

SECTION 13B

HOUSING OPPORTUNITY DISTRICT REGULATION

13B.1 Purpose. The purpose of this Section is to provide standards and procedures for the design and development of affordable, single family, multifamily, and congregate housing by detailing the procedures for approval of a Housing Opportunity District and approval of a Special Permit application for a Housing Opportunity District in accordance with the provisions of these Regulations and with the applicable sections of the Connecticut General Statutes, as amended.

13B.2 Definitions.

2.1 A "Housing Opportunity District Development" (HOD Development) is a residential development which meets one or more of the following criteria:

- A) It is "assisted housing" (as defined herein and in § 8-30g of the Connecticut General Statutes, as amended); or
- B) It is a development in which not less than twenty-five percent (25%) of its dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that those units (designated as "HOD Home", as defined herein) be sold or rented at, or below, prices which will preserve the units as affordable housing, as defined in § 8-39a of the Connecticut General Statutes, as amended, for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency, for a minimum of forty (40) years after the initial occupation as calculated for each HOD Home; or
- C) It is housing which shall be financed by Connecticut Housing Finance Authority mortgages, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended.

2.2 "Assisted Housing" is housing which meets one or more of the following criteria:

- A) It is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing; or

- B) It is occupied by persons receiving rental assistance under Section 17b-812 et seq. of the Connecticut General Statutes, as amended, or under Section 143f of Title 42 of the United States Code; or
 - C) It is financed by Connecticut Housing Finance Authority mortgages, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended.
- 2.3 A "Housing Opportunity District" (HOD) is an overlay zoning district within which HOD Developments are permitted in accordance with the requirements set forth in this Section 13B.
- 2.4 A "HOD Home" is housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency.
- 2.5 "Monthly payment" is the amount paid monthly for mortgage principal and interest, property taxes and insurance, common charges in the case of ownership in a common interest community, and utility costs (including hot water and electricity, but excluding telephone and cable television). The maximum allowable monthly payment for a HOD Home that is rented shall include the cost of rent, common charges if the tenant is directly responsible, heat, and utility costs (including hot water and electricity, but excluding telephone and cable television).
- 2.6 A "Master Plan" shall consist of The Master Plan submission will include: (1) Existing Conditions; (2) Master Concept Plan; (3) Standards; and (4) other plans and details as may be submitted by the applicant or as may be requested by the Commission to illustrate the size, impact and appropriateness of the application and its relation to the surrounding neighborhood and districts. An engineer, surveyor, architect or landscape architect will prepare the graphic plans, unless otherwise indicated. Each Master Plan at a minimum will contain or be accompanied by, in writing, the following elements:
- (1) Existing Conditions. The following conditions shall be shown for the entire area included in the Master Concept Plan:
 - a. Existing topography map with two-foot contours showing structures, roads and rights-of-way, major topographic features (including edge of wooded areas, free-standing specimen trees, barways, stonewalls, ledge outcrops and soils types), field delineated edge of all inland wetland soils, watercourses and floodplains;

- b. All existing utilities located within or along the periphery of development;
 - c. Land uses and zoning district boundaries within 500 feet of the site.
 - d. A summary of significant historic features of the area of the proposed development.
- (2) Master Concept Plan. The following elements shall be shown on The Master Concept Plan for the entire area of the project (minimum scale of 1"=100'). Some information, as allowed by the Commission, may be submitted in illustrative and conceptual form provided the Commission can determine compliance with the Regulations.
 - a. The proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate will be provided.
 - b. The shape, size and location of proposed public or private streets, walkways, parking areas, easements, planted and treed areas, buffers, signage, lighting and lighting methods and patterns, drainage methods and patterns, common space areas, access locations from abutting roads, driveways within the site to the existing and proposed road system, and amenities such as parks, meeting places, bike paths, and pedestrian trails.
 - c. Illustrative renderings of all architectural and structural improvements, including a narrative describing style and design of these improvements and shall serve as guides for future development in these areas.
 - d. Proposed plan for public dedication, such as streets, parks and open spaces and a plan of development for such areas. And,
 - e. Date, revision dates, scale, north arrow, name and address of owner and developer, name and seal of appropriate design professionals.
- (3) Standards. The following information shall be submitted in either a text form or included as a narrative, table or graphic within the Master Concept Plan:
 - a. Methods to be used to determine the division of parcels and ownership of parcels within the District;
 - b. A description of: proposed development phasing; types of ownership of improvements (including streets, parking areas, open spaces and other community areas), buildings, building ownership of improvements (including streets, parking areas, open spaces and other community areas), buildings, building

clusters and utility systems; any proposed common interest communities; and, any proposed reciprocal easement agreements;

- c. A description will be included of the areas of the site (by ratio, location, square footage, etc.) proposed for each land use type;
- d. Bulk and density standards for the above parcels, including:
 - (1) minimum setbacks; (2) maximum building and impervious coverage of each lot or parcel; (3) maximum and minimum building height; and, (4) specifications for allocation and minimum number of parking and loading spaces to specific uses;
- e. Proposed standards for public and private streets and walkways specifying conformance to the Town of Haddam Public Improvement Specifications, or providing sufficient justification, agreeable to the Commission, of any variation from such standards;
- f. Narrative or graphic descriptions of the architectural style and character;
- g. Signage plan, including a unifying theme or style;
- h. Lighting design (including general types and location of poles and fixtures), light patterns and illumination level standards;
- i. A landscape plan, including landscaping of parking lots, streetscape plantings and buffer areas.

