



**THE NORTHWESTERN CONNECTICUT
REGIONAL PLANNING COLLABORATIVE**

**Planning & Zoning Tools
for
Encouraging Affordable Types of Housing**

Our towns need housing that our teachers, fire and ambulance volunteers, health care workers and others can afford. Town zoning regulations can inadvertently create barriers to the creation of affordable types of housing. The checklist below shows the planning and zoning tools that can be used to encourage affordable housing. Following the checklist is a brief description of each of these tools and links to some example regulations.

No one tool listed below will solve a town’s need for affordable housing. Towns, therefore, need to consider employing a comprehensive set of tools. Though you may already have a regulation to address some of these issues, there may be ways to improve upon what you have to encourage development of appropriate and compatible housing that addresses a town’s housing needs.

Affordable Housing Tools Checklist				
	Tool	Already employed by Town?	Applicable Town Regulation Section	Consider Improvement?
1	Smaller Minimum Lot Sizes			
2	Accessory Apartments			
3	Multifamily Housing			
4	Inclusionary Housing Regulation			
5	First Subdivision Exemption			
6	Mixed Use Housing			

Consider working directly with an affordable housing developer or local housing trust to identify any planning or zoning impediments to the creation of housing and address them. Small changes to existing regulations can sometimes make all the difference.

For more details and examples of any of these tools, please contact us or visit our website at www.nwctplanning.org.

1. Smaller Minimum Lot Sizes

Concept: Allow smaller lot sizes and setbacks in appropriate areas of town (i.e. Village or town centers) to decrease land costs and create more affordable housing lots.

Tools:

- 1) Incentive Housing Zone
- 2) Decrease minimum lot size in village districts
- 3) Decrease minimum lot size for town or non-profit sponsored affordable housing



Main Street in Salisbury, CT

Tool #1: An **Incentive Housing Zone** (IHZ) is a special type of “overlay zone” recently authorized by the State to encourage mixed income housing developments. In an IHZ, more homes per acre than allowed under the existing zoning are permitted in areas the town determines to be appropriate. Within these areas, if a developer meets all the requirements of the IHZ regulation including dimensional standards, design standards (if any), and affordability standards (20% of the units must be affordable to families who make 80% of the area median income) the developer may build more units on than would otherwise be allowed.

Tool #2: Check to see if the zoning district that covers your village or town center allows at least six units per acre if it has access to public sewer. If not, consider allowing this, either through an Incentive Housing Zone as discussed above, or just by reducing your minimum lot size.

Tool #3: Regulations may provide for decreased minimum lot size for any lot in town that will be developed by the town or a non-profit for affordable housing. The Town of Cornwall allows a one acre lot for town or non-profit sponsored affordable housing in their zones that normally only allow three or five acre lots.

Note- Increasing minimum dimensional or buildable area requirements could decrease the opportunities to create affordable housing units. In many towns the most affordable lots to build on have constraints such as slope or wetlands. Consider allowing a waiver for any buildable area standards if the housing is being built by the town or a non-profit developer.

Example regulations:

- Cornwall Regulation 8.25 “Town or Non-Profit Sponsored Affordable Multi-Family Housing”
- For a model Incentive Housing Zone regulation, please contact us (www.nwctplanning.org).

2. Accessory Apartments

Concept: Allow homeowners to create an apartment unit in their primary residence (or in a separate building on their property- such as a garage or barn) that can be rented at an affordable rate.

There are many who can benefit from the creation of accessory apartments in homes including: communities in need of cost effective affordable housing that blends easily into existing neighborhoods; homeowners who could use the extra rental income or assistance; seniors who want to stay in their homes can barter reduced rent for help shoveling walks and running errands; and young teachers, health care workers, volunteer firefighters and others who work in town and can't currently afford to live here, but who could afford the rent of an accessory apartment.



Accessory Apartment above garage

Tools:

- 1) Accessory Apartment regulation

Many towns already have regulations allowing accessory apartments. These regulations, however, can often be fine-tuned to further encourage the creation of these apartments by, for example:

- Allow accessory apartments by right (not by special exception)
- Allow accessory apartments in new construction as well as existing housing
- Allow in attached or detached structures

For a detailed checklist of ways to do this visit our website or [click here](#).

There are also non-regulatory ways to encourage the creation of these apartments such as creating a guide for homeowners on how to create an accessory apartment (Ridgefield, CT has done this and we are currently working on a model guide for the region as well as a list of other incentives communities can provide.)

