

SOUTH WINDSOR PLANNING AND ZONING COMMISSION

Proposed Residential Zoning and
Subdivision Regulations Text Changes

Public Hearing February 14, 2023

Presented by: Bart Pacekonis, PZC Chair

ADOPTED LANGUAGE:

Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts

The Planning and Zoning Commission has planned carefully the growth of the community and has guided the development of residential areas within the Town into neighborhoods. Recent legislation regarding multi-family housing, accessory apartments, coupled with the need to create more affordable housing and the Commissions growing dissatisfaction with environmental impacts of lots yielded through open space subdivision and interior lots regulations warrants a moratorium until the PZC can fairly assess and revise its zoning regulations as to subdivisions and housing that will fairly meet the objectives of the legislation and the Town's Plan of Conservation and Development.

The Planning and Zoning Commission hereby declares an immediate moratorium on all applications for, and approvals of, single family residential subdivision or resubdivision which creates three or more lots and any special exception permits for any single family, duplex or multi-family residential housing. The expiration date of this Moratorium shall not exceed 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

No applications will be accepted or heard by the Planning and Zoning Commission, and no approvals will be given by the Planning and Zoning Commission for new housing units during this period.

PZC COMMITTEE WORK

Two subcommittees were established – Residential and Multi-Family; met over past 9 months to modify regulations

- ▶ **Residential subcommittee** evaluated quality of developments- open space cluster designs; minimum lot frontages, sizes and usability of lots; undesirable open space; loss of habitats; affordable housing
 - ▶ Proposed update the zoning/subdivision regulations;
 - ▶ Reviewed and modified standards for infrastructure including roadways, sidewalks and lighting requirements;
 - ▶ Investigated changing minimum lots sizes and other bulk requirements in the different zones around Town based on a residential build out; created “net lot area requirement” to exclude steep slopes, wetlands and easements
 - ▶ Review interior lot requirements and proposed changes to encourage better designs
 - ▶ Added to the Subdivision Regulations criteria related to Free Splits, agricultural division and lot line revisions
 - ▶ Determined how to incorporate Inclusionary Zoning requirements into the regulations for subdivisions

PROPOSED ZONING CHANGES (EXCERPT)

<p>Section 3.1.2 Residential Area, Density and Dimensional Requirements Modify Section 3.1.2A Modify 3.1.2.B</p>	<p>Modify Table 3.1.2A to reduce minimum lot requirement for MFA/AA to 5 acres. Modify Item 3.1.2.B to reflect how a buildable area is measured.</p>	
<p>Section 3.2.2 Interior Lots Modify 3.2.2.C.3., 3.2.2.C.3.3, 3.2.2.C.3.4, 3.2.2.C.3.8, 3.2.2.C.11</p>	<p>Modify required lot depth in A-20 zone, front yard setbacks shall be that of the underlying zone, Modify stacking and screening of adjacent</p>	
<p>Section 7.14 Open Space Subdivision Modify Section 7.14.1 Modify Section 7.14.4.C.3 Modify Table 7.14.5A Lot Area, Frontage and yard Requirements- Open Space Subdivisions</p>	<p>Modify 7.14.1 with latest regulation dates Modify Item 7.14.4.C.3 to include Right of Way in the 10% of total area of roadway Modify Table 7.14.5A lot sizes and setbacks in all zones for open space subdivisions. Change in minimum lot square footage from 20,000 to 25,000 SF in RR and A-40 zones. Change in minimum lot square footage from 15,000 SF to 20,000 SF in A-30 and AA-30 zones. Minimum lot frontage increased to 110 ft, minimum front yard increased to 50 ft, minimum side yard increased to 15 ft, minimum rear yard increased to 40 ft.</p>	

PROPOSED SUBDIVISION CHANGES (EXCERPT)

Chapter 1 General Provisions Modify B.1	Update effective/revision date	
Chapter 2 Definitions Add Definitions	Add to definitions: Lot Area (minimum calculation requirement), Lot Line Revision, and Affordable Housing	
Chapter 3 Procedures Modify Chapter 3 Item B # 3.b Modify Chapter 3 Item C # 2 Modify Chapter 3 Item E #5 Add Section H Inclusionary Zoning Requirements this section would include a Fee-In-Lieu-Of Affordable Housing Calculation Table Rename Section H to Section I Add Section J Agricultural Division Add Section H First Cut Add Section Lot Line Revisions	Chapter 3 Item B # 3 item b- remove seven calendar days Modify Chapter 3 Item C Application Modify Chapter 3 Item E #5 Performance and Maintenance Mechanisms- adding requirements Add Section H Inclusionary Zoning Requirements including a Fee-In-Lieu-Of Affordable Housing Calculation Table Rename Section H to Section I Required Submission Documents Add Section J Agricultural Division Add Section K First Cut Add Section L Lot Line Revisions	
Chapter 4 Design and Improvement Standard Modify B4 Residential Development Design Modify C.1.b Mandatory Open Space Modify C.2.c Landscaping Standards- Street Trees Modify C.2.d Landscaping Standards- Site Protection and General Planting Requirements Modify C.3.c Streets- Cul-de-Sac (Dead End) Streets Modify C.3.f Streets- Sidewalks Modify C.4 Water Supply Modify C.5 Sanitary Sewers	Modify Item B4 to add rear facing houses treatment Modify Item C.1.b Mandatory Open Space Subdivisions to add agricultural land. Modify Item C.2 Landscaping Standards with minor changes to item c and item d. Modify Item C.3.c(1)g to add sidewalks required on both sides of the street. Modify C.3.f Streets- Sidewalks to add item (a) to address sidewalk requirement along residential and commercial frontage. Add C.3.f.2 sidewalk modification can be modified conditions by 2/3 rd majority vote with two conditions exists options. Modify C.4 Water Supply- approval by Director of Health or designee Modify C.5 Sanitary Sewers- approval by Director of Health or designee	
Add Appendix B- Table of the Town of South Windsor List of Tree Species- Not Acceptable for Planting	Not acceptable for planting table added.	

