Overview

At a Planning and Zoning Commission meeting in March, the Commission considered a number of housing diversity strategies in advance of the preparation of potential amendments to the regulations. This session focused on the types of activities that the community might want to further evaluate as potential housing tools.

This booklet identifies some of the “preferred” strategies. It is important to recognize that there was no clear consensus from the Commission that these tools would be adopted, but there was agreement that the Commission needed to see potential zoning amendments that could be adopted to make these tools available to the community.
Potential Zoning Amendments

This report identifies the following potential amendments to the Zoning Regulations and Map:

<table>
<thead>
<tr>
<th>PROPOSAL</th>
<th>DETAILS</th>
</tr>
</thead>
</table>
| • Update the Village Commercial Zone | • Expand the zone boundaries to enable the vision identified in the Plan of Conservation and Development  
• Allow mixed uses within the zone  
• Adjust parking standards and building setback requirements  
• Develop standards for various land-use activities (e.g. multi-family housing, office buildings) |
| • Create a new housing zone for the southern part of Canterbury | • Area has a historic development pattern that exceeds current zoning  
• Opportunity for appropriate infill residential development at similar densities. |
| • Explore inclusionary housing options for new development | • **Option 1 - Opt-in.** Allow increased density in certain areas of town, provided that a percent of the total units are deed-restricted as inclusionary units. Several variations are available to consider.  
• **Option 2 - Mandatory.** Require a percentage of new housing units to be inclusionary units. Several variations are available to consider. |
Update the Village Commercial Zone

SECTION 6
VILLAGE COMMERCIAL ZONE

6.1 General
To encourage the development of commercial areas within the Town of Canterbury there is herein created the zonal designation of VILLAGE COMMERCIAL ("VC"). Areas of the Town may be rezoned to this designation pursuant to the provisions of Section 13, and subject to the requirements of this Section 6. Areas designated VC are intended to encourage the centralization of permitted commercial uses in said zone so as to provide for the orderly and controlled growth of the Town with due regard to traffic congestion, property values and environmental concerns.

6.2 Bulk Requirements

<table>
<thead>
<tr>
<th>MINIMUM</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA</td>
<td>1.38 acres (60,000 square feet)</td>
</tr>
<tr>
<td>CONTIGUOUS BUILDABLE AREA</td>
<td>45,000 square feet (1)</td>
</tr>
<tr>
<td>WIDTH / FRONTAGE</td>
<td>150 feet</td>
</tr>
<tr>
<td>FRONT YARD (1)</td>
<td>25 50 feet</td>
</tr>
<tr>
<td>SIDE YARD</td>
<td>25 feet</td>
</tr>
<tr>
<td>REAR YARD</td>
<td>25 feet</td>
</tr>
<tr>
<td>MAXIMUM</td>
<td></td>
</tr>
<tr>
<td>HEIGHT</td>
<td>35 feet</td>
</tr>
<tr>
<td>RATIO OF BUILDING TO LOT AREA</td>
<td>15 percent</td>
</tr>
</tbody>
</table>

1. Build to line. New Buildings shall be a minimum of 25 feet and a maximum of 35 feet from a front lot line. Exceptions: for properties with 2 front lot lines, the front lot line shall be established along State Route 14.

6.3 Authorized Uses, No Permit is Required.
6.3.1 Agricultural and forestry activities.
6.3.2 Open Space and passive recreation.

6.4 Authorized Uses, Site Plan Review is Required.
The following uses are permitted subject to a Site Plan Review as required in Section 13.5:
6.4.1 A single retail commercial establishments in which articles of merchandise are sold to the ultimate consumer for direct consumption and not for resale, including, but not limited to grocery store, drug store, hardware store, clothing store, tire store, farm equipment store, florist, plant store, meat markets.
6.4.2 A single service establishments involving the delivery or performance of a service for a consumer or customer, including, but not limited to banks and financial situations, insurance offices, personal service shops such as barbers, beauty parlors, shoe repair, garment repair, restaurant for on-site food consumption, electronic repair shops, car dealers, gasoline and repair stations. There are excluded from service establishments in a VC zone uses such as saw mills, lumber yards other than garden and home accessory shops, slaughterhouses.

6.4.3 A single professional offices including, but not limited to medicine, dental, optometry, chiropody, legal, accounting, engineering, surveying, real estate, financial planning.

6.4.4 Commercial recreation including bowling alleys, tennis, squash, or racquetball courts, swimming pools, gyms, miniature golf, but excluding golf courses, riding rinks, game arcades and massage parlors.

6.5 Authorized Uses, Special Exception Approval is Required. The following uses may be permitted as A Special Exception subject to Section 13. Applications shall include a site plan in accordance with these regulations.

6.5.1 Religious, governmental, private school, and museums.

6.5.2 Shopping Centers as defined in Section 6.4 of these regulations.

A. A shopping center is herewith defined to be a lot with an area of not less than 2.0 acres on which is situated a building that may contain two (2) or more of the uses enumerated in Section 6.4 and Section 6.5 of these Regulations.

B. A shopping center shall have 250 feet of frontage on a public highway, and the building situated on said lot shall have a front yard setback of 50 feet, sideline setbacks of 25 feet, and a rear lot setback of 25 feet, and a lot coverage ratio of building to lot of 25 percent. Primary access shall be via a State Highway. If the Commission determines there will be no negative effects, secondary access may be to a Town road. Proposed access roads that will feed the subject development may become a primary access point, provided they are designed to handle such use.

