

SECTION 32

AFFORDABLE HOUSING DISTRICT

- 32.1 GENERAL DESCRIPTION AND PURPOSE: A district designed to provide for, encourage and accommodate affordable housing, as defined by the Connecticut General Statutes Section 8-39a and Section 8-30g, *et seq.*
- 32.2 DESIGNATION OF AFFORDABLE HOUSING DISTRICT: An Affordable Housing District (AHD) may be proposed for and located on parcels of land, or combinations of adjacent parcels of land, containing at least ten (10) acres.
- 32.3 PERMITTED USES: The following uses of buildings and/or land and no others shall be permitted subject to site plan approval in accordance with Section 24:
- 32.3.1 An affordable housing development, as defined in Connecticut General Statutes Section 8-30g. The development may consist of single-family or multi-family dwellings arranged on single or multiple lots within the District.
- 32.3.2 Accessory uses customarily incidental to the above permitted uses.
- 32.4 DIMENSIONAL AND BULK REGULATIONS
- 32.4.1 LOT SIZE: Lots for single-family dwellings shall contain no less than ten thousand (10,000 square feet). Lots for multi-family dwellings shall contain no less than ten (10) acres.
- 32.4.2 HEIGHT: The maximum height of single-family detached dwellings shall be thirty (30) feet.
- 32.4.3 MULTI-FAMILY UNIT DENSITY: The maximum number of multi-family dwelling units permitted on any lot shall be as follows:
- | | |
|---------------------|---|
| 1 bedroom: | 5,445 square feet / unit (8 units / acre) |
| 2 bedrooms: | 7,260 square feet / unit (6 units / acre) |
| 3 or more bedrooms: | 8,712 square feet / unit (5 units / acre) |
- On lots to which public sewer and water facilities are not available, the maximum density of multi-family dwelling units shall be one unit per ten thousand (10,000) square feet of land.
- 32.4.4 FRONTAGE: Each lot and/or land area shall have not less than fifty (50) feet frontage.
- 32.4.5 SETBACKS: No new building or structure shall be placed less than one hundred fifty (150) feet from the street line or less than one hundred (100) feet from the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses.
- 32.4.6 BUFFERS: A suitable landscaped buffer strip not less than one hundred (100) feet wide shall be provided along the boundary of any

other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.

32.4.7 **BUFFER AREA:** There shall be provided a landscaped side or rear yard buffer area of at least one hundred (100) feet in width adjacent to the boundary of any other lot or parcel outside of the AHD, unless such lot or parcel is already zoned for multi-family residential uses, in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet.

32.4.8 **GROUPING:** The minimum distance between any two (2) structures shall be twenty-four (24) feet, unless the Commission finds that the design of the proposed development would be benefited by closer spacing.

32.4.9 **YARDS**

Front Yard: 25 feet

Side Yard: 25 feet

Rear Yard: 50 feet

32.4.10 **LOT COVERAGE:** The total lot coverage of all buildings and structures on any lot shall not be greater than thirty (30) percent of the lot area.

32.4.11 **TIDAL WETLANDS:** A 150' non-disturbed buffer shall be required from tidal wetlands and watercourses.

32.5 **OFF-STREET PARKING:** Off-street parking and loading spaces shall be provided in accordance with the provisions of Section 22 of these regulations. Spaces within garages shall count towards the required minimum number of spaces.

32.6 **OPEN SPACE:** For any affordable housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips required pursuant to Section 32.4.6 shall be included in the computation of open space.

32.7 **AFFORDABLE HOUSING RESTRICTIONS**

Prior to the issuance of any building permit for a development approved pursuant to this Article, there shall be recorded in the East Lyme land records a document entitled "Affordable Housing Development Restrictions," executed by the owner of the AHD; dated, witnessed, and acknowledged in the manner required for deeds; containing a real estate description of the AHD and containing

substantially the following language in accordance with General Statutes Section 8-30g *et seq.*:

Not less than thirty (30) percent of the dwelling units of a development in the AHD will be conveyed by deeds containing covenants or restrictions ("deed restrictions") which shall require that such dwelling units shall be sold or rented at or below prices which will preserve the units as housing for which persons pay thirty (30) percent or less of their annual income, where such income is less than or equal to eighty (80) percent of the median income. Such restrictions shall remain in force for at least forty (40) years after the initial occupation of the proposed development.

Within the AHD herein described, not less than fifteen (15) percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty (60) percent of the median income. The remainder of the dwelling units conveyed subject to the deed restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty (80) percent of the median income.

"Median income" means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which East Lyme is located, as determined by the United States Department of Housing and Urban Development.

32.7.1 The owner of the land and buildings within the AHD may, during such forty (40) year period, change the designation of which units within the AHD shall be maintained as affordable, provided that the minimum thirty (30) percent set aside shall be maintained, and the AHD as a whole shall continue to comply with the provisions of these restrictions.

32.7.2 These restrictions may be enforced by the applicant or by the East Lyme Zoning Official or the East Lyme Housing Authority, or any other suitable town agency selected by its Board of Selectmen.