PZC COMMITTEE WORK -

- ▶ **Multi-Family subcommittee** evaluated current regulations and proposed changes to increase affordable housing
 - ▶ Proposed update the zoning regulations;
 - ▶ Reviewed existing multi-family development types – current and previous;
 - ▶ Investigated changing minimum lots requirements and other bulk requirements in different multi-family types;
 - ▶ Reviewed duplex dwellings and proposed changes to allow more flexibility
 - ▶ Determined how to incorporate Inclusionary Zoning requirements into the regulations for multi-family developments
- ▶ Recommend to opt out of Public Act 21-29 which limits parking the number of parking spaces that can be required in multi-family developments

INCORPORATION OF AFFORDABLE HOUSING

- ▶ Proposed adding Section 2.24 Inclusionary Zoning requirements which adds an affordable requirement for all residential developments

Section 2.24 Inclusionary Zoning Add Section 2.24, 2.24.1, 2.24.2, 2.24.3, 2.24.4;	Add an affordable housing requirement to all residential zones in town. Add Affordability Plan Compliance per General Statutes 8-30g. Add to definitions dwelling, affordable unit.	
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Proposed adding Chapter 3 Inclusionary Zoning requirements into the subdivision regulations to add an affordable requirement for all residential developments

Chapter 3 Procedures Add Section H Inclusionary Zoning Requirements this section would include a Fee-In-Lieu-Of Affordable Housing Calculation Table	Chapter 3 Add Section H Inclusionary Zoning Requirements including a Fee-In-Lieu-Of Affordable Housing Calculation Table	
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Proposed ZONING changes (excerpt)

Regulation Reference	Zone	Minimum Acreage	Density	Unit Mix	Cap on Units	Affordable Component
Multifamily Section 3.4	Create Floating zone MF-A or MF-AA	15 acres Zone Change and General Plan required Reduction of minimum acreage to 5 ac with max of 15 ac (Table 3.1.2A)	Shall not exceed 4 ½ dwelling units per net buildable acre.	Efficiency, 1 bedroom, 2 bedroom and 3 bedrooms. Four bedrooms only allowed in single family dwellings. Change breakdown Section 3.4.5A Unit Mix Eff. & 1 bedroom - 60% 4 bedrooms – 5% or less 3 bedrooms -5% or less 2 Bedrooms - reminder		None; add minimum 18% affordable requirement
Senior Residence Developments Section 11.7 Appendix G – currently not allowed	Add Sec 7.17 as Special Exception Use	Underlying zone; bulk requirements in Table 7.17.4A	Maximum density varies by unit type (Section 7.17.6 Density)– current density ranges from 2.5-4.6 units per acre Project size limited to 20 units; 25 units when clubhouse included	1 or 2 bedrooms.	Maximum 230 units in town; 350 units.	None; add minimum 15% affordable requirement
Elderly Housing Section 7.7	RR, AA-30, A by SE	2 acres on Town owned property or premises approved by the Public Housing Authority; bulk requirements in Table 7.7.A	No more that 102 units per project (waiver up to 200 units)	Efficiency, 1 bedroom or 2 bedrooms.	500 units in town	Depends on project; public 100%
Multi-family Assisted Housing Modify Sec 7.22.1	Residential zones; add to commercial zones	Minimum 4 ac; max 15 acres	15 units per acre; max 80 units	Depend on projects	None	Depends on project; must meet State Affordable Guidelines
Town Center Core Section 5.6.11	Overlay zone	No minimum Criteria of overlay	No more than 67% of the total floor area of a parcel	Studio, 1 bedroom or 2 bedrooms. No more than 50% can be 2-bedroom units. At least 10% of the units must be affordable	No caps on number of units to be created	10% Inc to 15%
Town Center North Section 5.7	Overlay zone	No minimum Criteria of overlay	4.5 units per acre (Section 5.7.11)	Studio, 1 bedroom or 2 bedrooms. No more than 50% can be 2-bedroom units. At least 10% of the units must be affordable	No more than 67% of the total floor area of a parcel.	10% Inc to 15%

Regulation Reference	Zone	Minimum Acreage	Density	Unit Mix	Cap on Units	Affordable Component
Buckland Gateway Section 4.2	BGD - Special Exception	3 acres; residential must be a part of an approved general plan	2:1 ratio of residential to commercial square footage (as a part of a mixed use development)	Studio/efficiency units, 1 bedroom and 2 bedrooms. No more than 50% 2 bedrooms	200 units; text pending to 365	12.5%
Assisted Living/Independent Living Facilities Section 7.3	DC, GC, RC, RO by SE	Underlying zone	Max size is 70,000 square feet gross floor area except 180,000 in GD zone.		100 units per facility.	None; add minimum 15% affordable requirement
Sullivan Ave Overlay Zone Section 5.10	Create Floating Zone (SAMUD)	15 acres Minimum; 20 acres maximum	2:1 ratio of residential to commercial square footage (as a part of a mixed use development)	10% studio/efficiency; maximum 30% 2 bedroom units	125 units	10%; add minimum 15% affordable requirement
Duplex- Section 5.7	All single family zones by Special Exception	Underlying zone	Max – 2 units per lot per duplex; Allowed as a part of s a subdivision with increase lot sizes – subject to PZC approval	none	none	None; would be subject to affordable housing fee and count as an indivual unit if part of a subdivision

