

**ADOPTED AMENDMENT TO THE ZONING REGULATIONS**  
**Adopted 11/13/07**

**Sec 4.4<sup>1</sup> Housing Opportunity Development– HOD**

**A. Intent and purpose.**

The Housing Opportunity Development (“HOD”) provisions are to be applied as an overlay zone to designated properties for certain applications submitted under §8-30g of the Connecticut General Statutes, and are intended to:

- (1) Increase the availability and diversity of housing units in Ridgefield where adequate facilities and services are present.
- (2) Encourage the construction of housing that is within the economic means of moderate and low income households and is in a mixed-income development.
- (3) Promote housing choice and economic diversity, including multiple family housing for low and moderate income households, some of which may be dedicated to provide for Senior Living, within the Town.
- (4) Efficiently utilize existing or expanded infrastructure and utilities.
- (5) Provide standards and criteria for development of parcels designated for Housing Opportunity Development.

**B. Eligible parcels.**

Only the following parcels of land are designated by the Commission for application of the HOD provisions, in conjunction with applications submitted under 8-30g of the Connecticut General Statutes:

- (1) 619 Danbury Road (a lot size of not less than 3.5 acres nor more than 3.75 acres and frontage at 619 Danbury Road of not less than 490 feet); and
- (2) 616 Bennett’s Farm Road (a lot size of 153± acres).

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<sup>1</sup> These provisions have been re-numbered to reflect the numbering system of the new regulations adopted by the Commission on 5/1/07, and will be included in Section 4, “Other Housing Zones and Uses,” as new Subsection 4.4 Section 409.0 in the applicant’s proposal is the section reference for the regulations that were in effect through 4/30/07.

**C. Permitted Uses.**

Single-family, two-family, and multiple-family dwellings of no more than twenty-five (25) units per structure, subject to the area and bulk limitations set forth in these provisions.

**D. Definitions.**

(1) A “Housing Opportunity Development” (or “HOD”) is a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented, sold at, or below, prices which will preserve the units as affordable housing as defined in §8-30g of the General Statutes, as amended.

(2) “Housing Opportunity Unit” means a dwelling unit within an HOD that is subject to long-term price restrictions that comply with §8-30g of the General Statutes as amended.

(3) “Land-based criteria” means steep slopes, public water supply watershed lands, wetlands, vernal pools, and other environmentally sensitive features of land which may make that land unsuitable for development and which should be protected from construction or significant disturbance for the benefit of the health, safety and welfare of residents of the development and the surrounding area.

(4) “Senior Living Community” means a development dedicated for occupancy by persons aged fifty-five (55) and older or sixty-two (62) and older in accordance with the Federal Fair Housing Act.

**E. Lot Density.**

Lot density for parcels designated under paragraph B of these provisions shall be determined according to land-based criteria to the extent permitted under §8-30g of the Connecticut General Statutes, as follows:

- (1) 619 Danbury Road – 14 dwelling units per gross acre of land; and
- (2) 616 Bennetts Farm Road – 1.9 dwelling units per gross acre of land.

**F. Bedrooms.**

(1) The dwelling units in an HOD shall consist of a mix of efficiency, one, two and three bedroom units.

(2) Not more than twenty-five percent (25%) of all dwelling units in the development shall contain three bedrooms.

**G. Lot Coverage.**

Total permitted lot coverage (buildings) for parcels designated under paragraph B of these regulations shall be as follows:

- (1) 619 Danbury Road – twenty-five percent (25%); and
- (2) 616 Bennetts Farm Road – ten percent (10%).

**H. Impervious Coverage.**

Total permitted impervious coverage (buildings and other structures, parking, driveways, sidewalks) shall be as follows:

- (1) 619 Danbury Road – seventy-five percent (75%); and
- (2) 616 Bennetts Farm Road – twenty percent (20%).

**I. Setbacks.**

Setbacks for designated HOD parcels shall be as follows:

	Front (public street)	Front (private street)	Side	Rear
619 Danbury Road	40 feet		20 feet	25 feet
616 Bennetts Farm Rd	50 feet	20 feet	100 feet	100 feet

**J. Building height; separation; hallways; utility connections.**

(1) No building or structure shall exceed three (3) stories and an attic, and forty (40) feet in height.