13B.3 Qualifying Standards.

3.1 Qualifying Standards for a Housing Opportunity District Zone Change.

- A) Any person proposing a HOD Overlay Zone for a zoning district must obtain a zoning map change in accordance with the applicable sections of the Connecticut General Statutes, as amended. In addition, the applicant shall submit with the zoning map change application those submittals required pursuant to Section 2.2 of these Regulations. Approval of the zoning regulation map change may be sought prior to or simultaneously with a petition for a HOD Overlay Development Special Permit.
- B) The following uses in a HOD Overlay Zone require only a Certificate of Zoning Compliance (Zoning Permit) as specified in Section 30.4, provided that dwellings shall comply with the definition of Housing Opportunity District Development contained in this Section 13.B and the Master Plan approved in accordance with Section 13B.4:
 - 1) Single Family Dwelling, one per lot.
 - 2) Two Family Dwelling, one per lot.
 - 3) Mixed Uses, as described in Section 26 of these regulations.

- 4) Accessory Uses and Structures, to single family and two family homes as described and regulated in Section 6 of these regulations, but not including accessory apartments.
- 5) Parking, Recreation and Accessory Structures limited to the use of the residents.
- 6) Family Day Care Home.
- 7) Home Business as described and regulated by Section 23 of these regulations.
- C) Special Permit For Multifamily Dwellings in A Housing Opportunity District: Multifamily dwellings in a HOD must be obtained from the Commission pursuant to these Regulations and the Connecticut General Statutes, as amended, of a HOD Special Permit.
- D) HOD Zoning Districts are allowed only on the western side of the CT River and are not allowed east of the CT River.

13B.4 Procedure for a Housing Opportunity District Zone Change Petition and Master Plan Approval.

- 4.1 The applicant shall submit the original plus ten(10) copies of a HOD Zone Change petition and of those submittals required by Section 2.2 of these Regulations to the Commission.
- 4.2 The following documents, reports, and maps shall accompany the HOD Zone Change petition:
 - A) An A-2 survey map of the entire area of the proposed change or, in the alternative and in the Commission's sole discretion, an A-2 survey map of less than the entire tract if an A-2 survey of the entire parcel is not necessary to the Commission's consideration of, and decision on, the Zone Change petition.
 - B) A Master Plan as defined in this Section 13B2.6.
 - C) A report prepared by a professional engineer demonstrating the feasibility of sewage disposal to be generated by the proposed development and the feasibility of providing sufficient water to the proposed development for daily and emergency needs.
 - D) The applicant may also submit such other reports as it deems to be of assistance to the Commission to enable it to perform its duties under this Section 13B and under the applicable sections of the Connecticut General Statutes, as amended. The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information

as it deems necessary to assist it in performing its duties under this Section 13B, and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, a report prepared by a licensed traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets and traffic controls and a description of proposed improvements to accommodate projected traffic.

- E) The Commission may require additional copies of submittals for use in forwarding a complete application for other required agency review or notification.
- F) The Commission may waive any or all of the foregoing for an application proposed by the Commission itself.

13B.5 Approval of a Housing Opportunity District Zone Change Petition and Master Plan.

5.1 After a public hearing called and conducted pursuant to the Connecticut General Statutes, as amended, the Commission may deny, approve, or modify and approve a petition seeking creation of a HOD and the accompanying Master Plan. In determining whether or not to approve the petition, the Commission shall consider the following factors:

- A) Consistency of the rezoning with the Town's plan of conservation and development.
- B) The supply of affordable housing within the Town and the Lower Connecticut River Valley region.
- C) Whether or not the rezoning will result in traffic safety hazards or substantial traffic congestion within or adjacent to the rezoned area.
- D) The supply of land available in the present and in the proposed zoning district.
- E) The physical suitability of the land for a HOD.
- F) Changes, especially those involving affordable housing developments, that have taken place in the rate and pattern of development and land use within the Town and adjoining municipalities.

- G) Whether or not the rezoning will have a substantial impact on the present and proposed utilities, streets, drainage systems, and other improvements; or on cultural or historic resources located on or adjacent to the rezoned area.
- H) The suitability of the Master Plan improvements for the proposed location and the extent to which the Master Plan balances the need for affordable housing and the creation of a desirable, inviting and well-designed residential environment which respects the character of the land upon which it is proposed.
- I) Any other relevant, substantial impacts of the rezoning on the surrounding area or on the public health, safety, or other matters which the Commission is legally authorized to consider.

