



## SECTION 54

# Incentive Housing Zone (IHZ)

### 54.0 PURPOSE

*The Incentive Housing Zone (IHZ) is adopted pursuant to the authority of Public Act 07-4. Its purpose is to encourage affordable housing in both residential and business districts that have the transportation connections, nearby access to amenities and services, and infrastructure necessary to support concentrations of development. The IHZ seeks to avoid sprawl and traffic congestion by encouraging a more vibrant residential component to business or mixed-use areas to sustain a lifestyle in which residents can walk or use public transportation to reach jobs, services, and recreational or cultural opportunities. It is a further purpose that the IHZ may enable context-sensitive infill development and adaptive reuse of existing, historic or underutilized buildings or properties in Old Saybrook that may otherwise be lost to progress.*

### 54.1 GENERAL

The IHZ is an overlay *zone* established and approved under this Section, which is an additional class of *zones* in addition to and overlapping a portion or portions of one or more of the *underlying districts*. Except as modified in this Section, the provisions of the *underlying district* will govern.

The total area of any IHZ will not exceed ten percent (10%) of the total land area of the town; the aggregate of all IHZs will not exceed twenty-five percent (25%) of the total land area of the town.

#### 54.1.1 Location Criteria

- A. **State Plan.** No land will be zoned for IHZ unless the *zone* change is consistent with the State Plan of Conservation and Development, as may be amended from time to time.
- B. **Eligible location.** Any land to be zoned for IHZ will be comprised of the following:
  1. **Transit.** An area near a transit station, including rapid transit, commuter rail, bus terminal, bus shelter, or ferry terminal;
  2. **Concentrated development.** An area of concentrated development such as a commercial center, existing residential or commercial *district*, or village *district* established pursuant to Conn. Gen. Stats. §8-2j; or
  3. **Suitable location.** An area that, because of exiting, planned, or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an IHZ.
- C. **Wastewater Management District.** No portion of an IHZ will be located within any portion of the Wastewater Management District (WWMD) as designated by the Town of Old Saybrook and the Connecticut Department of Environmental Protection pursuant to Conn. Gen. Stats. §7-247.

### 54.1.2 Subzones

The *Commission* may designate subzones within an overall IHZ in which different types of *uses* may be permitted, as in the case of a mixed-use *Incentive housing development*.

Each IHZ will consist of one or more subzones, which may overlay each other as well as the *underlying district*. Within any IHZ, there may be any or all of five (5) subzones, designated as: Single *Family* SF Subzone, *Duplex* D Subzone, Townhouse TH Subzone, Multi-*family* MF Subzone, or Mixed-use MU Subzone.

### 54.1.3 Incentive Housing Zone IHZ

IHZs are in locations as indicated on the Old Saybrook Zoning Map and may include subzones and/or approved *Incentive Housing Developments* described as follows:

#### A. Single-family SF Subzone.

1. None.

#### B. Duplex D Subzone.

1. None.

#### C. Townhouse TH Subzone.

1. None.

#### D. Multi-family MF Subzone.

1. **Saybrook Junction Multi-family MF Subzone.** The Saybrook Junction Multi-*family* Subzone overlays that portion of the *Shopping Center* Business B-2 *District* known as 7 North Main *Street* (Assessor's Map 40, Lot 5); North Main *Street* (Assessor's Map Lot 40, Lot 6-1) and North Main *Street* (Assessor's Map 39, Lot 9) as the Saybrook Junction IHZ as delineated on the Zoning Map.

Within the Saybrook Junction Multi-*family* MF Subzone, the following *Incentive Housing Developments* have been approved for the purposes of the Housing for Economic Development Program:

- a. None.

#### E. Mixed-use MU Subzone.

1. **Ferry Point Mixed-use MU Subzone.** The Ferry Point Mixed-Use MU Subzone overlays that portion of the Residence A *District*, as the Ferry Point IHZ delineated on the Zoning Map.

Within the Ferry Point Mixed-Use MU Subzone, the following *Incentive Housing Developments* have been approved for the purposes of the Housing for Economic Development Program.

- a. **"Ferry Crossing" Incentive Housing Development.** (Phase I of Ferry Point Mixed-use MU IHZ) overlays property known as Assessor's Map 45/Lot 3 (45 Ferry Road).