Payment of Fee-in-Lieu of Constructing Affordable Housing Units

Table 1 FEE-IN-LIEU OF AFFORDABLE HOUSING CALCULATION

Fee- In Lieu + (A x (B x C))				
	Zone	A	B	C
Single- and Two-family Dwellings	RR, A-40, AA-30	5%	1,500 sf per unit x total number of dwelling units	Construction cost per square foot for one and two-family residential (R-3) pursuant to most recent Building Valuation Data for Type VB Construction from the International Code Council.
Single- and Two-family Dwellings	A-30	5%	1,200 sf per unit x total number of dwelling units	
Single- and Two-family Dwellings	A-20	5%	1,000 sf per unit x total number of dwelling units	

Sample – 10 lot subdivision

Example RR and/or A-40 zone, AA-30 zone $.05 \times 1,500 \times 10 \times 150.87 = \$113,152.50$

A-30 zone $.05 \times 1,200 \times 10 \times 150.87 = \$90,522.00$

A-20 zone $.05 \times 1,000 \times 10 \times 150.87 = \$75,435.00$

A-20 zone $.05 \times 1,000 \times 10 \times 150.87 = \$75,435.00$

Thank You!

Lipe, Michele

From: Richard D. Carella <rcarella@uks.com>
Sent: Wednesday, January 25, 2023 1:33 PM
To: Lipe, Michele
Cc: Maniscalco, Michael; Perry, Vanessa
Subject: [External]RE: [External]PZC - Draft Inclusionary Zoning regulation
Attachments: 1.25.23 revisions to Inclusionary zoning draft 1-9-23(3855102.1).docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Hi Michele

My revisions attached.

I am agreeable to the manner in which you are using the IBC to calculate the fee in lieu of creating affordable units. I have made the payment in lieu discretionary on the part of the applicant and on the Commission when reviewing the application, as opposed to mandatory, to give both the Commission and the applicant some flexibility.

However, either a certain number of affordable units or a fee is a requirement and must be part of the application.

Happy to review or discuss further.

Rich

Richard D. Carella
Shareholder | Updike, Kelly & Spellacy, P.C.
(Office) 860-548-2681
rcarella@uks.com | www.uks.com



[Hartford](#) | [New Haven](#) | [Middletown](#)
(Click on link for UKS address and directions)

From: Lipe, Michele <Michele.Lipe@southwindsor-ct.gov>
Sent: Monday, January 9, 2023 3:11 PM
To: Richard D. Carella <rcarella@uks.com>
Cc: Maniscalco, Michael <Michael.Maniscalco@southwindsor-ct.gov>; Perry, Vanessa <Vanessa.Perry@southwindsor-ct.gov>
Subject: [External]PZC - Draft Inclusionary Zoning regulation

Good afternoon,

Attached is the latest draft of the Inclusionary zoning regulation that the PZC will be taking to public hearing on Tuesday, February 14. It is being proposed in accordance with CGS 8-2i (attached).

It results in affordable units within multi-family developments and requires an affordable housing fee for subdivision lots that create three or more lots. The fee will be based in the International Code fees for single family construction and will be established at the time of the approval. I have provided a sample based on the latest numbers.

Could you please advise me if you see any legal issues with what is being proposed? I am available if you have any questions.

Thanks,
Michele

Michele M. Lipe, AICP
Director of Planning
Town of South Windsor
1540 Sullivan Ave.
South Windsor, CT 06074
(860) 644-2511, ext. 2252

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ZONING REGULATIONS – Draft

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Section 2.24 Inclusionary Zoning(effective for new housing units created _____)

2.24.1 Background and Purposes

These regulations are intended to encourage the development of ~~below-market-rate dwelling units~~ housing affordable to persons and families of low and moderate income (“Affordable Housing”), within the Town of South Windsor, consistent with Section 8-2(i) of the General Statutes of Connecticut.

2.4.2 Applicability

Inclusionary Zoning Regulations shall apply to all zones that allow dwelling units as a principal or special exception use, and either the creation of Affordable Housing units, or the payment of a fee in lieu of such creation of Affordable Housing units, shall be a requirement of approval by the Commission,

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2.5.3 Affordable Housing Requirements

A. Subdivisions

1. All single-family subdivisions or resubdivisions which create three or more new building lots ~~shall be required to pay a fee may make a payment into a housing trust fund administered, through the South Windsor Human Services Department, entirely or partially in lieu of, or in addition to other requirements or conditions of approval related to the creation of~~ Affordable housing-Housing or the provision of creating provide an one or more affordable Affordable housing-Housing units in accordance with the subdivision regulations, ~~Fees~~ received pursuant to this Section shall be deposited into a Housing Trust Fund established for the purpose of planning, subdividing, acquiring, developing or managing affordable housing units in South Windsor. The Commission may authorize a direct donation to another entity to support development of an affordable housing project elsewhere in South Windsor.

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2. All single-family subdivisions or resubdivisions which create three or more new building lots may set aside a reasonable number of such lots to be Affordable Housing lots, as determined by the Commission when reviewing such subdivision, or re-subdivision application. Affordable ~~housing-Housing~~ Housing lots shall be administered by the South Windsor Human Services Department and its designees and shall be subject to a restrictive covenant in favor of enforceable and enforceable by the Town and in a form as required by the Town Attorney.

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B. Multi-Family

1. Developments resulting in the creation of four or more multi-family dwelling units ~~shall may~~ designate a minimum of fifteen percent (15%), of the total number of dwelling units as affordable-housing Affordable Housing (unless otherwise noted in the regulations) as defined by Connecticut General Statutes. For the purpose of this regulation, the term multi-family is defined as a single property with two or more dwelling units, whether attached or detached. Fractional units shall be rounded up to the nearest whole number.
2. Affordable Housing units ~~cannot shall not~~ be clustered but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms, bathrooms, included types and sizes of appliances (referring to function, not level of luxury – e.g. 16 cubic foot refrigerator), square footages and exterior finishes.
3. The applicant shall submit an Affordability Plan concurrently with ~~s-a~~ Special Exception and Site Plan application which shall prescribe how the regulations regarding affordability will be

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administered.