5.2 If the HOD Zone Change petition and Master Plan are approved, the Commission shall assign the parcel a HOD Overlay Zone classification. The effective date of the zone change shall be as fixed by the Commission in accordance with the Connecticut General Statutes, as amended, provided that the applicant provides the Commission with a final zone change map (prepared in accordance with these Regulations and conforming to the Class A-2 requirements of the "Code of Recommended Practice for Standards of Accuracy of Surveys and Maps" of the Connecticut Association of Land Surveyors, Inc.) and that map has been stamped and signed by the Commission and filed by the applicant in the office of the Town Clerk. The official zoning map shall be amended accordingly following the effective date of any such zone change.

13B.6. Procedure for a Special Permit for a Housing Opportunity District Special Permit.

6.1 An application for a HOD Development Special Permit shall be filed in the office of the Haddam Town Planner. The application shall be accompanied by the fee as provided in Town Ordinance. Upon approval of the HOD zone change as set forth above, or simultaneously therewith where a HOD Development Special Permit involves a subdivision, the HOD application may be considered to be a unified application so that separate applications for a zone change, special permit approval and/or subdivision approval and separate filing fees shall not be required. Additionally, to the extent that the submittal requirements for the Zone Change Petition and the HOD Development Special Permit allow, the applicant is not required to submit duplicate submittals if filed simultaneously.

6.2

- A. If the applicant desires to develop the HOD Development in phases, that request must be set forth in the Special Permit application, and the Commission shall undertake Special Permit review for all phases proposed for immediate development, simultaneously with its review of the Housing Opportunity District Special Permit application.

Each phase shall reflect the required percentage of HOD Homes for the entire development (i.e., 25%). For each three (3) dwelling units being constructed which has not been designated as affordable the developer shall construct simultaneously a HOD Home to a point of completion where such unit is entitled to a Certificate of Occupancy. However in cases where the number of HOD Homes approved in a particular application exceeds the minimum number required, the applicant, with the approval of the Commission, may initially construct a number of units not designated as affordable equal to that surplus figure prior to the construction of a HOD Home.

- B. Proposals within the Gateway Conservation Zone shall comply with the Gateway Standards outlined in Chapter 10 of these Regulations. The Gateway Standards may be waived if the proposal is not visible from the Connecticut River in accordance with Section 10.6.B.-For the purpose of this section, "visibility" of a potential development from the river will be determined by the Planning and Zoning Commission after consideration of a recommendation, if any, received from the Gateway Commission or their staff. Whether or not a waiver of Gateway Standards included in Chapter 10 of the Regulations is appropriate shall be decided with due consideration of such recommendation. In evaluating such a waiver, the Commission shall consider how visibility of the proposed building is impacted by intervening topography, intervening structures and large, multi-lot stands of trees that will be retained and therefore buffer the view of HOD buildings.

- 6.3 The applicant shall submit the original plus seven (7) copies of the following documents, reports, and maps with the HOD Development Special Permit application which shall provide the information required by Section 15.3.2 for Special Permits and, in addition, the following:

- A) In addition to the requirements of Section 15.3.2, the site plan shall depict:
 - 1) Proposed density of the site as authorized by the HOD Overlay Zone within which the property is located.
 - 2) The proposed percentage of deed restricted HOD Homes and their proposed location.
 - 3) Proposed open spaces and recreation areas or facilities.
- B) Preliminary building plans detailing the following:
 - 1) A typical floor plan.
 - 2) Typical elevations (front, back, and both sides). Identical buildings do not require multiple elevations.
 - 3) Exterior design standards, including the proposed product types for the buildings and proposed textures and materials.
- C) A summary table indicating compliance with the qualifying and design standards of these Regulations. The table shall show proposed phasing (if any); the number, type, and size (number of bedrooms, floor area, etc.) of buildings and units; the number of parking spaces required and provided; square feet and percent of lot area covered by pavement, sidewalks, walkways, and buildings; lot area; frontage; and landscape requirements.
- D) A written Development Management Plan detailing how the proposed HOD Development will be developed (including projected completion dates and the initial selling price or "monthly payment" to be charged for each HOD Home), maintained, and managed over time. If the development is to have "assisted housing", as defined in Subsection 13B.2.2 of these Regulations, the Plan shall also include the details of the financial assistance to be provided to the development by federal or state government or other sources and evidence of preliminary site approval under the subsidy program, when applicable.
- E) An "Affordability Plan" which shall describe in detail how the development will comply with this Section 13B and how the affordability covenants and restrictions will be administered. Such Plan shall include provisions for the following: procedures for notice of availability of affordable housing units, procedures for verification and periodic reverification of unit occupant

income and compliance with affordability requirements, and periodic reports concerning compliance with this Section 13B and with the annual certification requirement of § 8-30g of the Connecticut General Statutes. Such Plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions and any explanations which will be provided to the HOD Home occupants concerning such restrictions.