C. A shopping center shall have a central parking lot and the number of parking spaces shall be determined by Section 13 of these regulations. The parking requirements shall be computed on the basis of each individual use. All other requirements of Section 13 shall apply to a Shopping Center.

D. Buildings for such uses shall be designed to compliment the rural character of the area, consisting of peaked roofs of at least a 7:12 pitch, traditional New England siding materials and colors (or modern visual equivalents such as vinyl or fiber cement), complex exterior forms with no straight walls facing streets over 30 feet, divided light windows and architectural elements found on historic homes in the area, as appropriate. Pre-application meetings are encouraged with the Town Planner to discuss plans before submission.

E. Primary access shall be via a State Highway. If the Commission determines there will be no negative effects, secondary access may be to a Town road. Proposed access roads that will feed the subject development may become a primary access point, provided they are designed to handle such use.
6.5.3 Elderly Housing Developments as defined in Section 6.4 of these Regulations. The purpose of this subsection is to provide opportunities for the establishment of housing specifically designed and intended for use by the elderly in a VC zone with consideration of the special health, safety and general welfare needs of this element of the population. For the purposes of this section, housing for elderly persons is defined as dwelling units containing a minimum of kitchen, bathroom, and sleeping facilities for each unit. Persons using such housing shall be restricted to individuals and couples of which one is aged 55 years or older, or in the case of a Town elderly program, those persons as defined by State Statute. Housing for the elderly shall be permitted in a VC zone by special exception provided it meets the following conditions:

A. Special Bulk Requirements. The following bulk requirements are in addition to, or in lieu of the bulk requirements established in the zone.

<table>
<thead>
<tr>
<th>MINIMUM</th>
<th>Elderly Housing Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA</td>
<td>10 acres</td>
</tr>
<tr>
<td>NET LOT AREA PER DWELLING UNIT (1)</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>CONTIGUOUS BUILDABLE AREA</td>
<td>As required in the zone</td>
</tr>
<tr>
<td>WIDTH / FRONTAGE</td>
<td>As required in the zone</td>
</tr>
<tr>
<td>FRONT YARD (1)</td>
<td>50 feet</td>
</tr>
<tr>
<td>SIDE YARD</td>
<td>50 feet</td>
</tr>
<tr>
<td>REAR YARD</td>
<td>50 feet</td>
</tr>
<tr>
<td>MAXIMUM</td>
<td></td>
</tr>
<tr>
<td>HEIGHT</td>
<td>35 feet</td>
</tr>
<tr>
<td>RATIO OF BUILDING TO LOT AREA</td>
<td>30 percent</td>
</tr>
</tbody>
</table>

1. NET?
B. Property used for the elderly housing shall have a minimum of ten (10) acres.
C. The lot area requirement shall be 5,000 s.f. per dwelling unit, averaged over the total net acreage of the project site. No more than 30% of the gross site shall be covered by buildings.
D. Property used for elderly housing shall have frontage on a Town-approved paved road.
E. Buildings may be clustered, but no building shall be located closer than twenty five (25) feet to another building, and no building shall be erected within fifty (50) feet of an abutting property line.
F. A building or buildings containing elderly housing may be of one or two stories provided the following standards are satisfied:

1. A single story building shall not contain more than 24 elderly units, but may contain recreation facilities as provided in Section 5a.5.17. An elderly housing development containing a single story building may be expanded by such expansion shall not exceed 100 percent of the existing units, provided all other elderly housing requirements are satisfied.
(2) An elderly housing development may be in a two story building provided no building shall contain more than ten units.

G. Access roads serving the project shall be built to the standards of the Town Road Ordinance.

H. A minimum of one and one-half (1.5) off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed.

I. Sewage disposal facilities shall be approved by the Northeast District Department of Health, and when required by the State Statutes or regulations promulgated there under by the Department of Environmental Protection and/or Health.

J. Adequate lighting of all parking areas shall be provided.

K. Refuse containers shall be of the dumpster type and located on paved platforms, screened from view. Refuse removal shall be the responsibility of the owner of the facility.

L. Ramps shall be provided to permit easy movement of wheelchairs and all codes relating to the handicapped shall be satisfied.

M. All units shall be connected to parking areas, recreation facilities and sidewalks by paved walkways wide enough to accommodate wheelchairs; they shall be a minimum of four (4) feet in width.

N. All main entrances shall be constructed wide enough to accommodate wheelchairs; they shall be a minimum of three (3) feet in width.

O. All main entrances shall maintain in a central location a register of the names and ages of all residents. Such register shall be open for inspection by the Zoning Enforcement Officer at any reasonable time. Age verification shall be by Birth Certificate or Baptismal Certificate.

P. All such projects shall be suitably landscaped, all disturbed areas graded and seeded and all required streets, driveways and walkways paved prior to occupancy.

Q. All roads, walks, sidewalks, and parking areas within the development shall be maintained by the owner of the facility.

R. A recreation building and facilities shall be provided.

S. All utilities shall be installed underground.

T. The Commission may require as a condition of approval that an adequate financial reserve fund be established to insure proper maintenance and repair of any on-site sewer and water system. In exercising its prerogative to require such a reserve fund the Commission may waive this requirement if the project is financed by a governmental agency that requires the maintenance of a reserve fund.

U. Minimum Lot Size and Yards. The following lot size, lot width, setbacks, and frontage shall apply to all permitted uses as defined in Section 6.3.1 and 6.3.1:

(1) Minimum lot size: 60,000 square feet;
(2) Minimum lot frontage: 150 feet;
(3) Front yard setback: 25 feet;
(4) Rear yard setback: 25 feet;
(5) Side yard setback: 25 feet;
(6) Height limitation: 35 feet;
(7) Maximum ratio of building to lot area: 15%

V. Parking. Parking requirements shall be in accordance with Section 12.
W. Site Plan. No construction and/or development shall occur in a VC zone until a site plan has been approved by the Commission. Said site plan shall be in accordance with Section 33 of the regulations. A public hearing may be held on a site plan involving a permitted use.