2.5.4 Affordability Plan Compliance with General Statutes 8-30g

- A. In conjunction with an application for approval of a site plan with ~~below-market-rate~~Affordable Housing units, the applicant shall submit an 'Affordability Plan', in accordance with General Statutes 8-30g, which shall describe how the regulations regarding affordability will be administered as assisted housing. The Plan shall include provisions for administration of and compliance with the provisions of this section, notice procedures to the general public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and yearly confirmation of unit occupancy income, and demonstration of compliance with affordability requirements to the Commission. Such Plan shall also include drafts of documents, such as deeds, that will be used in the administration of the affordability restrictions.
- B. It is intended that the ~~below-market-rate~~Affordable Housing units will be administered, as stated in an Affordability Plan, in compliance with both General Statutes 8-30g and the rules and regulations of any governmental program that provides development financing. All ~~low-income-and-Affordable housing-Housing~~ units constructed or rehabilitated pursuant to these regulations shall be restricted and maintained as ~~affordable-~~Affordable Housing units for at least forty (40) years from issuance of a Certificate of Occupancy
- C. Calculation of the maximum monthly rental payment for ~~below-market-rate~~Affordable Housing units, so as to satisfy General Statutes 8-30g, shall utilize the area median income data as published by the Connecticut Department of Housing or the or if none is published then as published by the U.S. Department of Housing and Urban Development, using the Hartford Metropolitan Statistical Area at the time of the sale/lease.

Add to Definitions: Dwelling, Affordable Unit: A dwelling unit which will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty (40) years after the initial occupancy of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the unit as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent 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

SUBDIVISION REGULATIONS

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H. Inclusionary Zoning Requirements (effective for new housing units created _____)

1. The affordable housing requirements may be met in whole or in part through the creation and construction of payment of a fee in lieu of constructing the required affordable-Affordable housing Housing units pursuant to the provisions of this Section, or payment of a fee in lieu thereof, as follows:

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- a. ~~When required.~~ When a subdivision or resubdivision creates three or more lots, a fee in lieu of affordable housing ~~is may be required,~~ (unless affordable units are provided in accordance with Section K.2.b. Fees received pursuant to this Section shall be deposited into a Housing Trust Fund established for the purpose of planning, subdividing, acquiring, developing or managing affordable housing units in South Windsor. The Commission may authorize a direct donation to another entity to support development of an affordable housing project elsewhere in South Windsor.
- b. ~~Amount.~~ The Fee in Lieu Payment for ~~affordable-Affordable housing-Housing~~ shall be calculated at the time of approval and paid in its entirety prior to issuance of a Zoning Permit for the project, or, in the case of a subdivision, prior to recording of the subdivision map on the land records. The in-lieu fee shall be calculated pursuant to Table 1 below.
- c. Where an in-lieu fee is proposed in combination with on-site Affordable Housing units or conversion of existing units to Affordable Housing units, said fee shall be prorated accordingly.
- d. If the Subdivision approval for which the in-lieu fee provided expires without construction of any housing units, the fee in-lieu fee shall be returned to the fee payer, at the fee payer's written request. This provision shall only apply to fees paid into a Housing Trust Fund established by the Town.

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2. Exceptions

The affordable housing requirements of this section shall not apply if:

- a. The subdivision contains less than 3 lots;
- b. The subdivision contains one affordable unit for each 6 lots proposed. Affordable Housing units shall be made available to households earning 80 percent or less of the State-Area Median Income (SMAI) for the Hartford Metropolitan Statistical Area as determined by the State of Connecticut Department of Housing, and if none is published, then as published by the U.S. Department of Housing and Urban Development. Affordable ~~housing-Housing~~ lots shall be administered by the South Windsor Human Services Department or its designees, and shall be subject to a restrictive covenant in favor of and enforceable by the Town and in a form as required by the Town Attorney.
- c. Where an in-lieu fee is proposed in combination with on-site units or conversion of existing units, said fee shall be prorated accordingly.

Payment of Fee-in-Lieu of Constructing Affordable Housing Units

Table 1 FEE-IN-LIEU OF AFFORDABLE HOUSING CALCULATION

Fee- In Lieu + (A x (B x C))				
	Zone	A	B	C
Single- and Two-family Dwellings	RR, A-40, AA-30	5%	1,500 sf per unit x total number of dwelling units	Construction cost per square foot for one and two-family residential (R-3) pursuant to most recent Building Valuation Data for Type VB Construction from the International Code Council.
Single- and Two-family Dwellings	A-30	5%	1,200 sf per unit x total number of dwelling units	
Single- and Two-family Dwellings	A-20	5%	1,000 sf per unit x total number of dwelling units	

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Based on ICC Valuation Data Table February 2022 – attached

Sample – 10 lot subdivision

Example RR and/or A-40 zone, AA-30 zone $.05 \times 1,500 \times (10 \times 150.87) =$
~~\$11,902.50~~ 113,152.50

A-30 zone $.05 \times 1,200 \times (10 \times 150.87) =$ \$90,522.00

A-20 zone $.05 \times 1,000 \times (10 \times 150.87) =$ \$75,435.00

Exhibit C

ZONING REGULATIONS – Draft 2-14-23 comments from staff

Section 2.24 Inclusionary Zoning(effective for new housing units created _____)

2.24.1 Background and Purposes

These regulations are intended to encourage the development of below market rate dwelling units within the Town of South Windsor, consistent with Section 8-2(i) of the General Statutes of Connecticut.

2.4.2 Applicability

Inclusionary Zoning Regulations shall apply to all zones and developments that allow dwelling units as a principal or special exception use.