- F) The applicant may also submit such other reports as he deems to be of assistance to the Commission to enable it to perform its duties under this Section 13B and under Section 15 these Regulations, under the applicable Sections of the Subdivision and other land use regulations, and under the applicable sections of the Connecticut General Statutes, as amended.
- G) The Commission may also require submission by the applicant, the Commission's staff, or Commission-retained consultants such other information as it deems necessary to assist it in performing its duties under this Section 13B; and under Section 15 of these Regulations; under the applicable sections of the Subdivision and other land use regulations; and under the applicable sections of the Connecticut General Statutes, as amended. Such information may include, but is not limited to, the following:
 - 1) a written report by a licensed traffic engineer setting forth findings and conclusions concerning intersection design appropriate to and required by the proposed HOD Development;
 - 2) the amount of traffic projected within and to the proposed HOD Development;
 - 3) the impact of traffic to be generated by the proposed development on the neighborhood and the Town; and the adequacy of the current streets and traffic controls and the proposed streets and traffic controls to accommodate existing traffic, projected traffic from the proposed HOD Development, projected traffic from other approved developments in the neighborhood, and fire vehicles and other health and safety vehicles.
- H) The Commission may require additional copies of submittals for use in forwarding a complete application for other required agency review or notification.

13B.7. Approval of a Special Permit for a Housing Opportunity District.

7.1 The hearing described in Subsection 15.5 shall be for the purpose of determining whether the tract described in the application meets the Special Permit standards contained in Section 15 and the standards contained in this Section 13B of these Regulations, and any other requirements of this Section 13B, to assist it in determining whether the requirements of this Section 13B have been met, and in addition in determining whether or not to approve the application, the Commission shall consider the following factors:

- A) Compliance of the Special Permit plans with the approved Master Plan. While the Special Permit Plans need not exactly match the Master Plan in terms of details, the quality of the design, the provision of open space and other amenities, the architectural design of all buildings, and other major factors shall be of at least the quality of the Master Plan.
- B) Whether the application complies with all the requirements and meets the standards of this Section 13B, Section 15, and other applicable sections of the Zoning Regulations and the Subdivision and other land use regulations of the Town of Haddam, Connecticut.
- C) Whether the application provides for the maintenance of private improvements, Open Space, parking areas, stormwater drainage facilities, and landscaping consistent with this Section 13B.
- D) Whether provisions for water, sewerage, stormwater, and Open Space are adequate; do not overburden existing water, sewer, and stormwater drainage facilities on-site or off-site; and do not create water problems off-site.
- E) Whether adequate open spaces and/or recreation facilities are proposed.
- F) If applicable, whether the proposed development violates its aquifer protection approval.
- G) Whether the proposed development will have a substantial adverse effect on the environment and, in particular, on wetlands, watercourses, and on aquifer protection areas, or an adverse impact of the natural riverway view scape from the CT River. In making this finding, the recommendations of the Wetlands Commission, the Planning and Zoning Commission, and the Connecticut River Gateway Commission regarding the development will be taken into account.

- H) Whether the pedestrian circulation system is adequate for the pedestrian traffic anticipated in the development and incorporates all necessary safety precautions for children walking to and from schools or bus stops.
 - I) Whether on-site, and resultant off-site, traffic and circulation patterns create traffic safety hazards or substantial traffic congestion within the HOD Development or at intersections of HOD Development streets and existing, public streets.
- 7.2 The Commission may attach appropriate conditions to an approval of HOD Development Special Permit to assure compliance with this Section 13B, to achieve greater compliance with the Master Plan, and to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider which interest is jeopardized by the proposed HOD Development.
- 7.3 Where the HOD Development consists of assisted housing which is dependent upon obtaining approval and/or commitment of financial assistance under relevant federal or state housing subsidy programs, approval of the Special Permit issued hereunder shall be subject to the condition that no zoning permit shall be issued for any portion of the proposed development until the applicant has filed evidence with the Zoning Enforcement Officer that such approval and/or commitment has been obtained.
- 7.4 Affordable Housing Restrictive Covenant:
- A) As a condition of approval, the applicant shall be required to execute, in accordance with the laws of conveyance in the State of Connecticut, an "Affordable Housing Restrictive Covenant" which restricts a minimum of twenty-five percent (25%) of the total number of dwelling units in the HOD Development.
 - B) The covenant shall require that for at least forty (40) years from the initial sale or rental of the subject dwelling, affordable housing units shall be sold or rented at or below prices which will preserve the units as affordable housing (as defined at § 8-39a of the Connecticut General Statutes, as amended) for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency or preserve them as housing which meets the criteria to be eligible for

Connecticut Housing Finance Authority financing, as set forth in § 8-30g(f)(2) of the Connecticut General Statutes, as amended, and/or to preserve them as housing which meets the criteria to be “assisted housing” as defined in Section 13B.2 of these Regulations.