## 54.2 APPROVAL OF IHZ OR SUBZONES

In considering each subzone, or any IHZ as a whole, the *Commission* will find that any application for an *Incentive housing zone* or subzone will comply with the provisions of this Section. In establishing a subzone, the *Commission* will have the discretion to exclude one or more *uses* that would otherwise be permitted in an *Incentive housing development* in that subzone, including *uses* permitted in the *underlying district*, which exclusions, if any, will be stated in the resolution creating or amending the subzone and will become part of the text describing the *Incentive housing zone*.

54.2.1 **Application Fees.** The applicant for an IHZ shall pay for the cost of review fees in accordance with Old Saybrook Code of Ordinances Chapter 118 (formerly known as Ordinance 71).

54.2.2 **Design Standards.** In adopting the design criteria of Article VI the *Commission* has considered design standards that (1) ensure that development is complementary to adjacent or neighboring *buildings* or *structures* and consistent with the housing plan provided for in Conn. Gen. Stats. § 8-13p, and to (2) address the scale or proportions of *buildings*; site coverage; alignment, width or grade of *streets* or sidewalks; type or location of infrastructure; location of *building* or garage entrances; off-street parking; protection of significant natural site features; location or design of open *spaces*; signage; or *setbacks* or buffering from adjacent properties etc.; provided that the applications of such standards will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required Incentive housing restriction set forth in this Section.

54.2.3 **Conditions of Approval.** The *Commission* may waive any standards that would unreasonably impair the economic or physical feasibility of constructing *dwellings* at minimum densities or with required Incentive housing restrictions set forth in this Section.

The *Commission* will approve an IHZ subject only to conditions necessary to (1) ensure substantial compliance of any proposed development with the requirements of this Section, the design standards of these regulations and, if applicable, the subdivision regulations; or (2) mitigate any extraordinary adverse impacts of development on nearby properties.

An application may be denied only on the grounds: (A) the development does not meet the requirements set forth in this Section 54; (B) the applicant failed to submit information or fees required by the regulations and necessary for an adequate and timely review of the design or potential impacts of the development or (C) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

### 54.3 PERMITTED USES

Prior to the approval of any application for Certificate of Zoning Compliance for any *Incentive housing development* that includes any *principal* or *accessory use* permitted under this Section, a Plot Plan or Site Plan, whichever is more suitable as determined by the Enforcement Officer, will be submitted to and approved by the *Commission*. In considering an *Incentive housing development*, the *Commission* will find that any application for an *Incentive housing development* will comply with the provisions of this Section, as well as the Site Plan Objectives and the General Standards for Special Exception *Uses*.

54.3.1 **Single-family SF Subzone.** *Single-family dwelling* for one (1) *family*, subject to Section 54.12.

54.3.2 **Duplex D Subzone.** *Duplex*, subject to Section 54.12.

54.3.3 **Townhouse TH Subzone.** *Townhouse dwelling*, subject to Section 54.12.

54.3.4 **Multi-family MF Subzone.** *Multi-family dwelling*, subject to Section 54.12.

54.3.5 **Mixed-use MU Subzone.** A subzone that allows for *mixed-use development* consisting of *single family, duplex, townhouse or multi-family uses* that are only permitted in conjunction with non-residential *uses* permitted as-of-right or by Special Exception in the *underlying district*, and, in addition, the following by Special Exception:

Bank	Liquor store
Community/Civic center	Medical/Dental office
Convenience store (excluding sale of motor vehicle fuels)	Place of Worship
Daycare	Police/Fire station
Hair care/barber shop/beauty salon	Restaurant
Health club, membership club or outdoor recreation facility	School
Laundry/Dry cleaner	Senior care facility/Convalescent home/Nursing home
Library	Supermarket
	Theater

#### 54.3.6 In All Subzones

- A. Any *principal* or *accessory use* as permitted in the *underlying district* and subject to the requirements and approval procedures as may be applicable to the *uses*.
- B. For any *Incentive housing development* in a residential *underlying district*:
  1. No non-residential *use* permitted under this section will be located above the first *story* of any *building*; and
  2. The maximum percentage of *gross floor area* for any non-residential *use* will be twenty-five percent (25%), and the total *gross floor area* of any non-residential *use* will not exceed three thousand square feet (3,000 s.f.).



## 54.4 SPECIAL EXCEPTION USES

Prior to the approval of any *application* for Certificate of Zoning Compliance for any *Incentive housing development* that includes any *principal* or *accessory use* permitted by Special Exception under this Section or that of the *underlying district*, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the *Commission*.