2.5.3 Affordable Requirements

A. Subdivisions

1. All single-family subdivisions or resubdivisions which create three or more new building lots shall be required to pay a fee in lieu of affordable housing or provide an affordable housing unit in accordance with the subdivision regulations.
2. Affordable housing lots shall be administered by the South Windsor Human Services Department and its designees and shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney.

B. Multi-Family

1. Developments resulting in the creation of four or more multi-family dwelling units shall designate a minimum of fifteen percent (15%), of the total number of dwelling units as affordable housing (unless otherwise noted in the regulations) as defined by Connecticut General Statutes. For the purpose of this regulation, the term multi-family is defined as a single property with two or more dwelling units, whether attached or detached. Fractional units shall be rounded up to the next higher nearest whole number.
2. Affordable units shall not ~~cannot~~ be clustered but shall be reasonably dispersed throughout the development and shall contain, on average, the same number of bedrooms, bathrooms, included types and sizes of appliances (referring to function, not level of luxury – e.g. 16 cubic foot refrigerator), square footages and exterior finishes.
3. The applicant shall submit an Affordability Plan concurrently with the s Special Exception and Site Plan application which shall prescribe how the regulations regarding affordability will be administered.

2.5.4 Affordability Plan Compliance with General Statutes 8-30g

- A. In conjunction with an application for approval of a site plan with below market rate units, the applicant shall submit an 'Affordability Plan', in accordance with General Statutes 8-30g, which shall describe how the regulations regarding affordability will be administered as assisted housing or deed restricted housing. The Plan shall include provisions for administration of and compliance with the provisions of this section of all rental units, notice procedures to the general public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and yearly confirmation of unit occupancy income, and demonstration of compliance with affordability requirements to the Commission. Such Plan shall also include drafts of documents, such as deeds, that will be used in the administration of the affordability restrictions.
- B. It is intended that the below market rate units will be administered, as stated in an Affordability Plan, in compliance with both General Statutes 8-30g and the rules and regulations of any governmental

program that provides development financing. All low-income and affordable housing units constructed or rehabilitated pursuant to these regulations shall be restricted and maintained as affordable for at least forty (40) years from issuance of a Certificate of Occupancy

- C. Calculation of the maximum monthly rental payment for below market rate units, so as to satisfy General Statutes 8-30g, shall utilize the lower of the state median income or the area median income data as published by the U.S. Department of Housing and Urban Development at the time of the sale/lease. Ownership units are subject to the resale price restrictions.

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

SUBDIVISION REGULATIONS

H. Inclusionary Zoning Requirements (effective for new housing units created _____)

1. The affordable housing requirements may be met in whole or in part through payment of a fee-in-lieu of constructing the required affordable housing units pursuant to the provisions of this Section
 - a. When required. When a subdivision or resubdivision creates three or more lots, a fee in lieu of affordable housing is required (unless affordable units are provided in accordance with Section K.2.b; Fees received pursuant to this Section shall be deposited into a Housing Trust Fund established for the purpose of planning, subdividing, acquiring, developing or managing affordable housing units in South Windsor. The Commission may authorize a direct donation to another entity to support development of an affordable housing project elsewhere in South Windsor.
 - b. Amount. The Fee in Lieu Payment for affordable housing shall be calculated at the time of approval and paid in its entirety prior to issuance of a Zoning Permit for the project, or, in the case of a subdivision, prior to recording of the subdivision map on the land records. The in-lieu fee shall be calculated pursuant to Table 1 below.
 - c. Where an in-lieu fee is proposed in combination with on-site units or conversion of existing units, said fee shall be prorated accordingly.
 - d. If the Subdivision approval for which the in-lieu fee provided expires without construction of any housing units, the fee in-lieu fee shall be returned to the fee payer, at the fee payer's written request. This provision shall only apply to fees paid into a Housing Trust Fund established by the Town.
2. Exceptions

The affordable housing requirements of this section shall not apply if:

- a. The subdivision contains less than 3 lots;
- b. The subdivision contains one affordable unit for each 6 lots proposed. Affordable units shall be made available to households earning 80 percent or less of the State Median Income (SMI) for the State of Connecticut. Affordable housing lots shall be administered by the South Windsor Human Services Department or its designees, and shall be subject to a restrictive covenant enforceable by the Town and in a form as required by the Town Attorney.
- c. Where an in-lieu fee is proposed in combination with on-site units or conversion of existing units, said fee shall be prorated accordingly

Payment of Fee-in-Lieu of Constructing Affordable Housing Units

Table 1 FEE-IN-LIEU OF AFFORDABLE HOUSING CALCULATION

Fee- In Lieu + (A x (B x C))				
	Zone	A	B	C
Single- and Two-family Dwellings	RR, A-40, AA-30	5%	1,500 sf per unit x total number of dwelling units	Construction cost per square foot for one and two-family residential (R-3) pursuant to most recent Building Valuation Data for Type VB Construction from the International Code Council.
Single- and Two-family Dwellings	A-30	5%	1,200 sf per unit x total number of dwelling units	
Single- and Two-family Dwellings	A-20	5%	1,000 sf per unit x total number of dwelling units	

Based on ICC Valuation Data Table February 2022 – attached

Sample – 10 lot subdivision

Example RR and/or A-40 zone, AA-30 zone $.05 \times 1,500 \times 10 \times 150.87 = \cancel{\$11,902.50} \$11,315.25$
 A-30 zone $.05 \times 1,200 \times 10 \times 150.87 = \$90,522.00$
 A-20 zone $.05 \times 1,000 \times 10 \times 150.87 = \$75,435.00$

Exhibit D

Oneil, Caitlin

From: Lipe, Michele
Sent: Tuesday, February 14, 2023 9:16 AM
To: Oneil, Caitlin
Subject: FW: [External]Text amendment to MAHZ
Attachments: Proposed further modifications to amended MAHZ - 2.13.23.docx

For tonight's meeting

From: Ben Tripp <BTripp@metro-realty.com>
Sent: Monday, February 13, 2023 9:25 PM
To: Lipe, Michele <Michele.Lipe@southwindsor-ct.gov>
Subject: [External]Text amendment to MAHZ

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Michele,

Was hoping to catch you before tomorrow's meeting, but I understand you have been on vacation. Hope you had a great time!