Regulations permitting accessory apartments can also require or encourage that the units be “affordable” (usually defined as a rent that is less than 30% of the income of a family earning 80% of the area median income.) An example of this is the Town of Trumbull, CT which has about 150 accessory apartments that are affordable and deed restricted as such for a period of 10 years.

Example regulations:

Goshen, CT Section 360 “Requirements for Permitted Uses and Accessory Uses in Residential Zones” (see above mentioned checklist for this regulation and ways it could be fine-tuned).

3. Multifamily Housing

Concept: Allowing attached dwelling units and multiple housing units in one building reduces the amount of land you need to build the housing and therefore reduces land costs associated with it. Allow multifamily housing (townhouse or garden style) in appropriate places in town. If you have concerns about the appearance and character of such units, consider creating design guidelines.



Sharon Ridge, Sharon, CT

Another way to allow multifamily housing is to ***allow conversion of large single family houses to apartments***. If you are concerned that the house retain its single family appearance from the outside, you can require certain design features to accomplish this such as not allowing fire escapes on the front of the building.

Example regulations:

Cornwall, CT Section 8.25 “Town or Non-profit Sponsored Affordable Multi-Family Housing”
Cornwall, CT Section 8.11 “Conversion of Residences and/or Structures to Apartments”

4. Inclusionary Housing Regulations

Concept: *Require* that a certain percentage of the units (usually at least 10%) in any new subdivisions be rented or sold at affordable rates And/Or

Provide an incentive by way of an increase in the number of housing units allowed in a development (aka “density bonus”) if the developer agrees to build a certain percentage of the total units as affordable units.



Inclusionary Housing development- Amherst, MA

Tools:

- 1) Inclusionary Housing regulation
- 2) Inclusionary Housing Fee

An ***inclusionary housing regulation*** requires that private developers make a fixed percentage of their housing affordable to low- or moderate-income households. The remainder of the units would be market rate. Ridgefield, CT for example allows a 33% increase in the number of housing units allowed (from 6 to 8 units per acre) if 15% of all the units are affordable. The affordability of the units is maintained through a deed restriction, typically for 20 or 30 years and in some cases in perpetuity. You can also allow a payment in lieu of creating the affordable units where the payments go into a housing trust fund to be used for constructing, rehabilitating or repairing affordable housing. A recent survey done by the Capitol Region Council of Governments found thirty-six Connecticut towns with some form of inclusionary housing regulation.

An Incentive Housing Zone, discussed earlier in this document, is a similar tool in that it requires 20% of housing built under this regulation to be affordable and allows a density bonus in exchange. However, it is an overlay zone so it is optional to the landowner and does not effect all new development, only development in the areas in the overlay zone.

The Town of New Canaan has recently adopted (2007) an ***Inclusionary Housing Fee*** to provide funds to create affordable housing. Section 7.6 of their regulations state, “All applications for a zoning permit for any new building construction or addition (excluding interior renovation) in any zone shall be accompanied by an inclusionary zoning fee of \$10.00 per \$1,000 of construction value, to be paid into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.”

State statue that allows this: CGS 8-2i

Example regulations: See the Capitol Region Council of Governments list of towns and their regulations called “Density Bonuses and Other Inclusionary Zoning Measures in Connecticut”

5. First Subdivision for Affordable Housing Exemption

Concept: Allow landowners to subdivide a piece of their property for affordable housing without being subject to subdivision regulations.

Tools: Your subdivision regulations may allow the first subdivision of land by a landowner be exempt from subdivision regulations provided that the lot is created for affordable housing to be developed by the municipality or a non-profit organization. (Note: any further subdivision of such lot shall not be exempt.) This provision must be adopted through an ordinance passed by the town's legislative body. However it should also be reflected in the town's subdivision regulations.

State statute that allows this: CGS 8-19 (b)

Example ordinance: Town of Old Lyme <http://www.ecode360.com/?custId=OL1929>

Note: If your subdivision regulations have an open space requirement, they should stipulate that if the subdivision is to include at least 20% of the housing units as affordable housing (as defined in CGS 8-39a) then no open space set aside is required (this is according to CGS 8-25).

6. Mixed Uses - Housing over Commercial and Office Uses

Concept: Allow apartment units above retail and office uses (second or third floor residential over commercial) also known as "mixed use" in the village/town center or commercial districts where appropriate.

Tools:

- 1) Add apartments over commercial/office buildings to the list of allowed uses in village center or commercial districts
- 2) Incentive Housing Zone

An Incentive Housing Zone can allow mixed use buildings and would require that 20% of the housing units created be deed restricted as affordable housing.

Example regulations:

Cornwall Regulation 8.12 "Apartment Use in a Business Building"