### 54.4.1 Mixed Uses

For any *Incentive housing development* in a mixed-use subzone, the *Commission* may allow by Special Exception the inclusion of *uses* otherwise permitted by Site Plan or Special Exception in the *underlying district* provided that the minimum residential densities are met for the total *Incentive housing development*. In any *mixed-use Incentive housing development*, at least seventy (70%) percent of the *gross floor area* of the first *story* will be non-residential *uses*.

*Bulk* requirements for stand-alone non-residential *uses* in an *Incentive housing development* will be in accordance with the requirements of the *underlying district*.

## 54.5 LOCATION

The *uses* associated with any *Incentive housing development* need not be located on contiguous *parcels* but will be part of a single integrated plan, even if phased in construction, and those *parcels* will be separated by not more than fifteen hundred feet (1,500).

Any mix of *dwelling types* in an *Incentive housing development* may be located on the same *lot* or on different *lots*; if *lots* are being subdivided into different *lots*, then approval of an *Incentive housing development* is subject to prior subdivision approval.

## 54.6 DENSITY, SHAPE AND FRONTAGE

In lieu of provision of a minimum area of buildable land, any *Incentive housing development* will be built on *developable land* according to the following requirements:

### 54.6.1 Minimum Density

Where an *Incentive housing development* contains a mix of the above *dwelling types*, the land occupied by non-residential *uses* will not be included in the residential density calculation. The residential densities will be calculated by apportioning the total acreage of the *Incentive housing development* in the same proportion that each type of housing bears to the total number of *dwelling units* so as to comply with the minimum residential densities and the Incentive housing restrictions set forth in this section.

A. **Private Applicant.** In no event will the density of any *Incentive housing development* be less than 1.25 times the density of the underlying residential or mixed-use district:

- |  |                                   |
|--|-----------------------------------|
| 1. Single <i>family dwelling</i>       | 6 <i>dwelling units</i> per acre  |
| 2. Duplex or <i>Townhouse dwelling</i> | 10 <i>dwelling units</i> per acre |
| 3. Multi-family <i>dwelling</i>        | 20 <i>dwelling units</i> per acre |

B. **Public Applicant.** In the case of an *Incentive housing development* proposed by a public applicant, the residential densities will be in accordance with a waiver as may be granted by the Secretary of the Office of Policy & Management in accordance with Conn. Gen. Stats. §8-13n(b)(3).

54.6.3 **Minimum Frontage of Lot**

20 feet or a lesser width as permitted in the *underlying district*.

54.6.4 **Minimum Lot Width along Building Line**

50 feet or a lesser width as permitted in the *underlying district*.

### 54.7 HEIGHT

For *Incentive housing developments* within the *Gateway Conservation Zone*, the *height* restrictions of the *underlying district* will apply.

For *Incentive housing developments* outside the *Gateway Conservation Zone*, the following will apply:

54.7.1 For *single-family dwellings* or *duplex*

<b>Maximum Number of Stories</b>	2 1/2 stories
<b>Maximum Height</b>	35 feet

54.7.2 For *townhouse dwellings* in a residential *underlying district* or in a B-3 *District*

<b>Maximum Number of Stories</b>	2 1/2 stories
<b>Maximum Height</b>	35 feet

54.7.3 For *townhouse dwellings* in a marine or business *district*, other than a B-3 *District*

<b>Maximum Number of Stories</b>	3 stories
<b>Maximum Height</b>	38 feet

54.7.4 For *multi-family dwellings* in a residential *underlying district* or in a B-3 *District*

<b>Maximum Number of Stories</b>	2 1/2 stories
<b>Maximum Height</b>	35 feet

54.7.5 For *multi-family dwellings* in a marine or business *district*, other than a B-3 *District*

<b>Maximum Number of Stories</b>	3 stories
<b>Maximum Height</b>	38 feet

54.7.6 For *mixed-use buildings*

<b>Maximum Number of Stories</b>	3 1/2 stories
<b>Maximum Height</b>	40 feet

54.7.7 For non-residential *uses*, the *height* restrictions of the *underlying district* will apply.





## 54.8 SETBACKS

### 54.8.1 From Street Line

Principal *buildings* or *structures* will be set back from the *street* line in accordance with the *underlying district*, including the narrow *street* provisions of these Regulations but only up to a maximum of five feet (5') of additional *setback* beyond that required in the *underlying district*.