- C) The final form of the Affordable Housing Restrictive Covenant shall be subject to review and approval by the Land Use Attorney for the Town of Haddam.
- D) This covenant shall run with the land and be enforceable by the Town of Haddam until released by the Town or until automatically released by operation of the statute.
- E) Such restrictions shall also be embodied in the lease and notice of lease of rental for affordable housing units to be rented, and in deed restrictions for all units, both rented and sold. A copy of the lease and deed restrictions shall be filed with the Commission or its designee.
- F) The units subject to said restrictions are referred to herein as "HOD Homes".
- G) Rent increases in affordable units which are rented shall be allowed only to the extent that the new rent (including hot water and electricity, but excluding telephone and cable television) is affordable by households whose income less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less, according to guidelines established by the United States Department of Housing and Urban Development, Connecticut Housing Finance Authority, or a successor agency.

7.5 Filing Requirements for Approved HOD Development Subdivisions.

Upon approval or approval with modification of a HOD Development Special Permit and/or subdivision, the applicant shall cause any required corrections or modifications to be made to the subdivision map and to any supplemental maps filed with the application, and such plans shall be endorsed and filed in accordance with the Haddam Subdivision Regulations, along with any documents required by this Section 13B.

13B.8. General Design Standards for All HOD Developments.

The following standards shall apply to the design and development of all HOD Developments:

8.1 In order to meet the purposes of these Regulations and to increase the supply of affordable housing in the Town of Haddam, the maximum number of dwelling units per net buildable acre in subdivision and nonsubdivision HOD Developments is as follows:

- A) 8/acre single family
- B) 12/acre multi-family
- C) No increase in gross floor area or bedrooms once approved
- D) Maximum of two bedroom units
- E) Additions and modifications after approval:
The Commission approves each HOD Development as a planned development and is concerned over both the architectural design of each unit and the relationship of each building in the development to other buildings in the development. The Commission considers HOD Developments to be entirely different types of neighborhoods than those developed under traditional subdivision and zoning standards. As such, the following policies shall apply:
 - 1) Accessory apartments are not permitted.
 - 2) For two- or multi-family dwellings, additions, including rooms, sun porches, decks, and garages to individual units or accessory buildings not depicted on the approved Special Permit plans are not permitted except upon approval by the Commission as an amendment to the Special Permit. For single family dwellings, the site plan shall designate the allowable locations, square footage, and allowable designs for accessory buildings and structures which the owners may install by Certificate of Zoning Compliance. Accessory buildings or structures which do not conform to such specifications shall require approval by the Commission as an amendment to the Special Permit.
 - 3) Only decorative fencing shown on the site plan, owned and maintained by the homeowners' association and approved by the Planning and Zoning Commission, is permitted.

8.2 The following requirements shall apply to a HOD Development:

- A) HOD Homes shall be of a construction quality that is comparable to market rate homes within the development. The final site plan and plan for administration of affordability rules shall identify the locations within the HOD Development of the HOD Homes.
- B) The HOD Homes shall be built on a *pro rata* basis as construction proceeds.
- C) In a HOD Development, no HOD Home shall have more than two (2) bedrooms.
- D) Calculation of the maximum monthly payment for a HOD Home, so as to satisfy Connecticut General Statute § 8-30g, shall utilize the area median income data as published by the U.S. Department of Housing and Urban Development in effect on the day a purchase and sales agreement is executed by the parties.
- E) The maximum monthly payment that the owner of a HOD Home shall pay shall not be greater than the amount that will preserve such unit as “affordable housing” as that term is defined in the Connecticut General Statutes § 8-30g, and shall include periodic mortgage payments, based on a commercially reasonable down payment for affordable housing buyers and prevailing interest rates at the time of sale; taxes; insurance; common charges in the case of ownership of a unit in a common interest community; heat; and utility costs, including hot water and electricity, but excluding telephone and cable television. However, the common interest ownership fees charged to owners of HOD Homes shall not be set by the association so as to cause such owners to pay more than the maximum monthly payments allowed by law. It is recognized that monthly requirements for the other items may reduce what a HOD Home owner may pay to a minimal amount. This limitation on such fees shall be incorporated into common interest ownership documents for the development.
- F) HOD Homes shall be occupied only as an owner’s principal residence. Renting or leasing of HOD Homes shall be prohibited.
- G) At the same time that the market-rate homes in a HOD Development are first advertised to the general public, notice of availability of the HOD Homes shall be provided by advertising

such availability in the real estate section of a newspaper of general circulation in the Town of Haddam, by providing notice to the Haddam Town Council, the Haddam Town Clerk, and the Haddam Planning and Zoning Commission, and through the procedures outlined in the affirmative fair housing marketing plan.