X. Sanitation. All on-site water and sanitation requirements shall satisfy the Connecticut Public Health Code.

6.5.4 Retail or Service Establishments, Professional Offices and Commercial Recreation Facilities

A. Retail or Service Establishments, Professional Offices and Commercial Recreation Facilities shall be located on lots of not less than two (2) acres and with not less than 200 feet of frontage.

B. Primary access shall be via a State Highway. If the Commission determines there will be no negative effects, secondary access may be to a Town road. Proposed access roads that will feed the subject development may become a primary access point, provided they are designed to handle such use.

C. Buildings for such uses shall be designed to compliment the rural character of the area, consisting of peaked roofs of at least a 7:12 pitch, traditional New England siding materials and colors (or modern visual equivalents such as vinyl or fiber-cement), complex exterior forms with no straight walls over 30 feet, divided light windows and architectural elements found on historic homes in the area, as appropriate. Pre-application meetings are encouraged with the Town Planner to discuss plans before submission.

D. The size of buildings for these uses shall be consistent with the character of the area and shall not have a footprint in excess 20,000 square feet. Two (2) floor buildings with residential units above are highly encouraged.

E. Maximum lot coverage ratio of building to lot shall not exceed of 25 percent.

PROPOSED CHANGE

Site plans are part of the permit requirements for all uses.

The “Retail or Service Establishments Office and Commercial Recreation Facilities use is redundant.
6.5.5 Mixed-use Development. Residential units, located in a building above any use Authorized by Site Plan Review (Section 6.3), or Special Permit (Section 6.4) in the VC zone, provided the following standards have been met:

A. Maximum Number of Dwelling Units Per Acre: 2

B. Dwelling Unit Equivalency Factor. To promote housing diversity in mixed-use developments, the applicant may use the Density Equivalency Factor when determining the maximum number of units allocated to the site.

<table>
<thead>
<tr>
<th>Dwelling Unit Type</th>
<th>Density Equivalency Factor (DEF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/1 bedroom</td>
<td>1.5</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>1.25</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>0.75</td>
</tr>
<tr>
<td>4 bedrooms or more</td>
<td>0.5</td>
</tr>
</tbody>
</table>

All units shall be built to and remain in full compliance with the Dwelling Unit Equivalency Factor.

How to calculate the Density allowed using the Density Equivalency Factor:

\[
\text{SITE ACRES} \times \frac{\text{BASE DENSITY}}{\text{BASE UNITS}} \times \text{DEF OF PROPOSED UNITS} = \text{NUMBER OF UNITS ALLOWED}
\]

*Example – Proposal is for all units to have 4 bedrooms*  
\[
7 \text{ acres} \times 2 = 14 \times 0.5 = 7
\]

*Example – Proposal is for all units to have 2 bedrooms*  
\[
7 \text{ acres} \times 2 = 14 \times 1.25 = 17
\]

*Example – Proposal with mixed bedrooms*  
\[
7 \text{ acres} \times 2 = 14 \begin{array}{c} \frac{12 \times (2 \text{ bedrooms}) 1.25}{2 \times (3 \text{ bedrooms}) 0.75} \\ \hline \end{array} \begin{array}{c} 15 \\ 1 \\ \hline 16 \end{array}
\]

C. Open Space: A dedicated undisturbed area of 3,000 square feet shall be reserved per dwelling unit. The Commission may allow this area to be improved for non-commercial recreational purposes.

D. Accessory Uses: Garages, occupant storage and service facilities are permitted as accessory uses.
6.5.6 **Design Objectives.** For specific examples of desirable architectural and site plan design features, applicants are referred to “Design Guidelines, Town of Canterbury.” In reviewing applications, the Planning and Zoning Commission shall also take into consideration the following design criteria:

A. Logic of design.
B. Exterior space utilization.
C. Architectural character.
D. Attractiveness.
E. Material selection.
F. Harmony and compatibility.
G. Circulation - vehicular and pedestrian.
H. Other Requirements:
   (1) All utilities shall be installed underground.
   (2) Refuse containers shall be of the dumpster type and located on paved platforms, screened from view. Refuse removal shall be the responsibility of the owner of the facility.

6.5.7 **Application Process.**

A. Pre-application meetings are encouraged with the Town Planner to discuss plans before submission. The applicant may request a pre-application review meeting with the Planning and Zoning Commission.

B. No construction and/or development shall occur in a VC zone until a site plan has been approved by the Commission. Said site plan shall be in accordance with Section 13 of the regulations. A public hearing may be held on a site plan involving a permitted use.

6.5.8 **Minimum Area and Location Requirements For Zone Establishment.** No Village Commercial Zone shall be permitted unless it meets the following requirements:

A. Located on a State owned highway with a minimum of 200 feet frontage.
B. Has a minimum of ten (10) acres of which a minimum of five (5) acres of the land shall contain soils classified as either well drained or moderately well drained by the Soil Conservation Service of the U.S. Department of Agriculture.
C. Minimum ten (10) acres shall be waived provided the parcel is abutting or directly across the street from and existing Village Commercial Zone and the parcel shall have at least two (2) contiguous acres which are buildable.
Potential Village Commercial Expansion
Create a New Housing Zone for the Southern part of Canterbury

This proposal has three components:
• Create bulk requirements that are consistent with local development in the area where this zone is proposed. The goal is to eliminate, as much as possible, the need for property owners to seek a variance because their lots are too small for the Rural District.
• Establish allowed uses in the zone. As currently drafted, all uses allowed in the RD would also be allowed in the ND.
• Reorganize the uses by the types of permits required. This will make it easier for people to use these regulations. Some uses do not require a permit; others require either staff or Planning and Zoning Commission review. It is important to differentiate the uses.

