



TOWN OF RIDGEFIELD
Planning and Zoning Department

*****MEMO*****

To: Members of the Planning and Zoning Commission
From: Alice W. Dew, Ridgefield Director of Planning and Zoning
Date: January 30, 2023
Re: Inclusionary Zoning Regulation Proposal Updated Staff Report

CGS Sec. 8-2i. Inclusionary zoning.

(a) As used in this section, “inclusionary zoning” means 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.

(b) Notwithstanding the provisions of any special act, any municipality having zoning authority pursuant to this chapter or any special act or having planning authority pursuant to chapter 126 may, by regulation of the body exercising such zoning authority, implement inclusionary zoning regulations, requirements or conditions.

Attached to Application A-22-5, you will find a rough draft of Inclusionary Zoning Regulations which incorporated the Planning and Zoning comments from the 11/09/2022 meeting. The public comments are also available to review on application A-22-5 found here: <https://ridgefieldct.viewpointcloud.com/records/89747>.

Staff Comments

Many inclusionary policies use the Area Median Income rather than the State Median Income to determine affordability. The Deed Restriction that would be required by using either number would apply towards the 10% Affordable Appeals List with the CT Dept. of Housing.

If Area Median Income is used, the units would not count towards an Affordable Moratorium. It has been my experience, after filing 2 moratoriums for Brookfield, CT that moratoriums have become very difficult to get approved and have many more requirements than were previously needed. A housing moratorium expires within 4 years.

Using State rather than Area for income levels may make the inclusionary regulations of little value to developers and they may choose to follow the CGS 8-30g, which allows the developer to circumvent zoning regulations and allow for a higher density in order for the project to be economically feasible.

An area of town that may benefit from Inclusionary Zoning would be the Branchville section of Ridgefield. Currently, the Western Connecticut Council of Governments has received a grant to study the wastewater treatment facility in Georgetown (Redding) to see if there can be an increase in capacity or if they can “stretch” the capacity to allow for redevelopment of Georgetown and Branchville.

The CDD zone in the northern end of Ridgefield may also be an area that would benefit from inclusionary. It is my understanding that there is Danbury sewer and public water available in that zone. This would need to be verified.

There may be other areas in Ridgefield in the Business zones that have sewer and water capacity that could be included in the Inclusionary overlay zone.

As far as rounding numbers is concerned, there are currently regulations in the Ridgefield Zoning Regulations that round up to the next whole number. This is the same rounding as CGS 8-30g.

SECTION 5.7:

The Mixed-Use Overlay Zone for B-1, B-2, B-3 and Neighborhood Business Zone is 16 units per acre – 30% must be at 80% of the State Median Income or less. Number of units are rounded up to the next whole number.

Our current regulations have the following wording for current density bonus, which round differently (see f):

SECTION 5.3.D.11 for B-2 Zone (similar wording for Section 5.2.D.8):

1. Residential dwelling units that are a part of a commercial structure and are located over street level businesses, provided that:

a. the development is served by public water and municipal sewers in compliance with the Public Health Code;

b. adequate off-street parking, as determined by the Commission, shall be provided on the premises for the use of residents and businesses;

c. except as allowed under 11.d, below, the number of units shall not exceed 2.2 units per acre;

d. on properties of a maximum of one (1) acre in the B-2 zone at 30-40 Grove Street between Sunset Lane and Old Quarry Road, and the 0.747-acre lot at 30 Old Quarry Road and the one (1.0) acre lot at 35 Old Quarry Road, the number of units may be increased to a maximum of eight (8) units per acre, provided that a and b, above, can be achieved;

e. the Commission may grant a density bonus of up to twenty percent (20%) in the permitted number of units provided that the bonus units are deed-restricted as affordable housing according to the criteria for affordability set up in CGS 8-30g(6) for tenants with incomes less than 80% of the State Median Income (SMI) level;

f. calculation of permitted density may be rounded down to the nearest whole number when fractions are less than 0.5 and shall be rounded up when fractions are 0.5 or greater.

In some towns, if the number is rounded up as per f. above, that higher number would be the number of units. If below .5, any amount would be calculated as “a fee in lieu of” for the Housing Trust Fund. (For example, if you had 7 units with 20% as affordable, this would allow for 1 unit of affordable and .4 to go to the Housing Trust Fund. (.4 x \$112,600 x 300% = \$135,120 towards the Housing Trust Fund)).

Comments from the CT Listserve for CT Planners concerning Inclusionary Zoning:

Don Poland: PhD, AICP
Goman+York Property Advisors:

From our experience, tax abatements and tax fixing agreements are the best incentives for affordable units. The biggest challenge on the development side is the lost revenue (operating income) from the affordable rents/utility adjustments—on average \$300/month or \$3,600/year/affordable unit at 80% AMI and more at 60% AMI. While I am not familiar with any specific policies aimed at affordable housing, some communities do include housing in their abatement policies and I have been involved in many abatement and fixing agreements for residential developments, including affordable housing. The key, as I think your question implies (Sean), is to bring down the cost of development and/or operation. Regulatory incentives, unfortunately often don't do that or don't offer enough benefit/incentive. Abatements/fixing agreements can overcome the financial challenges.

Check out section 16-17 Affordable (Inclusionary) provision in Tolland's Zoning Regulations. It is a provision we developed to implement their 8-30j/POCD housing objectives. Link to the Regulations below:

https://www.tollandct.gov/sites/g/files/vyhlf3921/f/uploads/rev_09.29.2022-_zoning_regulations_w_tabs.pdf

Margarita Alban, Greenwich Planner:

Our inclusionary has a zoning bonus which we created with developer input. But it appears to be insufficient. As we understand, when market rates soared, the bonus became insufficient to

offset the economic loss of adding below market units. Link to reg below but we may be rethinking it.....

You can find the Greenwich inclusionary regulations in Section 6-110.

Michelle Perillie, Westport Deputy Planning & Zoning Director:

Section 39A of the Westport Zoning Regulations permits Apartments and condominiums (both Affordable [20% required] and Market-Rate), both Two-Family and Multi-Family dwelling units, on properties that must be both residentially and non-residentially zoned. Westport's Inclusionary Housing Zone Overlay District (IHZ) can be found here: <http://online.encodeplus.com/regs/westport-ct/#secid-7273>