- H) For one of every three (3) HOD Homes which becomes available for initial sale, preference shall be given to applicants who are otherwise qualified and are residents or employees of the Town of Haddam or School District #17, a child or parent of Haddam residents or those who meet the criteria of “least likely to apply” as defined in Connecticut Agencies Regulations § 8-37ee.
- I) Each deed for a HOD Home will contain substantially the following provision:
This unit is sold as an “affordable home” as defined in Connecticut General Statute § 8-30g, and is available only to persons or families whose income is at or below eighty percent (80%), as applicable, of the area median income for Haddam or the statewide median income, whichever is less, as determined by the U.S. Department of Housing and Urban development. This development has been approved by agencies of the Town of Haddam based in part on the conditions that a defined percentage of homes will be preserved as affordable housing homes. The restrictions related to affordability are required by law to be strictly enforced.
- J) The 40 year affordability period shall be calculated separately for each HOD Home in a HOD Development, and the period shall begin on the date, as defined at closing, of occupancy of the HOD Home.
- K) In conjunction with an application for approval of a final site plan for a HOD Development, the applicant shall submit an “Affordability Plan,” which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with the provision of this section, notice procedures to the general public of the availability of affordable homes, identification of those homes which are to be designated affordable, procedures for verification and period confirmation of unit occupancy income, and compliance with affordability requirements. Such Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the prospective owners concerning such restrictions.

- L) The applicant shall also submit an affirmative fair housing marketing plan to govern the sale of all HOD Homes at the time of final site plan approval.
- M) A violation of the Regulations contained in this section shall not result in a forfeiture or reversion of title, but the Haddam Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including the authority under § 8-12 to issue notices of violation, to impose fines, and to seek injunctive relief.

8.3 All utilities shall be underground.

8.4 HOD Homes shall be substantially similar to market value units in terms of exterior building design, materials, finish quality, size, and workmanship and shall be dispersed throughout the development.

8.5 The HOD Development may provide a variety of unit types. Density shall be allocated *pro rata*. For each three (3) dwelling units being constructed which has not been designated as affordable the developer shall construct simultaneously a HOD Home to a point of completion where such unit is entitled to a Certificate of Occupancy.

8.6 Minimum floor areas shall be those as established by the State Health Department.

8.7 Parking shall be provided in accordance with the requirements of Section 21 of these Regulations. In addition, the following requirements shall be met:

- A) Parking spaces within a multifamily phase of development shall be a minimum size of 9' x 18'.
- B) The following minimum number of spaces are required:
 - 1) One-bedroom dwelling units: 1.5 spaces/unit
 - 2) Two-bedroom dwelling units: 2.0 spaces/unit
 - 3) Single family homes: 2.0 spaces/unit.
- C) Adequate, unobstructed space shall be provided for snow clearance of parking spaces.
Provision shall be made for adequate storage of cleared snow.

- 8.8 Concrete sidewalks shall be provided adjacent to all streets and roadways. The Commission shall determine, in its sole discretion, whether the sidewalks shall be adjacent to one or both sides of those streets or roadways. In addition, concrete sidewalks shall connect buildings, bus stops, parking areas, and recreation areas. Where the sidewalks are secondary and used only on a limited basis, they may be surfaced with wood chips, grass, quarter inch stone, or other suitable, nonpermanent materials.
- 8.9 Exterior lighting, where appropriate, shall be provided and maintained within the HOD Development to ensure proper illumination of streets, parking areas, building entrances, walkways, recreation facilities, and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level, and glare from any light sources shall be shielded from dwelling unit interiors, public highways, and abutting properties so that light falling outside the HOD Development shall be of low intensity and shall not cause a nuisance from excessive glare or shine into the eyes of anyone external to the site. All lighting provided for Town roads shall conform to the requirements of the Town's street lighting policy.
- 8.10 Receptacles for refuse collection and recyclables collection in multifamily areas shall be located in such a way as to minimize visual impact, shall be suitably screened by fences or shrubbery, and shall be capable of being cleaned and maintained.
- 8.11 Top Soil:
- A) All top soil removed during development shall be stored on site for the purpose of restoring ground surfaces. If sufficient top soil is not remaining on site after development, additional amounts shall be brought in to cover the ground surface to a depth of four (4) inches.
 - B) All areas disturbed by earth movement or by construction shall be covered with four (4) inches of top soil and seeded. The provisions of this subsection shall not apply to paved surface areas (such as those used for building construction, sidewalks, streets, etc.) or to those areas to be left in their natural condition (such as rocky outcrops, swamps, ponds, open space, etc.).
- 8.12 In an effort to prevent erosion, to maintain the ecological balance, to provide for protection from sun and wind, and to enhance and protect the general health and welfare, all mature trees should be retained on the site to the greatest extent possible; and all existing, mature vegetation on the site shall be retained in areas not disturbed by

construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:

- A) In subdivision HOD Developments, shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one (1) tree shall be planted for each three (3) spaces, or fraction thereof, in locations approved by the Commission.
- B) In nonsubdivision HOD Developments (and as nearly as practicable), at least one (1) foundation planting shall be planted every five (5) feet around foundations and at least one (1) tree or shrub every twenty (20) feet between structures.
- C) In subdivision HOD Developments, the minimum landscaping, per lot, shall consist of grading, raking, and seeding the disturbed areas and planting a minimum of five (5) foundation plantings.