Attached is my proposed revision (text in **blue**) to the text amendment to the MAHZ. Below is an explanation for each modification. I'll be at the hearing tomorrow evening. I'll also be in the office most of the day if you'd like to discuss – I'll probably try to give you a call at some point to touch base, but I'm guessing you'll be playing catch up.

- 7.22.2.B – I removed the reference to density. Since we already have a maximum unit count of 80 and a minimum acreage of 4 acres, and a maximum building height of 2 stories (or whatever is prescribed in the underlying commercial zone), density is already pretty well defined. My concern is that the use of density refers to “net buildable acre”, and I’m not far enough along in my site design to know the detention basins, easements, etc. that I’d need to back out of the total acreage to get to a density calc. I think others who would propose affordable housing under this reg would initially go for the zone change without a fully engineered plan and would be in a similar position. So I’d propose we either remove the reference to density, or make it 15 units per acre (remove reference to “net buildable” acre).
- 7.22.4.A – I added back AA-30 to the reg because I believe this reg is still the one being used for 175 Oakland Road, which has AA-30 as the underlying zone. Just wanted to make sure the modification to this reg doesn't make the Oakland Road development non-compliant.
- 7.22.5 – I re-worded maximum height. My assumption was that you added the language which made the underlying commercial zone the governing restriction in order to make maximum height more flexible. However, in the Gateway Development zone, this actually reduces the max height for buildings within 125 from the public street right of way to 30 feet (instead of 35 feet allowed in the MAHZ). If this was your intention, then I don't feel strongly, I should be OK either way, but I think the 35 feet for 2-story, gabled-roof residential is reasonable.
- 7.22.6.C – Trying to get creative to be able to utilize the acreage from the single-family lot adjacent to the calvary church site that I will need to subdivide out of our affordable housing application because it has a restrictive covenant. Open to any thoughts you have on this.
- 7.22.8.D – I added some language here to clarify that the assisted living facilities and apartments are considered “commercial properties”, since some may think of these as residential. The property card does classify Berry Patch land use as “commercial apartments” and the two assisted living as “commercial”, so we can remove the additional language if you think it is unnecessary.

- 7.22.9 – I reduced the Open Space requirement to 15%. I know the commission has ultimate discretion here, so if you think 20% is important I understand. But I think 20% will generally be difficult to hit.

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Multifamily Assisted Housing in **Residential/Commercial** Zones (MAHZ)

7.22.1 Purpose

The purpose of this Special Regulation is to provide multifamily housing that will constitute governmentally-sponsored and publicly-financed 'assisted housing' as defined in Connecticut under General Statutes 8-30g, on land presently zoned **Residential/Commercial** and as an alternative to multifamily housing provided under South Windsor's existing multifamily residential zones and uses. The application must qualify as "assisted housing" under CGS 8-30G.

7.22.2 Procedure

A. An application for the use as Multifamily Assisted Housing in the **Residential/Commercial** Zone shall require a **zone change**, special exception and site plan approval in accordance with these Zoning Regulations. **At the time of the zone change application, the applicant shall submit a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property, the proposed development roads and traffic circulation, sewage disposal and water supply.**

B. Uses Permitted

In an MAHZ, no land, building, or structure shall be used, and no building shall be hereafter erected, altered or added to, except as provided in these Zoning Regulations, and may be used only for one or more of the following uses:

1. Principal Uses

A maximum of eighty (80) one (1) bedroom and two (2) bedroom multifamily dwelling units, of which will constitute 'assisted housing' in compliance with General Statutes 8-30g.

~~Overall density of the development shall not exceed fifteen (15) units per net buildable acre.~~

2. Accessory Structures and Uses

a. Decks and patios

b. Pergolas

c. Bus Shelter

d. Other structures and uses not listed above, customarily accessory to a multifamily residential use

7.22.3 Improvements

A. Streets and related improvements shall generally conform to Town procedures and standards. However, 24-foot pavement width is acceptable for streets and 18-foot pavement width is acceptable for one-way streets at the entrances to and exists from the development.

B. Public water and sewer must be available for the property either directly or by extension and connection to an existing sewer line, and all units must be connected to the sewer and water lines. Utilities shall conform to the requirements of Sections 6.6.1, 6.6.2 and 6.6.6 of the Zoning Regulations.

C. No Zoning Certificate of Compliance shall be issued for any dwelling unit unless and until such unit has been connected to a public water supply, suitable power supply, and a public sanitary sewer line.

D. Storm drainage shall conform to the requirements of Section 6.6.5 of the Zoning Regulations.

7.22.4 Location, Land Area, and Frontage

A. Location Only a parcel of land **zoned AA-30** RR Residential and abutting real property on which there is an existing multifamily development shall be proposed for inclusion in a MAHZ. **Commercial properties adjacent to residential areas may be considered for a MAHZ.**

B. Land Area

The total area of a parcel to be rezoned MAHZ shall be a minimum of **four (4) acres of land**, and a maximum of fifteen (15) acres.

C. Frontage

A parcel proposed for inclusion in a MAHZ shall have a minimum of ~~500~~ **400** feet of frontage on a **state collector road or state highway.**

7.22.5 Building Height

~~The maximum building height of a principal building in a MAHZ where residential is the underlying zone shall be thirty-five feet (35) and shall not exceed two (2) stories. Buildings where commercial is the underlying zone shall be governed by height restrictions in that zone.~~

The maximum building height of a principal building in a MAHZ shall be the greater of 1) thirty-five feet (35), not to exceed two (2) stories, and 2) the maximum building height allowed in the underlying zone.

