

November 2, 2010

To Whom It May Concern:

Re: Text Amendment #618, Modifications to §32-12 Two-Family and Multi-Family Dwellings

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on November 1, 2010 it was moved by Mr. Press and seconded by Mrs. Jinishian to adopt the following resolution.

RESOLUTION #10-033

WHEREAS, THE PLANNING AND ZONING COMMISSION met on November 1, 2010 and made the following findings:

1. In March 2007, the Planning and Zoning Commission formally committed to find ways to address the existing shortage of affordable housing units in Town. An Affordable Housing subcommittee of the Planning and Zoning Commission was formed with the goal of continuing to develop regulations to promote affordable housing in Westport.
2. A telephone survey was conducted in April 2007 and 74% of respondents felt that Westport needs a choice of housing types and 60% felt that the most appropriate place to construct new apartments, condos and other multifamily housing would be along the Post Road.
3. Since 2007, the Committee has been working on an amendment to modify §32-12 and potentially expand its application to the GBD and BCD/H and the split-zoned properties to require 20% of the units to be affordable with density, setback and height bonuses. In February 2009, Amendment #591 was submitted as an application with the support of the Planning and Zoning Commission. Prior to the public hearing however, the Commission voted to withdraw it in order to take Commission members concerns into consideration.
4. Amendment #591 referred to non-residential and split zoned properties. This amendment (#618) deals with non-residential properties only.
5. Inclusionary Zoning is defined in the Connecticut General Statute (CGS) §8-2i as follows *“any zoning regulation, requirement or condition of development imposed by ordinance, regulation or pursuant to any special permit, special exception or subdivision plan which promotes the development of housing affordable to persons and families of low and moderate income, including, but not limited to, (1) the setting aside of a reasonable number of housing units for long-term retention as affordable housing through deed*

restrictions or other means; (2) the use of density bonuses; or (3) in lieu of or in addition to such other requirements or conditions, the making of payments into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.”

6. The Planning and Zoning Commission is proposing the modification of §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.
7. The amendment also proposes allowing multi-family development in accordance with §32-12, in the General Business District (GBD), a zoning district that currently allows single family dwelling units only and in the Business Center District/Historic (BCD/H) zone which was omitted due to an oversight when that zone was created. This regulation is for non-residential properties only.
8. Properties eligible for Inclusionary Two-Family and Multi-Family Dwellings include those within the RPOD, RORD #1, #2 and #3, BPD, RBD, BCD, DDD #2, BCD/H and GBD non-residential zoning districts which have frontage on an Arterial street that is equal to at least 15% of the lot perimeter. Eligible properties shall also be served by public water and shall be connected to the public sewer or shall have access to connect to the public sewer.
9. The intent of the proposal is to increase the diversity of housing choices and to provide additional below market rate housing within Westport.
10. This amendment 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 Developments. One specific strategy is to *“Consider requiring that any multi-family development provide affordable housing units.”* p. 6-4.
11. Another recommendation that will be addressed is *“The Plan recommends that developments along the Post Road be encouraged to consider incorporating residential uses on commercial properties in order to create mixed-use buildings along the corridor. As residential units are added, this will increase the variety of housing choices in locations with access to shopping and public transportation.”* p. 7-13
12. Amendment #619/Apl. #10-034 is simultaneously proposed by the Planning and Zoning Commission to create 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 Overlay District.
13. Concerns were expressed by some residents at the public hearing that the existing commercial development will be replaced by multi-family development and adversely affect the tax base.

14. Westport is close to exceeding the permitted number of multi-family units allowed in Town. §4-5 of the Westport Zoning Regulations restricts the permitted number of multi-family units to no more than 10% of the total number of dwelling units in Westport as reported in the most recent U.S. Census.
15. The 2000 Census shows there are 8,755 single family dwellings, and 803 multi-family units (or 9.17% of 8,755). Seventy-three (73) additional market rate multi-family units are permitted before the maximum number of multi-family units (876) is exceeded. Currently, under this regulation only ninety-one (91) total multifamily units [(73) market rate and eighteen (18) affordable] could be constructed due to the multifamily cap regulation.
16. A public hearing was held September 30, 2010 and October 7, 2010 to receive testimony on the application.
17. The Planning & Zoning Commission finds that the proposed amendment as modified is consistent with 2007 Plan of Conservation & Development and the Westport Zoning Regulations.
18. Special Permit/Site Plan approval will be required for any future development of the properties under this regulation.
19. Comments were received from the Police and Fire Departments.
20. Support for the amendment was offered by the Greater Bridgeport Regional Planning Agency (GBRPA), the Conservation Department and both the Human Services Department and Human Services Commission.