8.13 Utility terminal boxes and connections placed above ground shall be adequately landscaped to screen them from view.

8.14 Open Space and Undesignated Areas:

- A) All land not designated as a lot or utilized for dwellings, buildings, or accessory structures or designated Exclusive Use Areas for individual units shall be suitably landscaped and in such condition, size, and shape as to be readily usable for circulation, parking, recreation for the members of the homeowners' or unit owners' association, and/or for conservation.
- B) Open Space shall be permanently reserved by one of the following means:
 - 1) Deeded to the Town, with appropriate restrictions concerning the future use of the land, provided the Town Council agrees to accept conveyance of the Open Space to the Town.
 - 2) Held in corporate ownership, (i.e., homeowners' or unit owners' association) by the occupants of the dwelling units within the development. Nothing herein shall be construed to prohibit the developer from retaining ownership of the Open Space until such time as it is turned over to the members of the homeowners' or unit owners' association in accordance with the provisions of the Connecticut Common Interest Ownership Act.

- 3) Deeded to a Land Trust or a similar organization with approval of the Planning and Zoning Commission and the organization to which the Open Space is intended to be conveyed.
 - 4) A combination of the above.
- C) Any homeowners' or unit owners' association created shall be organized as a not-for-profit corporation with automatic and mandatory membership in the association for all residents. The membership requirement and the homeowners' or unit owners' beneficial right to use the Open Space shall be declared in each resident's deed or lease, as the case may be. All such deeds and leases shall specify the rights and responsibilities of residents to the association. The association shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.
- D) The owner/developer shall record a document to be known as Declaration of Restrictions, Covenants, and Reservations which shall regulate the use of the Open Space; the further development of the property; landscaping; the storage of vehicles and materials on the individual lots for subdivision HOD Developments or on the HOD Development tract for nonsubdivision HOD Developments; and maintenance of the Open Space, if the Open Space is to be turned over to a homeowner's or unit owners' association in accordance with Section 13B.0 hereof. The Declaration shall be approved by the Planning and Zoning Commission at the time of any approval granted under this Section 13B.
- E) The Open Space shall be subject to tax liens as provided for in Connecticut General Statutes, § 12-171 et. seq., as amended, and the attaching lien shall attach to the lots in a subdivision HOD Development, or the units and buildings in a nonsubdivision HOD Development, on a pro rata basis, according to the number of lots in the subdivision HOD Development or of the number of such units and buildings in a nonsubdivision HOD Development, and the deed shall so state.
- F) Nothing in this section shall be interpreted to exempt subdivision HODs from open space requirements of the Subdivision Regulations of the Town of Haddam.

8.15 Waiver of Design Standards And Dimensional Requirements:

- A) The Commission may waive the design standards of Sections 13B.12, 13B.10 and 13B.11 if it finds the following:
 - 1) Strict compliance with the design standards is not required to protect substantial public interests in health, safety, or other matters which the Commission may legally consider; and
 - 2) Such substantial public interests are clearly outweighed by the need for affordable housing; and
 - 3) Such substantial public interests can be otherwise protected by reasonable changes to the application; and
 - 4) Conditions exist which affect the subject land and are not generally applicable to other land in the area and conformity with these Regulations would cause an unnecessary and undue hardship to the development of affordable housing.
 - 5) The requested modification is not in conflict with the Standards of the Gateway Conservation Zone as stated in Section 10, and pursuant to 102 a-s of the CGS.
- B) Any application for a waiver of any design standards shall be made at the same time as the HOD Development Special Permit application is made. The applicant shall set forth, in writing, the reasons for the waiver request and the specific design standard sought to be waived.
- C) In granting any waiver of any design standard, the Commission shall attach such conditions as are necessary to protect any substantial public interest in health, safety, or other matters the Commission is legally authorized to consider.
- D) Grant of the waiver requires a two-thirds (2/3) vote of all the members of the Commission after a duly noticed and held public hearing. The Commission shall state upon the record the reasons for which the waiver is granted in each case.

13B.9 Subdivision HOD Development Design Standards.

The following standards shall apply to the design and development of single family dwelling subdivision HOD Developments:

- 9.1 Each dwelling unit shall be served by an approved private street or an approved public street. However, any street which services any of the dwelling units and connects two (2) existing or proposed public streets, must be an approved public street constructed as set forth in Section 44A.11.3 hereof.
- 9.2 If the dwelling units are served by an approved private street, it shall be designed so as to discourage through traffic.
- 9.3 No dwelling unit shall extend to within twenty-five (25) feet of any public or private street line.
- 9.4 No dwelling shall exceed a width of fifty-five (55) feet. For the purposes of this Section, a dwelling unit shall include any attached structure, designed as, intended for, or used as, a garage or workshop.

