning and Zoning Commission

**From:** Affordable Housing Subcommittee of the Planning and Zoning Commission

**Date:** August 3, 2010

**Re:** **Explanatory Statement, Text Amendment #618 for Inclusionary Two-Family and Multi-Family Dwellings**

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The attached text amendments represent recommendations from the Affordable Housing Subcommittee towards increasing the number of affordable units in Westport. The state goal is 10% of housing units in each town be affordable. Westport currently has 2.31% or 232 units.

The Affordable Housing Appeals Procedure, or Connecticut General Statutes §8-30g, impacts the way courts review municipal zoning decisions concerning affordable housing. If a municipality does not have 10% of their housing units designated as affordable, a developer denied an opportunity to build affordable housing by local authorities may appeal the rejection in court and the burden of defense is placed on the municipality. Under the appeals law, the judge must determine whether the town's reasons for its denial "clearly outweigh the need for affordable housing."

This amendment, if adopted, will benefit the Town by creating more housing choices, and more affordable housing opportunities. The amendment will also benefit the Town as it addresses some of the housing goals and strategies established in the 2007 Town Plan of Conservation and Development including:

1. Strive to create a range of housing opportunities and choices, p. 6-1.
2. Diversify Westport's Housing Types, p. 6-2.
3. Promote Housing Affordability, p. 6-3.

The proposal includes modifying §32-12, Two-Family and Multi-Family Dwellings, to require 20% of the units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes. Currently, there is no requirement for any affordable housing in accordance with §32-12. The amendment also proposes allowing multi-family development in accordance with §32-12, in the General Business District, a zoning district that currently allows single family dwelling units only and in the BCD/zone which was omitted due to an oversight when that zone was created. This regulation is for non-residential properties only. It does not permit the construction of any residential housing in the residential portion of a split zone lot.

The intent of the proposal is to increase the diversity of housing choices and to provide additional below market rate housing within Westport.

*As part of the amendment, the following incentives are proposed:*

1. The addition of the GBD and BCD/H zones to those that can use §32-12;
2. Elimination of a minimum lot size, from  $\frac{3}{4}$  acre (32,670 SF);
3. The density can be up to twenty (20) bedrooms or eighteen (18) units per acre except that:

- i. A bonus of up to six (6) affordable bedrooms not counted in the bedroom density.
- ii. The number of bedrooms, if maximum bonuses are taken, cannot exceed twenty-six (26) and the units cannot exceed one (1) more than what is allowed without bonuses.

The existing regulation permits 20 bedrooms per gross acre.

4. Allow a twenty (20) foot front setback. The existing regulation requires (30) feet.
5. Allow three (3) stories and thirty-five (35) feet in a building which is at least one third (1/3) residential (except for the BPD and BCD/H zones). The existing regulation limits height to two (2) or two and one half (2 ½) stories and twenty-five (25) feet to the top of a flat roof and thirty (30) feet to the mid-point of a pitched roof;
6. Increase of five percent (5%) building coverage over the allowable in non-residential zone (except for BCD and BCD/H zones);
7. The Planning and Zoning Commission may exempt from building coverage an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections.
8. In order to encourage underground parking and a reduction in coverage, a density bonus of two (2) units, a residential FAR bonus of 0.05, and an exemption for floor area within a cellar or basement will be permitted, if at least one (1) underground space is provided per unit and if the total coverage is reduced to 65%.
9. Building spacing is ten (10) feet. The existing regulation requires not less than half (½) the sum of the height of the adjacent buildings;
10. FAR increased to a possible point eight (0.8), from point three five (0.35);
11. Floor area of affordable units and floor area used for parking and loading can be excluded from FAR up to point three (0.3) FAR;
12. Parking shall be required as provided in §34-5, except that the Planning and Zoning Commission may reduce the required multifamily parking standards by point five (0.5) spaces per unit; and
13. Tandem parking may be considered subject to the discretion of the Planning and Zoning Commission.

**Other Changes:**

1. Requires that any lot using this regulation must provide frontage on an arterial street that is equal to at least fifteen percent (15%) of the perimeter of the lot.
2. Requires that any lot created by subdivision or lot merger not in existence at the time this regulation was created must have a Regularity Factor of at least point fifty-five (0.55).
3. Requires that primary access to the development must be from a non-residential portion of the lot
4. Adds a total coverage requirement of seventy percent (70%) in an effort to reduce impervious area of the developments, from the existing one hundred percent (100%) in the non-residential zone.

5. In order to retain non-residential floor area and commercial tax base, this regulations requires that at least forty percent (40%) of site must be non-residential floor area.
6. Add requirements that the architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures located on the property and on any adjacent lot, if they are listed on the most recent Westport Historic Resource Inventory.
7. Requires that Public Waterfront Access (see Definitions) shall be provided on all sites adjacent to the Saugatuck River.
8. Requires that affordable housing units cannot be clustered, but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms and the same quality of construction as the other units in the development. Amenities for the market rate and below market rate units shall be comparable.
9. Requires that no affordable unit shall be smaller than seventy-five (75%) of a market rate unit containing the same number of bedrooms