SECTION 5
RESIDENTIAL DISTRICTS

5.1 Rural District (RD).
The majority of the Town of Canterbury is in the Rural District. This zone is primarily a residential and agricultural zone, with other uses allowed via Special Permit.

5.2 Neighborhood District (ND).
The Neighborhood District is a residential district that has been developed for existing and planned development in areas where smaller lot sizes may be appropriate.

5.3 Bulk Requirements.

<table>
<thead>
<tr>
<th>MINIMUM</th>
<th>RD</th>
<th>ND OPTION 1</th>
<th>ND OPTION 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA</td>
<td>2 acres (87,120 square feet)</td>
<td>1 acre (43,560 square feet)</td>
<td>30,000 square feet</td>
</tr>
<tr>
<td>CONTIGUOUS BUILDABLE AREA</td>
<td>45,000 square feet (1)</td>
<td>30,000</td>
<td>25,000</td>
</tr>
<tr>
<td>WIDTH / FRONTAGE (2)</td>
<td>200 feet</td>
<td>125 feet</td>
<td>125 feet</td>
</tr>
<tr>
<td>FRONT YARD (3)</td>
<td>50 feet (4)</td>
<td>40 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>SIDE YARD (3)</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>REAR YARD (3)</td>
<td>25 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>MAXIMUM</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEIGHT</td>
<td>30 feet</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

BULK REQUIREMENT TABLE NOTES
(1) Within this lot shall be a Contiguous Buildable Area of 45,000 square feet, exclusive of Wetland or Watercourse Regulated Areas, areas within the 100 year flooding boundary, rights-of-way and easements. The 45,000 square foot contiguous buildable area shall be in the shape of a convex polygon where the aspect ratio of any bounding rectangle shall not exceed 4:1. Within the contiguous buildable area can be constructed a building, accessory Structures, fixtures and supportive services such as water supply and sewage disposal.
(2) The requirements contained within this section shall not apply to buildings developed in accordance with Section 7 of these regulations.

(3) See Sections 5.25 and 5.5 of these Regulations.

(4) The front lot line may be reduced to as little as 25 feet by the Commission via a Site Plan Review if it is found that this exception will allow the building to better fit in with neighboring Structures that are at a similar setback in a village setting.

5.4 Authorized Uses, No Permit is Required.

5.4.1 Agricultural and forestry activities.

5.4.2 Open Space and passive recreation.

5.5 Authorized Uses, Zoning Permit is Required.

The following uses are authorized in the Residential Districts upon the issuance of a Zoning Permit in accordance with Section 7.

5.5.1 One-family detached dwelling.

5.5.2 Two-family dwelling.

5.5.3 Guest house in compliance with Section 7.

5.5.4 Home occupations in compliance with Section 4.8 (See Definition in Section 2.2)

5.5.5 Temporary religious or entertainment gatherings such as festivals, horse shows, bazaars or fairs when sponsored by local non-profit organizations only.

5.5.6 Interior lots in compliance with Section 7.

5.5.7 Accessory apartments are allowed by-right in all residential districts subject to the conditions specified in Section 5.9.

5.5.8 Agricultural and accessory buildings in compliance with Section 7.

5.5.9 Sign for any authorized use.

5.6 Authorized Uses, Special Exception is Required.

The following uses may be permitted upon the issuance of a Special Exception in accordance with Section 13 these Regulations. A site plan is required:

5.6.1 Professional offices. (See Definition in Section 2.2)

5.6.2 Private schools.

5.6.3 Commercial sand and gravel removal and/or processing operations for which compensation is received.

5.6.4 Museums.

5.6.5 Retail Commercial Establishment. (See Definition in Section 2.2)

5.6.6 Service Establishment. (See Definition in Section 2.2)

5.6.7 Planned Industrial Park as provided for in Section 7 of these Regulations.

5.6.8 Dwellings of three (3) or more dwelling units provided not more than six (6) dwelling units are contained within any one (1) building.

5.6.9 Kennels as defined in Section 2.2 of these Regulations.

5.6.10 Laboratories. (See Definition in Section 2.2)

5.6.11 Official town refuse disposal facility.

5.6.12 Recreational campgrounds which shall be defined as a facility designed, intended and used for outdoor camping and recreation for temporary periods of time by trailers, tents, or other recreational camping vehicles or equipment.

5.6.13 Any of the uses permitted under Section 6.1 of these Regulations.

5.6.14 Commercial recreation facility.

5.6.15 Commercial Fuel Storage Facilities

5.6.16 Religious or governmental uses

5.6.17 Special events, festivals, fairs, sales and similar gatherings other than those sponsored by non-profit organizations.

5.6.18 Cemeteries, Mausoleums, Crematoriums
Potential Neighborhood District

LEGEND
- Red: Potential Neighborhood District
- Light Blue: Wetlands/Watercourses
Analysis of Existing Lots

There are 216 lots within the limits of this proposed zone change. 119 of these lots are smaller than one-acre in size (about 55 percent of all lots).