13B.10 Nonsubdivision HOD Development Design Standards.

The following standards shall apply to the design and development of nonsubdivision HOD Developments, meaning those that contain more than one dwelling per lot:

- 10.1 Each building used for residential purposes shall be served by an approved private street designed to discourage through traffic. Such private street shall not be closer than thirty (30) feet to any building used for residential purposes.
- 10.2 No building used for residential purposes shall exceed a length of two hundred (200) feet, and no exterior wall of any such building shall exceed fifty (50) feet in length, in an unbroken plane without an offset of at least ten (10) feet.
- 10.3 Dwelling units shall support a uniform architectural theme and present a harmonious relationship with adjacent properties including the color, size, height, proportion and placement of windows and entryways, roof treatments, building materials and landscaping.
- 10.4 Architectural elements, materials and colors shall aid in mitigating height, bulk and scale impacts of large residential buildings. Modulation, color, texture, entries, materials and shall break up the façade of multi-unit, large residential buildings into sections.
- 10.5 The use and integration of stone walls, landscaping, walkways, benches and attractive fences consistent with a pedestrian-friendly atmosphere shall be incorporated into the site plan.

- 10.6 The locally significant features of the site, such as distinctive buildings or vistas, shall be integrated into the site development design. Creative reuse of existing buildings of significant historical or architectural interest is encouraged in order to reduce or minimize the removal or loss of historic, traditional or significant structures or architectural elements.

13B.11 Dimensional Requirements for a Subdivision HOD Development.

- 11.1 All building lots in any subdivision HOD Development shall comply with the following, minimum dimensional requirements:

Minimum lot area	5,000 sq. ft
Minimum lot width	75 ft.
Minimum lot frontage	50 ft.
Minimum setback from street line	25 ft.
Minimum setback from side line	10 ft.
Minimum setback from rear line	25 ft.
Maximum height of structure	40 ft.
Maximum building coverage	20 %

- 11.2 Where lots abut land not included in the application, the dwellings on the HOD Development lot shall be set back from that property line or lines or street, a minimum of the required distance for the zone of the abutting lot.

13B.12 Dimensional Requirements for a Nonsubdivision HOD Development.

- 12.1 Except for HOD Developments located in the Gateway Conservation Zone, buildings in any nonsubdivision HOD Development shall comply with the following, minimum dimensional requirements, based on the underlying zoning district of the property:

In the Gateway Conservation Zone, the standards of such zone shall apply.

Schedule of Area, Height, Bulk, and Placement Regulations for HOD Overlay Based on Underlying Zone				
	Underlying Zone			
	R-1	R-2	Commercial	Village District
Minimum setback from perimeter of property	20	20	10	8
Minimum setback from existing or proposed access street	30	40	30	10 Maximum
Minimum setback from proposed interior street	10	10	10	8
Minimum separation between buildings	20	20	20	20
Maximum height	40	40	40	40
Maximum height in the Gateway Conservation District	35	35	35	35
Maximum coverage	40%	30%	40%	70%

- 12.2 No building used for residential purposes shall be closer than twenty (20) feet to any other building used for residential purposes, except that, where any facing walls contain a window or windows, or door or doors, the required distance between buildings shall be increased by one (1) foot for each foot of height of the higher facing wall above the lowest adjacent ground elevation thereto. The distance shall be measured from the nearer window/door to the wall facing it. Any walls which are facing at an angle of thirty (30) degrees or less shall be considered facing walls. Stairwells, cantilevered walls, and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback.
- 13B.13 Certificates of Occupancy. No Certificate of Occupancy for any unit in a HOD Development shall be issued until the applicant applies for and obtains from the Zoning Enforcement Officer a Certificate of Zoning Compliance on such form as the Planning Office shall provide. The Zoning Enforcement Officer may require evidence at the time of occupancy that the occupant qualifies as eligible to purchase or rent, as the case may be, a HOD Home.
- 13B.14 Conflict. Where the provisions of Section 15 or the Subdivision and Other Use Regulations conflict with the requirements of this Section 13B, the provisions of this Section 13B shall be controlling.
- 13B.15 Severability. No section or subsection of the Special Permit procedure for HOD Developments established in this Section 13B shall be deemed severable from other sections or subsections of the Special Permit procedure outlined in Section 15 and the Site Plan procedure outlined in Section 14 of these Regulations. In the event that any section or subsection of such procedures shall be invalidated, whether by judicial decree or otherwise, all other provisions contained herein relating to the issuance of a Special Permit for a HOD Development shall become inoperative, except that Special Permits previously issued by the Planning and Zoning Commission hereunder shall hereunder remain valid.