### 54.8.2 From Rear Property Line

- A. Where the *underlying district* is a residential or a B-3 *district*, no less than ten feet (10').
- B. Where the *underlying district* is a marine or business *district*, other than a B-3 *District*, in accordance with the *underlying district*.
- C. For non-residential *districts*, in accordance with the *underlying district*.

### 54.8.3 From Other Property Line

- A. Where the *underlying district* is a residential or a B-3 *district*, no less than ten feet (10').
- B. Where the *underlying district* is a marine or business *district*, other than a B-3 *District*, in accordance with the *underlying district*.
- C. For non-residential *districts*, in accordance with the *underlying district*.

### 54.8.4 Projection into Setback Area. In accordance with the *underlying district*.

### 54.8.5 Minor Accessory Buildings or Structures

- A. For residential *uses*, same as for principal *buildings* or *structures*, above.
- B. For non-residential *districts*, in accordance with the *underlying district*.

## 54.9 BUILDING BULK AND COVERAGE

### 54.9.1 Maximum Building/Structure Coverage

Within the *Gateway Conservation Zone*, in accordance with the *underlying district*.

Outside the *Gateway Conservation Zone*, the following will apply:

- A. For residential or B-3 *district underlying district*, same as *underlying district* plus 10%.
- B. For non-residential *uses*, in accordance with the *underlying district*.

### 54.9.2 Maximum Gross Floor Area. In accordance with the *underlying district*.

### 54.10 OPEN SPACE

54.10.1 **Purposes.** Land for *parks*, playgrounds, recreation areas or *open spaces* will be provided and reserved in each *Incentive housing development* as deemed necessary and in locations deemed proper by the *Commission*. The land reserved will be of such size, location, shape, and topography as to satisfy the needs determined by the *Commission*. The needs may include, but are not limited to the following:

- A. Preservation of natural resources such as, but not limited to, unusual topography, *wetlands*, aquifers, agricultural land, wildlife habitat, visual corridors or vistas;
- B. Retention of natural drainage ways;
- C. Establishment of coherent urban form to break up undifferentiated sprawl patterns, provide edges, focal points or centers to enable people to relate to their surroundings or to integrate or separate various types of *uses* or activities;
- D. Provision for passive or active recreation;
- E. Enhancement of historic or cultural activities or locations; and
- F. Maintenance of scenic quality, specifically including creation or retention of public views and vistas of the Connecticut River and Long Island Sound.

The reservation of land will conform to any plan of development for *parks*, playgrounds, recreation land, conservation or *open space*.

54.10.2 **Dedication Requirement.** In determining the need for reservation of *open space*, the *Commission* will be guided, but not limited to, a standard of ten percent (10%) of the land area of the *Incentive housing development* and a minimum reservation area of one (1) acre. The *Commission* may determine that a lesser area is sufficient to satisfy the need for such *open space* within the *Incentive housing development* or that such reservation is not feasible because:

- A. Adequate existing *parks*, playgrounds, recreation areas or *open space* are available in the neighborhood; or
- B. There is no land in the *Incentive housing development* suitable for such reservation.

54.10.3 **Access and Location.** *Open spaces* will be easily accessible and will be situated to preclude grouping of *lots* or *open spaces* in the extremities of the tract. Proper pedestrian and vehicular access will be provided for each such reservation.

54.10.4 **Method of Dedication.** *Open space* areas will be permanently reserved for the designed *use* by means acceptable to and approved by the *Commission*.

54.10.5 **Condition of Land.** Land reserved for *open space* will not be used for the storage of equipment or the deposit of debris. The land so reserved will not be excavated, filled or regraded, and trees will not be removed, except in accordance with a grading plan approved by the *Commission*.





## 54.11 INCENTIVE HOUSING RESTRICTION

### 54.11.1 Private Applicant for Incentive Housing Development

For an *Incentive housing development* proposed by a private applicant, at least twenty percent (20%) of the *dwelling units* will be rented or conveyed subject to an Incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the *dwelling units* will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty (30%) or less of their annual income, where the income is less than or equal to eighty (80%) percent or less of the median income. In determining compliance with this paragraph, the *Commission* will utilize regulations or guidelines published by the Office of Policy & Management, or any other successor agency designated in accordance with Conn. Gen. Stats. §8-13m. 8-13x.