This booklet identifies two options to consider as part of the creation of a new zone:

**OPTION 1**

The Commission is seeking to create a new zone where additional housing can be built, and is not concerned about existing lot sizes. 43,560 square foot (1 acre) lot sizes are recommended for this option.

**OPTION 2**

The Commission is seeking to create a new zone where additional housing can be built, and is concerned about existing lot sizes. 30,000 square foot lot sizes are recommended for this option.

### Existing Development - Maple Lane

- **Total Area (acres):** 666.25
- **Total Number of Properties:** 216
- **Average Lot Size:** 2.9 acres
- **Median Lot Size:** 0.89 acres
- **Lots smaller than 1-acre:** 119 (55%)  

### Existing Development – Laurel Drive

- **Total Area (acres):** 571.57
- **Total Number of Properties:** 84
- **Average Lot Size:** 6.72 acres
- **Median Lot Size:** 3.2 acres
- **Existing and Potential Units (Existing Zoning):** 286
- **Potential Total Units (Proposed Zoning):** 830
- **Potential Increase:** 544

### Larger Parcels

**Parcels 60,000 square feet and larger**

- **Total Area (acres):** 571.57
- **Total Number of Properties:** 84
- **Average Lot Size:** 6.72 acres
- **Median Lot Size:** 3.2 acres
- **Existing and Potential Units (Existing Zoning):** 286
- **Potential Total Units (Proposed Zoning):** 830
- **Potential Increase:** 544

**Parcels 87,120 square feet and larger**

- **Total Area (acres):** 538.61
- **Total Number of Properties:** 64
- **Average Lot Size:** 8.47 acres
- **Median Lot Size:** 4.46 acres
- **Existing and Potential Units (Existing Zoning):** 269
- **Potential Total Units (Proposed Zoning):** 539
- **Potential Increase:** 269
Explore Inclusionary Housing Options for New Development

Inclusionary housing is a zoning tool that is used to encourage the development of housing for low and/or moderate income households. The Inclusionary Housing tool can be customized in several different ways to meet the community’s housing objectives.

First, What is the Goal of the Inclusionary Housing Program?
Why should Canterbury create an Inclusionary Housing tool in the first place?

Is the goal

...to improve access to housing choice by creating sales value-controlled units...

...to meet the State’s 10 percent affordable housing threshold...

...or some other purpose

If the goal is to meet the State’s 10 percent threshold (see sidebar), then a “remedial approach” is necessary. The remedial approach would require that at least 20 percent of the new units are affordable to households earning 80 percent of the AMI.

When Would Canterbury Use Inclusionary Housing?

Canterbury can choose when the Inclusionary Housing tool applies. There are two techniques to apply an inclusionary housing program:

• As an Opt-in Program, where the development of inclusionary housing is an option, or
• As a Mandatory Requirement for new residential development.

For Canterbury a Meaningful Inclusionary Housing Program would:

• Limit the potential for existing residents to become priced out of the market as housing prices escalate,
• Enable the workforce to live here,
• Expand housing choices within the community, and
• Would not constrain development flexibility.

State’s 10 Percent Threshold

Connecticut created an Affordable Housing Appeals Act in the late 1980’s to provide developers with an opportunity to create affordable housing and to limit a community’s discretion when a zoning application is filed. This law is known as 8-30g.

8-30g does not apply when a community has 10 percent of its housing stock as recognized affordable housing – the 10 percent threshold.

Canterbury is not exempt from 8-30g
What Are the Values For Inclusionary Housing?

Next, the community can establish the local criteria for the Inclusionary Units. Local criteria involves whether the units are for low-income and/or moderate income households. Low-income units are typically reserved for households earning 60 percent or less of the Area Median Income (AMI). Moderate Income can be defined in a number of different ways.

Some communities define it based on the affordable housing criteria (80 percent AMI or less), while others look at Housing Affordability (aka Workforce Housing) and model it within that range (typically 80-120 percent AMI). The table below illustrates these concepts, and how they might apply today in Canterbury and in the State.

<table>
<thead>
<tr>
<th>% AMI</th>
<th>Canterbury</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-59%</td>
<td>$41,000</td>
<td>$49,26</td>
</tr>
<tr>
<td>60%</td>
<td>$145,000</td>
<td>$180,000</td>
</tr>
<tr>
<td>80%</td>
<td>$54,800</td>
<td>$65,680</td>
</tr>
</tbody>
</table>

In Canterbury, the high-end of the workforce housing range (120 percent AMI) is equal to the State Median Income (100 percent AMI).

How Many Units Have to Meet the Inclusionary Housing Requirement?

20 percent is a typical requirement when Inclusionary Housing is part of an Opt-in Program.

Stamford, Connecticut has a Mandatory Inclusionary Housing requirement of 10 percent.

The range of required inclusionary in other communities varies from 10-20 percent of new development.
Option 1 – Opt-In Inclusionary Housing

Opt-in programs typically provide some form of incentive to the developer to encourage the use of the tool. For Canterbury, this incentive might be in a form of a density bonus, where the developer can receive permission to build more housing unit provided a percentage of the units are reserved as inclusionary housing.

Elements to Consider in an Opt-In Inclusionary Housing

There are several aspects to consider for an opt-in program. A successful program has to make the tool attractive to the development community. Typically, a density bonus of some sort is provided to the developer. A density bonus is usually equal to, or more than the number of inclusionary units he/she would be required to build.

For example, if the Opt-in Inclusionary Housing tool requires a minimum of 20 percent of the total units to be Inclusionary Dwelling Units (IDU).