7.22.6 Coverage

A. Maximum Impervious Coverage

Impervious coverage for any parcel comprising a MAHZ development shall not exceed fifty percent (50%) of the total land area in residential zones **and sixty percent (60%) in commercial zones.**

B. Maximum Lot Coverage

Building coverage for any parcel comprising a MAHZ development shall not exceed fifteen percent (15%) of the total land area; **twenty-five (25%) in commercial zones.**

C. Contiguous Parcels

If a parcel that is contiguous to the parcel comprising a MAHZ development is put into permanent conservation by the MAHZ applicant, the land area of the contiguous conservation area may be used to calculate the impervious coverage and lot coverage of the MAHZ development.

7.22.7 Consolidated Parcels

A. Purpose

In the interest of promoting development continuity, the consolidation of contiguous parcels is encouraged. 'Consolidation' is defined here as the integration of two (2) or more individually owned parcels into a single Consolidated Parcel for the purposes of creating a shared-use arrangement of selected site components, e.g. common points of access/egress, pedestrian sidewalks and pathways,

drive passage, parking, loading/unloading, building coverage, and yards.

B. Integrated Plan

1. 1. A Consolidated Parcel shall be developed with an integrated plan of buildings, parking, loading and unloading, and open space.
2. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking, and loading.

C. Yards

Notwithstanding the provision of Section 7.22.8.C, side or rear yard requirements may be ignored along common boundaries of Consolidated Parcel

7.22.8 Building Setbacks

- A. No principal building, structure, or use shall extend closer than fifty (50) feet from any street line.
- B. The front yard setback may be reduced by not more than ten (10) feet for building features such as entrances, architectural features, cornices, roof overhangs, chimneys, or for decks/patios.
- C. With regard to side or rear yards that are not located along a common boundary of a Consolidated Parcel, no principal building, accessory building, structure, or use shall extend closer than ten (10) feet from any side or rear lot line.
- D. Developments adjacent to residential zones shall have a minimum of 50 foot side yard setback; however, this distance can be reduced to 25 feet if the adjacent land is placed into a permanently conservation easement or similar. Developments adjacent to commercial zones/properties shall have a minimum of 25 foot side yard setback. This setback can be inclusive of required screening. For the purpose of clarity, "Commercial properties" include properties include, but are not limited to, commercial apartment communities and assisted living facilities.**

7.22.9 Open Space

Each MAHZ development shall preserve, by conservation easement or dedication to a nonprofit land conservation organization, a minimum of ~~30~~ **20-percent 15 percent** of the parcel zoned or to be zoned MAHZ. Emphasis shall be on the preservation of sensitive environmental areas, such as wildlife habitat, flood plain, wood- lands, or stream belts, including areas near or adjacent to other conservation land, and land visible, in whole or in part, from a public street. Such development on the subject property or in conjunction with abutting properties shall provide pedestrian pathways across open space and to amenities such as retail stores, restaurants, medical offices, personal service establishments, financial institutions, libraries, grocery stores, or a post office.

The Commission may modify this percentage based on site location in commercial areas that currently have sidewalk connectivity to open space and amenities.

7.22.10 Parking and Circulation

- A. Parking in a MAHZ shall be provided at no less than 1.70 spaces per dwelling unit. This can be reduced to**

1.5 spaces per dwelling unit when this site is within 1,000 feet of a bus stop.

B. The width, location, and arrangement of driveways and other access ways and parking shall be consistent with public safety and welfare, and shall provide suitable access to fire apparatus or other emergency vehicles.

C. Handicapped parking shall be provided in accordance with the requirements of the Connecticut General Statutes. Handicapped parking spaces shall generally be associated with handicapped-accessible units or with building entrances designed for handicapped access.

7.22.11 Signage

A. An MAHZ development may have one (1) two-sided sign architecturally compatible with the development, with an area up to 32 square feet on each side.

B. All other signage regulation outside of the monument sign shall apply.

7.22.12 Outdoor Lighting

Outdoor lighting in a MAHZ development shall comply with the requirements of Section 6.3 of the Zoning Regulations.

7.22.13 Landscaping, Buffering, and Sidewalks

A. Landscaping, Buffering, and Screening

Landscaping shall conform to the requirements of Sections 6.2.1, 6.2.2 and 6.2.3 of the Zoning Regulations. Buffering and screening shall be designed to reasonably mitigate visual, noise and other impacts, but there shall be no minimum buffer width, and Section 6.2.4 shall not apply.

B. Sidewalks

Sidewalks shall be provided within a MAHZ development. All sidewalks within a MAHZ development shall have a minimum width of four (4) feet, and a minimum width of five (5) feet adjacent to parking spaces.

In commercial areas, if the site entrance drive is less than 1,000 ft to a bus stop, then sidewalks shall be provided along that route within the public right of way.

7.22.14 Earth Filling and Excavation

Earth filling and excavation shall comply with Sections 7.6 and 7.16 of the Zoning Regulations, provided that a separate permit shall not be required, and site plan approval under this subsection will constitute approval to carry out filling or excavation necessary to construct the site plan.

7.22.15 Required Amenities

A. Refuse Area

Refuse collection areas shall be provided and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

B. Mail Boxes

Mail boxes shall be provided and conveniently located for all units, as determined by the U.S. Postal Service.

C. Bus Shelter

1. In the event regular public passenger transportation will be available to residents of the development, a shelter shall be provided by the developer at a location convenient to the residents and readily serviceable by the passenger transportation operator. The design and material composition of a shelter shall be approved by the Commission. This bus shelter may be the same shelter as the school bus shelter described below.
2. An adequate bus shelter for school children shall be provided.