### 54.11.2 Public Applicant for Incentive Housing Development

For an *Incentive housing development* proposed by a public applicant, one hundred percent (100%) of the *dwelling units* will be rented or conveyed subject to an Incentive housing restriction requiring that, for at least thirty (30) years after the initial occupancy of the development, the *dwelling units* will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty (30%) or less of their annual income, where the income is less than or equal to eighty (80%) percent or less of the median income. In determining compliance with this paragraph, the *Commission* will utilize regulations or guidelines published by the Office of Policy & Management, or any other successor agency designated in accordance with 8-13m. 8-13x.

### 54.11.3 Submission of Affordability Plan

Each applicant for an *Incentive housing development* will provide an affordability plan that will detail the administration, monitoring and enforcement of the *dwelling units* to be sold or rented at below-market rates as described above. The plan will 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 and Conn. Gen. Stats. §8-13m. to 8-13x.

### 54.11.4 Designation of Administering Agency

The applicant will indicate the name, address and other contact information for the agency that will administer the sale or rental of *dwelling units* that are subject to the below-market sale or rental in accordance with this Section.

### 54.12 METHOD OF OWNERSHIP

#### 54.12.1 Dwelling units

*Dwelling units* may be offered for sale or for rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization and incorporation of applicable ownership associations will be submitted to the *Commission* at the time of filing of the *application* for *Incentive housing development*.

#### 54.12.2 Open space

All *open space* or supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing or rights of access and *use* by residents of the *Incentive housing development* as is acceptable to the *Commission*. *Open space* areas required will be permanently reserved for the designated use by means acceptable to and approved by the *Commission*, such as, but not limited to:

##### A. Methods of Open Space Reservation.

1. **Deeded to the Town.** Where *open space* areas are to be conveyed to the Town, the applicant will convey them at the stage and in the condition agreed upon in connection with the processing and approval of the subdivision.
2. **Deeded to a non-profit organization acceptable to the Commission.** Such non-profit organization will be a private non-profit, non-stock corporation that has as its purpose the preservation of *open space* land. The deed to such organization will contain language satisfactory to the *Commission* requiring that the land be held in perpetuity as *open space* land for the *use* of the public. If *open space* is to be conveyed to a non-profit organization, the *Commission* may require that a copy of the organization's Certificate of Incorporation be submitted for its review. The deed to the organization will contain the provision that in event of the dissolution of the corporation, the property will be conveyed to the *Town*, or subject to the approval of the *Commission*, to another non-profit corporation. The *Commission* will have the right to reject any proposal for the transfer of *open space* land to a private non-profit organization if the *Commission* determines that such conveyance would not be in the best interest of the Town.
3. **Held in corporate ownership by owners of lots within the development.** *Open space* may be conveyed by warranty deed to a homeowner's association within the development upon such terms and conditions as specified by the *Commission*. When tracts are conveyed in this manner, a copy of the by-laws of the homeowners association will be submitted as a part of the *application* for the IHZ Development. Membership in such corporation will be mandatory for all *lot* owners within the development. Each deed conveyance to *lot* owners will include the membership stipulation, the beneficial right in *use* of the open land or all other pertinent restrictions, and will be recorded in the Old Saybrook Land Records. Wording on each deed will state that such open land is reserved for *use* only as *open space* in perpetuity.



4. **Perpetual easement.** Where the right of *use*, interest or privilege, short of fee ownership in the *open space* owned by another, is obtained by the Town or acceptable non-profit organization, a deed stipulating that the owner transfers development rights to, and *open space* or scenic easements over, the land will be required, the fee owner will retain the fee title to the premises and all incidents of fee ownership, except the right to construct any *structure*, *sign*, *fence* or other improvement, or to alter the contours. Minimum *lot* requirements cannot be satisfied by use of land dedicated to *open space*.
- B. **Conditions of Open Space Conveyance.** Title to the *open space* land will be unencumbered and will be transferred at a time approved by the *Commission*, and in any case, not later than the time at which title to the *streets* in the development is accepted by the town.
- C. **Deed Guarantees.** Regardless of the method employed, the instrument of the *open space* conveyance must include provisions suitable to the *Commission* and its Legal Counsel for guaranteeing the following:
  1. Continuity of proper maintenance for those portions of the common *open space* land requiring maintenance;
  2. When appropriate, the availability of funds required for such maintenance; and
  3. Recovering of loss sustained by casualty, condemnation or otherwise.