**Formula**

\[
\text{NUMBER OF UNITS IDENTIFIED IN THE YIELD PLAN} \times \frac{20}{100} = \text{NUMBER OF UNITS ALLOWED}
\]

**Example:** 10 units allowed

<table>
<thead>
<tr>
<th>NUMBER OF UNITS IDENTIFIED IN THE YIELD PLAN</th>
<th>MINIMUM IDU REQUIRED</th>
<th>DENSITY BONUS</th>
<th>NUMBER OF UNITS ALLOWED</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>2</td>
<td>2</td>
<td>12</td>
</tr>
</tbody>
</table>

What Development Types Are Allowed?

- **Single-family units**
  
  (subdivision or condo-type development)

- **Multi-family units**
  
  (number of units per building)

The tool can be fine-tunes to meet the community's comfort level. Duplexes and Accessory apartment-type units might be an appropriate multi-family technique in Canterbury.

What Type of Permit Is Required?

<table>
<thead>
<tr>
<th>PERMIT TYPES</th>
<th>RISK</th>
<th>REVIEW TYPE/DISCRETION</th>
<th>REVIEW AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin. Review (AR)</td>
<td>More Predictable</td>
<td>Staff</td>
<td>Commission</td>
</tr>
<tr>
<td>Site Plan Approval</td>
<td>Less Predictable</td>
<td>AR</td>
<td>Legislative Review</td>
</tr>
<tr>
<td>Special Exception</td>
<td></td>
<td>Some Discretion</td>
<td>Full Discretion</td>
</tr>
<tr>
<td>Floating Zone</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Elements to Consider in Opt-In Inclusionary Housing**

- How Much of a Density Bonus is Offered?
- What Types of Development Are Permitted?
- What Permit Type is Required?
POTENTIAL ZONING REGULATION LANGUAGE: OPT-IN

Definitions.

ELIGIBLE HOUSEHOLD. A household whose annual income is at or below 80 percent of the area median income for Canterbury, as determined and reported by the United State Department of Housing and Urban Development (HUD).

INCLUSIONARY ZONING. A zoning ordinance provision that requires the development of inclusionary dwelling units as part of residential development.

INCLUSIONARY DWELLING UNIT - A dwelling unit that is affordable to an eligible household based on 30 percent or less of their annual income and is developed pursuant to an inclusionary zoning provision.

YIELD PLAN. A plan of a conventional subdivision or land development project that shows the maximum number of building lots or dwelling units permitted on the parcel when the lot area and dimensional regulations of the Zoning Regulations are applied, after land unsuitable for development has been eliminated.

5.1 Inclusionary Zoning

5.2 General.

5.2.1 The purpose of inclusionary zoning is to guide new residential development so that it supports Canterbury’s housing goals, as stated in the Housing chapter of the Plan of Conservation and Development. This Section is intended to provide development alternatives that will contribute to the supply of affordable housing in Canterbury.

5.2.2 To help satisfy the Town's housing diversity goals, a portion of the additional dwelling units resulting from all such development shall be affordably-priced according to State guidelines and shall have affordability guaranteed for 40 years by a deed restriction or land lease.

5.3 Required inclusionary dwelling units.

5.3.1 The number of inclusionary dwelling units required is determined by taking the basic number of lots or dwelling units permitted, as shown by a yield plan, and multiplying that number by 20 percent. Fractions of 0.5 or above shall be rounded up to the next higher whole number, and fractions of less than 0.5 shall be rounded down to the next whole number.

5.3.2 The exterior appearance of the inclusionary dwelling units shall be substantially similar to that of the market-rate units, except that the inclusionary units may be up to 50 percent smaller, but no smaller than 1,200 square feet, whichever is larger. The inclusionary dwelling units shall be compatible in scale and architectural style with the market-rate units. The average number of bedrooms in the inclusionary dwelling units shall be equal to or greater than the average number of bedrooms in the market rate units.
5.4 **Design Requirements.**

5.4.1 The inclusionary dwelling units shall be integrated throughout the development, rather than segregated in a particular area or areas, so they will not be in less desirable locations than market-rate units. The inclusionary units shall, on average, be no less accessible to public amenities such as open space or recreational features than market rate units. In developments consisting of multi-unit dwelling structures, the inclusionary dwelling units shall be integrated throughout the site and/or structure.

5.4.2 The inclusionary dwelling units shall be built simultaneously with the market rate units. For developments consisting of single-household or two-household dwellings, the percentage of market-rate units for which building permits have been issued shall not exceed the percentage of inclusionary dwelling units for which building permits have been issued by more than 20 percent. **A certificate of zoning compliance shall not be issued for the final market-rate unit until building permits have been issued for an equal number of the inclusionary dwelling units. In subdivisions or land development projects that are constructed in phases, these requirements apply separately to each phase.**

5.5 **Density bonuses.**

5.5.1 In every development in which required inclusionary dwelling units are constructed, the number of dwelling units permitted on the parcel shall be increased above the number that otherwise would be permitted. The purpose of this density bonus is to mitigate the cost of creating inclusionary dwelling units by providing sites on which the units can be developed. The basic number of dwelling units permitted on the parcel, as shown in a yield plan, shall be increased by a number equal to the number of inclusionary dwelling units required.

5.5.2 When residential density is increased in a development, the Planning and Zoning Commission shall have the authority to adjust the lot frontage, lot width, front yard setback, side yard setback, rear yard setback, accessory dwelling setback, maximum impervious surface requirements and other dimensional regulations otherwise applicable in the zoning district if the Commission finds the adjustments to be necessary and consistent with good planning practice. The adjusted dimensional regulations applicable to the development shall be shown on the final plan, and shall be recorded in the land evidence records as a separate document that lists each lot, the street address of that lot, and the dimensional regulations applicable to that lot.