7.22.16 Architectural Design

The architectural design, scale, and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line and building elevations, shall be residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood, and to preserve and improve the appearance and beauty of the community. Pitched roofed buildings shall be encouraged. Roof-top mechanical equipment, other than solar energy panels, shall be screened from all sides.

7.22.17 Affordability Plan Compliance with General Statutes 8-30g

The purpose of the MAHZ is to facilitate a residential community comprised of rental units with household income and monthly rent limits. It is intended that the restricted units will qualify as 'assisted housing' in compliance General Statutes 8-30g and will be administered, as stated in an Affordability Plan, in compliance with both General Statutes 8-30g and the rules and regulations of any governmental program that provides development financing. The following requirements shall apply to MAHZ household income / rent-restricted dwelling units, to be known a 'MAHZ Units' in a MAHZ

7.22.17.1 In conjunction with an application for approval of a site plan for a MAHZ development, the applicant shall submit an 'Affordability Plan', in accordance with General Statutes 8-30g, which shall describe how the regulations regarding affordability will be administered as assisted housing. The Plan shall include provisions for administration of and compliance with the provisions of this section, notice procedures to the general public of the availability of affordable units, identification of those units that are to be designated affordable, procedures for verification and yearly confirmation of unit occupancy income, and demonstration of compliance with affordability requirements to the Commission. Such Plan shall also include drafts of documents, such as deeds, that will be used in the administration of the affordability restrictions.

7.22.17.2 Calculation of the maximum monthly rental payment for assisted housing units within a MAHZ, so as to satisfy General Statutes 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect of the day of lease.

7.22.17.3 All dwelling units in the MAHZ shall be occupied only as a lessee's principal residence. Sub-leasing of dwelling units shall be prohibited.

7.22.17.4 Notice of availability of the MAHZ units shall be provided through the procedures outlined in an affirmative fair housing marketing plan. The South Windsor Housing Authority shall be notified of any MAHZ unit availability.

7.22.17.5 The forty (40) year affordability period shall be calculated separately for each MAHZ unit in a MAHZ development, and the period shall begin on the date of occupancy of the MAHZ unit.

7.22.17.6 A violation of the Regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Commission or its designated agent shall otherwise retain all enforcement

7.22.18 Conflict of Provisions

If any provision of these MAHZ regulations conflicts with a generally applicable provision of the South Windsor Zoning Regulations, the provisions of this Section 7.22 will control.

Exhibit E

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February 14, 2023

Via electronic filing

Bart Pacekonis, Chairman
Planning and Zoning Commission
Town of South Windsor
c/o Michele M. Lipe, AICP, Director of Planning
1540 Sullivan Avenue
South Windsor, Connecticut 06074

Re: Proposed zone text amendments by the Planning and Zoning Commission; in particular, Section 7.3 "Assisted Living Facilities / Independent Living Facilities", proposed new Subsection 7.3.10, "Affordable Units."

Dear Chairman Pacekonis, Members of the Commission, and Director Lipe,

The undersigned Firm represents Evergreen Walk, LLC ("Evergreen Walk"), which is the owner of what is referred to as Unit 8 located within Evergreen Walk. Evergreen Walk's General Plan of Development currently designates Unit 8 for an independent living facility use subject to additional approvals from the Commission.

An independent living facility use with an affordable housing component provides two important housing type opportunities for the residents of South Windsor. To incentivize potential assisted living facilities and independent living facilities for the residents of South Windsor, Evergreen Walk respectfully requests that the Commission consider reducing the proposed required affordable unit requirement in these two unique housing communities from the proposed fifteen (15%) percent to ten (10%) percent. (Please see redlined copy attached hereto.) This will encourage the development of both uses, with an important affordable housing component.

It is our understanding that the public hearing concerning this proposed text amendment, and others, will likely be continued to the Commission's February 28, 2023 meeting. We hope to have a report prepared in support of this request to modify the proposed affordable unit component for assisted living and independent living facilities submitted for the Commission's consideration for the February 28, 2023 meeting.

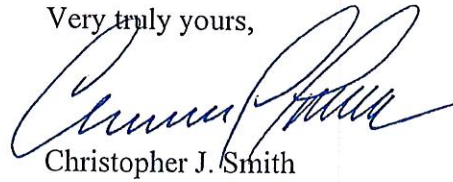
ALTER
PEARSON, LLC

ATTORNEYS AT LAW

Thank you for your anticipated cooperation and assistance concerning this matter.

As always, best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Smith", written in a cursive style.

Christopher J. Smith

cc: Evergreen Walk, LLC
Alan F. Lamson, AICP

Section 7.3 Assisted Living Facilities / Independent Living Facilities

7.3.5 Bulk Requirements

A. Lot Size/Frontage/Yards/Setbacks

Requirements are as established in the underlying zone.

B. Building Size/Height/Maximum Number of Units

Maximum size of an Assisted Living Facility shall be 70,000 square feet gross floor area (180,000 square feet gross floor area in GD zone). Building height is limited to the height limitations in the underlying zone. However, in any commercial zone with a maximum building height of 2 stories (30 feet) an Assisted Living Facility / Independent Living Facility may be increased in height to three stories (45 feet) if the front yard setback is increased to at least 125 feet. Maximum number of units within a facility is 100 (140 in the GD zone).

C. Maximum Impervious Coverage

Maximum impervious coverage in commercial zones is 50%. Maximum impervious coverage in residential zones is 25%. Green space in residential zones is intended to be located between the Assisted Living Facility / Independent Living Facility and abutting residences.

7.3.10 Affordable Units

At least **ten percent (10%)** of the housing units to be provided shall be deed-restricted to rent or sell at prices that would make them affordable to persons or families earning eighty percent (80%) or less of the area median income as defined by the United States Department of Housing and Urban Development for a period of not less than forty (40) years. See Section 2.24 Inclusionary Zoning for additional requirements.

