

# 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 #619 which adds a new §39A, Inclusionary Housing Overlay District**

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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 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 creating a new §39A, Inclusionary Housing Overlay District, which permits development of lots split residential and non-residential with the requirement that 20% of the units to be owned or rented as affordable units, in accordance with §8-30g of the Connecticut General Statutes.

The new zoning district would be an overlay, which means that all zoning regulations applying to the underlying district would continue to govern, except as amended by this section. Also a site rezoned to Inclusionary Housing Overlay District will bear its original designation, but with IHZ appended to indicate Inclusionary Housing Zoned.

There are many lots in Westport that are split residential and non-residential and which cannot use the residential portion of the lot except for a single family house. These areas are underutilized and would be an ideal location for multi-family units since they are close to transportation and shopping.

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