5.6 **Rehabilitation of existing units.**

5.6.1 A developer may create inclusionary dwelling units for rent, by rehabilitating an existing structure in Canterbury and imposing deed restrictions or a land lease to assure affordability for 40 years. Dwelling units that are rehabilitated cannot be units that already qualify as affordable housing under Section 8-30g of the Connecticut General Statutes.

5.6.2 The Planning and Zoning Commission may, in its sole discretion, provide a density bonus equal to up to 50 percent of one (1) dwelling unit at the rehabilitation site.

5.6.3 The number of inclusionary dwelling units created shall be equal to or greater than the number that would have been required at the primary development
site. The newly-created inclusionary dwelling units shall be constructed and available for occupancy contemporaneously with the market-rate units being constructed at the primary development site.

5.7 **Assurance of affordability and fair marketing.**

5.7.1 **Designation of Administering Agency.**
The applicant shall indicate the name, address and other contact information for the agency that shall administer the sale or rental of dwelling unit that are subject to the affordability requirements.

5.7.2 **Affordability Plan Requirements.**

A. Each applicant shall provide an affordability plan that details the administration, monitoring and enforcement of the dwelling units to be sold or rented at affordable rates. The plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section.

B. Long-term affordability shall be assured through a land lease or deed restriction recorded in the Canterbury Land Records before the sale or rental of the inclusionary dwelling unit. The lease or deed restriction shall include information regarding:
   (1) The basis for calculation of the maximum sale or rental price for the unit, both initially and for future buyers or renters,
   (2) Restrictions concerning who may occupy the unit and for what period,
   (3) Provisions for monitoring, and assurance of compliance over time.

5.7.3 **Deed restrictions or land leases shall include the following restrictions:**

A. Inclusionary dwelling units that are sold shall be occupied by the buyers as their primary residence and shall not be leased to other occupants, seasonally or otherwise.

B. Inclusionary dwelling units that are rentals shall not be sub-leased.

5.8 **Illustration of density bonus**

<table>
<thead>
<tr>
<th>Basic number of lots or units</th>
<th>Required number of inclusionary units</th>
<th>Number of lots or units added by density bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>8 - 12</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>13 - 17</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>18 - 22</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>23 - 26</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>
## Option 2 – Mandatory Inclusionary Housing

### What Types of Developments are Required to Comply?

<table>
<thead>
<tr>
<th>All new residential development</th>
<th>Development of “x” or more units</th>
</tr>
</thead>
</table>

Communities have created an exemption for smaller developments. This exemption is often in the 5 – 10 unit range. Developments that involve fewer units could be 100% market rate. The regulations would be written to prevent people from using this exemption more than once on a given site or as part of an overall development program.

### Is a Density Bonus Offered?

In some communities the Incentive Housing Units are “in addition” to the units allowed in the zone.

<table>
<thead>
<tr>
<th>No Density Bonus, Units are subtracted from the number allowed</th>
<th>10-20% Density Bonus</th>
</tr>
</thead>
</table>

The Additional Units Provided through the Density Bonus are required to be Inclusionary Units. For example, a development of 10 units with a 20 percent Inclusionary Housing Bonus would get 12 total units, 2 of which are Inclusionary Units.

### Can The Developer “Opt-Out” of the Program?

<table>
<thead>
<tr>
<th>NO</th>
<th>Pay a Fee in Lieu of Construction</th>
<th>Provide Units Off-site</th>
</tr>
</thead>
</table>

A formula can be developed to provide developers with an opportunity to “opt-out” of the program. Fees are paid into a dedicated fund (Housing Trust Fund) and can only be used for housing activities.

## Elements to Consider in Mandatory Inclusionary Housing

- What types of developments are required to comply?
- Is a density bonus offered?
- Can the developer “opt-out”?
POTENTIAL ZONING REGULATION LANGUAGE: MANDATORY

Definitions.

Use Same Definitions Listed In Option 1 Above.

5.1 Inclusionary Zoning

5.2 General.

5.2.1 The purpose of inclusionary zoning is to guide new residential development so that it supports Canterbury’s housing goals, as stated in the Housing chapter of the Plan of Conservation and Development. This Section is intended to ensure that all development providing five (5) or more additional dwelling units will contribute to the supply of affordable housing in Canterbury.

5.2.2 To help satisfy the Town's housing diversity goals, a portion of the additional dwelling units resulting from all such development shall be affordably-priced according to State guidelines and shall have affordability guaranteed for 40 years by a deed restriction or land lease.

5.3 Required Inclusionary Dwelling Units.

5.3.1 In every residential subdivision or land development project that consists of five (5) or more lots intended for the construction of dwelling units, or that consists of five (5) or more new dwelling units, a portion of the dwelling units shall be inclusionary dwelling units. This requirement applies to development of rental property as well as development of property for sale.

5.3.2 The number of inclusionary dwelling units required is determined by taking the basic number of lots or dwelling units permitted, as shown by a yield plan, and multiplying that number by 20 percent. Fractions of 0.5 or above shall be rounded up to the next higher whole number, and fractions of less than 0.5 shall be rounded down to the next lower whole number.

5.4 Design Requirements.

5.4.1 The exterior appearance of the inclusionary dwelling units shall be substantially similar to that of the market-rate units, except that the inclusionary units may be up to 50 percent smaller, but no smaller than 1,200 square feet, whichever is larger. The inclusionary dwelling units shall be compatible in scale and architectural style with the market-rate units. The average number of bedrooms in the inclusionary dwelling units shall be equal to or greater than the average number of bedrooms in the market rate units.

