



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Zoning Commission

From: George McGregor, AICP, Planning Director
Brittany MacGilpin, Assistant Town Planner

Date: March 18, 2024

RE: ZC 24-06 Inclusionary Zoning Text Amendment Change (Version 1)

Introduction

On March 4, 2024 the Zoning Commission discussed Inclusionary Zoning and strategies other CT towns are taking to meet affordable housing goals. The commission requested staff to prepare a draft Inclusionary Zoning ordinance for discussion.

The newly adopted Plan of Conservation and Development (POCD) seeks to “increase the number of affordable housing units in Simsbury” (pg. 98). A primary strategy is to require, through the Zoning Regulations, developments to “set-aside” affordable units as part of the project. The POCD, echoing the adopted Affordable Housing Plan, sets forth implementation action steps to amend the Zoning Regulations to require residential projects to include an affordable component. Otherwise referred to as “Inclusionary Zoning,” this approach can help achieve Simsbury’s affordable housing goals.

In order to meet affordable housing goals CT State Statute Section 8-2i can be used by towns. This Statute allows for towns to create an ordinance that promotes the development of housing affordability 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 donations, the making of payments into a housing trust fund to be used for construction, rehabilitating or repairing housing affordable to persons and families of low and moderate income.

In our January 29, 2024 Memorandum, Staff identified several challenging areas:

Oversight and Reporting. An article from the CT Examiner dated 4.28.2022 discussed the status of Stamford’s program and cited administrative challenges in implementing the program. The amount of city staff assigned to the program was insufficient especially after the City saw an abrupt increase in housing projects. Challenges include keeping track of when the affordable housing units for developments came online and therefore, ensuring they were following the program.

Current 8-30g procedures require an affordable plan and reporting mechanism either by the developer or a third party. Aspen Green in Simsbury provides an annual report to Planning Staff for their rental property. More difficult is tracking ownership only projects where individual property owners often do not report (in the case of Hendricks Lane) after initial sale.

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Market Viability. The Assistant Town Planner for Canton stated that multiple developers have indicated that requiring affordable units at or below 60% AMI is a challenge to project feasibility. Ensuring that the regulations can actually be implemented by the marketplace without additional subsidy is an important issue to resolve. Also, members of the building industry should be included as stakeholders in the text amendment process.

Bonus Density. It is not always a given that developers can achieve any density bonus due to other zoning regulations such as height restrictions, impervious coverage, parking, or other site constraints.

Fee in Lieu. Offering a fee in lieu option requires broader local housing infrastructure, a housing trust fund, and other Town resources, including Staff administration. It often requires a municipal commitment.

Draft Text Amendment Language

Below is suggested Inclusionary Zoning language to be included as new sections in the three town-wide zoning regulations, which includes: the Simsbury Zoning Regulations, the Simsbury Center Code and the Hartford-Simsbury Form-Based Code.

Simsbury Zoning Regulation-Section 8.7, Inclusionary Housing

Simsbury Center Code-Section 6.7, Inclusionary Housing

Hartford-Simsbury Form-Based Code- Section 7.0, B.xi. Inclusionary Housing

Purpose: To implement the recommendations and goals of the 2024 Plan of Conservation and Development and the 2001-20026 Affordable Housing Plan, by increasing the total number of affordable dwelling units in the Town of Simsbury.

General Requirements:

- 1. For ANY development (site plan or subdivision) in ANY Zoning District proposing nine (9) or more residential units, 15% of units (rounded to the nearest whole number) shall be provided as affordable units in a manner consistent with Section 8-30g. The affordable units shall be deed restricted for a period of 40-years after the initial certificate of occupancy for the building that houses the subject dwelling unit. One half of said affordable housing shall be sold or rented to households with incomes at or below 80% median household income and one half shall be sold or rented to households with incomes at or below 60% median household income, as defined in CGS Section 8-30g and RCSA (Regulations of Connecticut State Agencies) 8-30g-8. In the instances where an odd number of units are required, the extra unit shall be deed restricted as 80% median household income.**
- 2. All applications requiring an affordable housing component shall be accompanied by a housing affordability plan, prepared in accordance with CGS 8-30g and RCSA 8-30g-7. The Plan shall provide all the necessary information and documentation to ensure construction and continued operation of the Qualified Affordable units.**
- 3. The amount (percent) of affordable units shall be evenly distributed geographically throughout the development, distributed equally amongst unit types, and evenly distributed across phases.**

The Commission also expressed interest in a sliding scale approach for inclusionary housing, similar to what the Town of Greenwich requires. The purpose of a sliding scale would be to require larger proposed developments to provide more affordable units as these larger developments have more of a financial capacity to do so. Below is adjusted language to General Requirement #1 to include this approach. The other general requirements listed previously would stay the same.

- 1. For ANY development (site plan or subdivision) in ANY Zoning District proposing between nine (9) and twenty (20) residential units, 15% of units (rounded to the nearest whole number) shall be provided as affordable units in a manner consistent with Section 8-30g. For those developments proposing twenty-one (21) or more units, 20% of units (rounded to the nearest whole number) shall be provided as affordable units in a manner consistent with Section 8-30g. The affordable units shall be deed restricted for a period of 40-years after the initial certificate of occupancy for the building that houses the subject dwelling unit. One half of said affordable housing shall be sold or rented to households with incomes at or below 80% median household income and one half shall be sold or rented to households with incomes at or below 60% median household income, as defined in CGS Section 8-30g and RCSA (Regulations of Connecticut State Agencies) 8-30g-8. In the instances where an odd number of units are required, the extra unit shall be deed restricted as 80% median household income.**