32.8. PHASED APPROVAL: The applicant may request an approval of the development plan to be completed in stages. The minimum amount of land to be included within any single stage of development shall be five (5) acres. Each stage shall be capable of independent existence without the completion of succeeding stages. Buffer requirements shall not apply to the common line between stages of development. Each phase must contain the required percentage of affordable units.

32.9 GENERAL PROVISIONS

An application for designation as an AHD may be initiated in three ways: (i) a conceptual site plan in accordance with General Statutes Section 8-30g; or (ii) an application for approval of a Preliminary Site Plan ("PSP"); or (iii) an application for approval of a Final Site Plan ("FSP"). The Commission shall have the discretion to hold a public hearing on an application for approval of a PSP and/or

on an application for approval of a FSP. An application for designation as an AHD cannot be approved without an approved FSP.

32.9.1 **PRELIMINARY SITE PLAN:** The purpose of a PSP is to require the submission to the Zoning Commission of information sufficient to allow it to evaluate a development plan for under the standard of §8- 30g, and to allow an applicant to defer, until approval is granted, completion of details and specifications that will define what is to be built but are not essential to §8-30g analysis. Therefore, a PSP submitted with an application to rezone an eligible parcel or parcels of land as an AHD shall contain the following:

- A. An A-2 property line survey.
- B. Topographical contours at ten (10) foot intervals.
- C. Location of wetlands, watercourses, and slopes in excess of twenty-five (25) percent.
- D. General layout of all proposed buildings and structures.
- E. Areas proposed for open space and/or recreational purposes.
- F. Sewage disposal and water supply locations and system, ownership, operation, and maintenance.
- G. Preliminary storm water management plan;
- H. Coastal zone resources information.
- I. Traffic impact statement or report.
- J. Preliminary design plans for all proposed buildings and structures.
- K. A table showing the number of units and number of bedrooms for each unit.
- L. An Affordability Plan containing all of the documents and information required by General Statutes Section 8-30g.
- M. A list of all coordinate permits and approvals needed by the applicant before beginning construction
- N. Soil types from the New London County Soil Survey.
- O. A statement describing any impact on public health and safety, including emergency services.

32.9.2 **FINAL SITE PLAN:** An application for FSP approval shall contain all of the information required for a PSP, as well as any additional information that may be required for site plan applications under Section 24 of these Regulations. An application for FSP approval shall also demonstrate that (a) public water and sewer can serve the entire development, or (b) community septic and water can serve the entire

development, or (c) a combination of public and onsite or community water and waste disposal can serve the entire development.

- 32.9.3 DECISIONS ON SITE PLAN APPLICATIONS: If the applicant submits an application for approval of a PSP in connection with an application for designation of an AHD, the Commission shall either approve, approve with modifications, or deny said PSP at the time it acts on the proposed AHD designation. If the PSP is approved, or approved with modifications, the applicant shall file an application for approval of an FSP, which application shall include all information required under Section 24 of these Regulations for a site plan application. If the FSP conforms to the PSP as approved, and includes all information required by section 24 of these Regulations, the Commission shall approve the FSP. If the applicant submits an application for approval of an FSP in connection with an application for designation of an AHD without having first obtained PSP approval, the Commission shall either approve, approve with modifications, or deny said FSP at the time it acts on the proposed AHD designation.

32.9 GENERAL PROVISIONS

An application for designation as an AHD shall be accompanied by either (i) a conceptual site plan in accordance with Conn. Gen. Stat. § 8-306; (ii) an application for approval of a Preliminary Site Plan ("PSP"); or (iii) an application for approval of a Final Site Plan ("FSP").

32.9.1 **CONCEPTUAL SITE PLANS** – A conceptual site plan shall contain the following:

- a. An A-2 property line survey;
- b. Topographical contours at 10-foot intervals;
- c. Location of wetlands, watercourses, and slopes in excess of 25%;

- e. General layout of all proposed buildings and structures;
- f. Areas proposed for open space and/or recreational purposes.

32.9.2 **PRELIMINARY SITE PLANS** – An application for PSP approval shall contain all of the information required for a conceptual site plan, as well as the following additional information:

- a. A traffic impact statement or report;
- b. Preliminary design plans for all proposed buildings and structures;
- c. A table showing the number of units and number of bedrooms for each unit;
- d. An affordability plan containing all of the documents and information required by Conn. Gen. Stat. § 8-30g.

32.9.3 **FINAL SITE PLANS** – An application for FSP approval shall contain all of the information required for a PSP, as well as any additional information that may be required for site plan applications under Section 24 of these Regulations.

32.9.4 **DECISIONS ON SITE PLAN APPLICATIONS** – If the applicant submits an application for approval of a PSP in connection with an application for designation of an AHD, the Commission shall either approve, approve with modifications, or deny said PSP at the time it acts on the proposed AHD designation. If the PSP is approved, or approved with modifications, the applicant may file an application for approval of an FSP, which application shall include all information required under Section 24 of these Regulations for a Site Plan application. If the FSP conforms to the PSP as approved, the Commission shall approve the FSP. If the applicant submits an application for approval of an FSP in connection with an application for designation of an AHD, the Commission shall either approve, approve with modifications, or deny said FSP at the time it acts on the proposed AHD designation.