5.4.2 The inclusionary dwelling units shall be integrated throughout the development, rather than segregated in a particular area or areas, so they will not be in less desirable locations than market-rate units. The inclusionary units shall, on average, be no less accessible to public amenities such as open space or recreational features than market rate units. In developments consisting of multi-unit dwelling structures, the inclusionary dwelling units shall be integrated throughout the structure.

5.4.3 The inclusionary dwelling units shall be built simultaneously with the market
rate units. For developments consisting of single-household or two-household dwellings, the percentage of market-rate units for which building permits have been issued shall not exceed the percentage of inclusionary dwelling units for which building permits have been issued by more than 20 percent. A certificate of zoning compliance shall not be issued for the final market-rate unit until building permits have been issued for an equal number of the inclusionary dwelling units. In subdivisions or land development projects that are constructed in phases, these requirements apply separately to each phase.

5.5 Alternatives to construction of inclusionary units.

5.5.1 When, in the judgment of the Planning and Zoning Commission, a density increase or on-site construction of inclusionary dwelling units would not be in the best interests of good planning, or when a density increase is otherwise prohibited by law or regulation, the developer shall contribute to the Town's supply of affordable housing through any one of, or any combination of, the following methods (Sections 5.6 and 5.7), subject to the approval of the Planning and Zoning Commission.

5.5.2 The Planning and Zoning Commission's decision to require an alternative to on-site construction of inclusionary dwelling units shall be in writing and accompanied by findings of fact.

5.6 Payment of a fee in lieu of construction.

5.6.1 The fee for each inclusionary dwelling unit that is not constructed on site shall be based on an estimate of the cost to construct a unit that would have been constructed on site according to the requirements of Section 5.3 above, minus the permitted sale price. The estimated cost to construct the unit shall be based on an estimated average per-square-foot cost based on Canterbury building permit applications.

5.6.2 When necessary, the Land Use Department shall determine an estimated average per-square-foot cost for single family and for multi-family residential construction. Those figures shall be approved by the Planning and Zoning Commission by resolution.

5.6.3 Fees in lieu of construction shall be calculated and paid at the time of the recording of the final plan for each phase of a development. The fees shall be paid into a restricted account maintained by the Town in a Housing Trust Fund pursuant to Section 8-2i(3) of the Connecticut General Statutes [Inclusionary Zoning], as amended.

5.7 Construction of inclusionary dwelling units at an off-site location.

5.7.1 Inclusionary dwelling units may be constructed at another site or sites in Canterbury. The developer shall demonstrate that the alternate site does not have constraints to development that would prevent it from accommodating residential construction.

5.7.2 The Planning and Zoning Commission may, in its sole discretion, provide a density bonus equal to up to 20 percent of one (1) dwelling unit at the off-site location.

5.7.3 The number of inclusionary dwelling units constructed off site shall be equal to or greater than the number otherwise required. The exterior appearance of the off-site inclusionary dwelling units shall be substantially similar to that of
the market-rate units, except that the off-site inclusionary dwelling units may be up to 50 percent smaller, but no smaller than 1,200 square feet, whichever is larger. The average number of bedrooms in the off-site inclusionary dwelling units shall be equal to or greater than the average number of bedrooms in the market rate units. The newly-created inclusionary dwelling units shall be constructed and occupied contemporaneously with the market-rate units being constructed at the primary development site.

5.7.4 Construction of new off-site inclusionary dwelling units on existing single lots is preferable to construction of new subdivisions or land development projects containing multiple dwelling units.

5.8 Assurance of Affordability and Fair Marketing.

5.8.1 Designation of Administering Agency.
The applicant shall indicate the name, address and other contact information for the agency that will administer the sale or rental of dwelling unit: that are subject to the affordability requirements.

5.8.2 Affordability Plan Requirements.
A. Each applicant shall provide an affordability plan that details the administration, monitoring and enforcement of the dwelling units to be sold or rented at affordable rates. The plan shall include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section.
B. Long-term affordability shall be assured through a land lease or deed restriction recorded in the Canterbury Land Records before the sale or rental of the inclusionary dwelling unit. The lease or deed restriction shall include information regarding:
(1) The basis for calculation of the maximum sale or rental price for the unit, both initially and for future buyers or renters,
(2) Restrictions concerning who may occupy the unit and for what period,
(3) Provisions for monitoring, and assurance of compliance over time.

5.8.3 Deed restrictions or land leases shall include the following restrictions:
A. Inclusionary dwelling units that are sold shall be occupied by the buyers as their primary residence and shall not be leased to other occupants, seasonally or otherwise.
B. Inclusionary dwelling units that are rentals shall not be sub-leased.

5.9 Cumulative Impact.

5.9.1 When a subdivision or land development project that creates fewer than five (5) additional lots for development or fewer than five (5) additional principal dwelling units is approved on a portion of a Parcel of land, leaving another portion of the same parcel undeveloped, the portion left undeveloped shall not be subdivided or developed for residential use or mixed-use within 25 years of final approval of the first development unless the undeveloped portion is subject to the inclusionary requirements of this ordinance.

5.9.2 The number of inclusionary units required in the second development shall be calculated as if the earlier development were part of it.
5.9.3 This provision does not apply when an entire parcel receives approval and is developed in phases.

5.10 Illustration of Required Inclusionary Units

<table>
<thead>
<tr>
<th>Basic number of lots or units</th>
<th>Required number of inclusionary units</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 7</td>
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