NOW THEREFORE, BE IT RESOLVED that **Amendment #618:** Appl. #10-033 by the Planning and Zoning Commission for a text amendment to the Westport Zoning Regulations Plan; to add §11-2.3.16, Inclusionary Two-Family and Multifamily Dwellings; to modify §21-2.2.1, Two-family and multi-family dwelling units; to modify §21-8.4 FAR; to modify §22-2.2.7, Two-family and multi-family dwelling units; to modify §22-7, Building Area; to modify §22-8.4 FAR; to modify §23-2.2.1, Two-family and multi-family dwelling units; to modify §23-8.2 FAR; to add 24-2.2.7, Inclusionary two family and multi-family dwelling units; to modify §24-8.2, FAR; to modify §26-1.3, Removal; to modify §26-2.2.1(d), Two-family and multi-family dwelling units; to modify §28-2.2.2, Two-family and multi-family dwelling units; to modify §28-8.1, FAR, to modify §29-2.2.4, Two-family and multi-family dwelling units; to modify §29A-2.2.4, Two family and multi-family dwelling units; to modify §32-12, Two-family and Multi-Family Dwellings; to modify §32-12.1; Lot Area and Shape; to modify §32-12.2, Density; to modify §32-12.3, Setbacks; to add §32-12.4, Height; to add §32-12.5, Coverage; to modify §32-12.6, Building Space; to modify §32-12.7, Floor Area; to modify §32-12.8, Architectural Design; to add §32-12.9, Public Waterfront Access; to add §32-12.10, Signs; to add §32-12.11, Parking; to modify §32-12.12, Landscaping, Screening and Buffer Areas; to modify §32-12.13, Utilities; to add §32-12.15, Affordability Requirement; to add §32-12.16, Traffic Analysis and to modify §35-2.2.1, Landscaping, Screening and Buffers be **ADOPTED AS MODIFIED** as follows and for the following reasons:

1. §32-12, Purpose

The Planning and Zoning Commission finds this section is acceptable as submitted.

2. §32-12.1, Lot Area and Shape

The Planning and Zoning Commission finds this section is acceptable as submitted.

3. §32-12.2, Density

The Planning and Zoning Commission finds this section is acceptable as submitted.

4. §32-12.3, Setbacks

The Planning and Zoning Commission finds this section is acceptable as submitted.

5. §32-12.4, Height

The Planning and Zoning Commission finds this section is acceptable as submitted.

6. §32-12.5, Coverage

The Planning and Zoning Commission finds this section is acceptable as submitted.

7. §32-12.6, Building Spacing

The Planning and Zoning Commission finds this section is acceptable as submitted.

8. Building Area:

The Planning and Zoning Commission finds this section is acceptable as submitted.

9. §32-12.7, Floor Area

The Planning and Zoning Commission finds this section is acceptable as submitted.

10. §32-12.8, Architectural Design

The Planning and Zoning Commission finds this section is acceptable as submitted.

11. §32-12.9, Public Waterfront Access

The Planning and Zoning Commission finds this section is acceptable as submitted.

12. §32-12.10, Signs

The Planning and Zoning Commission finds this section is acceptable as submitted.

13. §32-12.11, Parking

The Planning and Zoning Commission finds this section is acceptable as submitted.

14. §32-12.12, Landscaping, Screening, and Buffer Areas

The Planning and Zoning Commission finds this section is acceptable as submitted.

15. §32-12.13, Utilities

The Planning and Zoning Commission finds this section is acceptable as submitted.

16. §32-12.14, Change of Use

The Planning and Zoning Commission finds this section is acceptable as submitted.

17. §32-12.15, Affordability Requirement and Plan

The Planning and Zoning Commission finds this section is acceptable as submitted.

18. §32-12.16, Traffic

The Planning and Zoning Commission finds this section is acceptable as submitted.

19. §11-2.3, Res. AAA

The Planning and Zoning Commission finds this section is acceptable as submitted.

20. §21-2.2, RPOD

The Planning and Zoning Commission finds this section is acceptable as submitted.

21. §21-8.4, RPOD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

22. §22-2.2, RORD

The Planning and Zoning Commission finds this section is acceptable as submitted.

23. §22-2.7, RORD

The Planning and Zoning Commission finds this section is acceptable as submitted.

24. §22-8.4, RORD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

25. §23-2.2, RBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

26. §23-8.2, RBD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

27. §24-2.2, GBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

28. §24-8.2, GBD

The Planning and Zoning Commission finds this section is acceptable as submitted.

29. §26-1.3, DDD

The Planning and Zoning Commission finds this section is acceptable as submitted.

30. §26-2.2, DDD #2

The Planning and Zoning Commission finds this section is acceptable as submitted.

31. §28-2.2, BPD

The Planning and Zoning Commission finds this section is acceptable as submitted.

32. §28-8.1, BPD

The Planning and Zoning Commission finds this section should be modified to leave in the words "Single or". The words were erroneously deleted and should be retained to provide a FAR maximum for properties not developed under the proposed regulation.

33. §29-2.2, BCD

The Planning and Zoning Commission finds this section is acceptable as submitted.

34. §29A-2.2, BCD/H

The Planning and Zoning Commission finds this section is acceptable as submitted.

35. §35-2.2.1,

The Planning and Zoning Commission finds this section should be modified to add the following language: “For multi-family developments under §32-12 and §39A, the minimum required front landscape area may be reduced to twenty (20) feet in depth”.

REASONS

- A. The Planning and Zoning Commission finds the amendment is consistent with Westport Zoning Regulations.
- B. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development.
- C. The amendment will provide opportunities to create affordable housing units, as defined in CGS §8-30g, in Westport where there is an existing shortage.
- D. The amendment will provide opportunities to increase the diversity in housing types in Westport.

The effective date of this amendment is: 12/3/10.

VOTE:

AYES	-6-	{Corwin, Lowenstein, Press, Lathrop, Jinishian, Curry}
NAYS	-1-	{Walsh}
ABSTENTIONS	-0-	

Very truly yours,

Ron Corwin
Chairman,
Planning & Zoning Commission

cc: Town Attorney’s Office

Attached: Adopted Amendment #618