- (2) Attic areas shall be for storage purposes only.

(3) All residential structures shall be separated by a distance of not less than thirty (30) feet.

(4) Common hallways are permitted to serve up to twenty-five (25) dwelling units.

(5) All utility lines and connections serving the development shall be placed underground.

**K. Off-street parking.**

(1) The minimum width of a paved vehicular entrance shall be twenty (20) feet.

(2) The minimum number of parking spaces shall be:

(a) One and one-half (1.5) per efficiency and one bedroom dwelling unit; and

(b) Two (2.0) per dwelling unit with two or more bedrooms.

(3) Parking spaces for the physically handicapped shall be located as close as possible to ramps, walkways, and building entrances. Such spaces shall be so arranged as to eliminate or minimize the need for physically handicapped persons to wheel or walk behind parked cars to reach entrances, ramps, and walkways. The number, size designation, location and makings of parking spaces for the handicapped shall be as pursuant to the Connecticut General Statutes. All parking spaces for the physically handicapped that are provided shall be credited to the total number of required parking spaces.

(4) HOD driveways shall be adequately graded, drained, and maintained in all seasons to accommodate traffic and to afford satisfactory access to police, fire fighting, and snow removal equipment.

(5) Garage spaces shall count toward satisfying the minimum parking requirement.

(6) Additional parking shall be provided for visitors throughout the site.

**L. Screening; Landscaping.**

See Section 7.1<sup>2</sup>, Landscaping Standards, of these regulations.

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<sup>2</sup>Section 326.0, shown in the applicant's proposal, was in the zoning regulations in effect prior through 4/30/07, now identified as Sec. 7.1 in the updated zoning regulations effective on 5/1/07.

**M. Utilities.**

All dwelling units within the HOD shall be served by public water and Town of Ridgefield municipal sewer systems.

- (1) No sewer line shall be extended into or shall cross through the Saugatuck public water supply watershed.

**N. Age Restriction**

Parcels designated for development under paragraph B of these provisions shall be age restricted as follows:

- (1) 619 Danbury Road – no age restriction; and
- (2) 616 Bennetts Farm Road – no less than seventy percent (70%) of the dwelling units in the development shall be dedicated as a Senior Living Community for persons fifty-five (55) and older, thirty percent (30%) of which units shall also be designated as affordable, and the remainder of the units in the development shall be in a separate condominium association with no age restriction, provided that thirty percent (30%) of those units are designated as affordable.

**O. Garbage Containers.**

Garbage containers shall be stored in contained and screened collection areas.

**P. Application Requirements for designation as eligible for development under the HOD provisions.**

An application for designation of a parcel of land as eligible for development under the HOD provisions shall consist of the following:

- (1) An application form, approved by the planning director.
- (2) Fees calculated as follows:
  - (a) Base application fee equal to \$25 per unit proposed in the development.
  - (b) Public hearing fee equal to ½ of the base application fee.

- (c) Public hearing legal notice fee of \$60.
  - (d) Decision legal notice fee of \$30.
  - (e) State environmental fee - \$30.
- (3) Fifteen (15) copies of a certified survey map or maps at a scale not smaller than one inch equals one hundred (100) feet showing perimeter dimensions, total area, abutting current property owners, right of way and traveled way of abutting streets; location of municipal sewer lines and water mains; terrain contours at five (5) foot intervals, or less, but lesser intervals may be required by the Commission where warranted; wetlands areas, limits of vegetative coverage; and all other documents and information required for an affordable housing development by Connecticut General Statutes §8-30(g), as amended, and any regulations adopted thereunder.
- (4) Fifteen (15) copies of a statement of the proposal including:
- (a) Number of units proposed;
  - (b) Density of proposed development in terms of units per gross acre, determined in accordance with land-based criteria found in paragraph Q; and
  - (c) Traffic impact data when requested by the Commission.
- (5) A conceptual site plan and reports providing the following information:
- (a) Total number of residential units and their arrangement on the property;
  - (b) Proposed roads and traffic circulation;
  - (c) Proposed sewage disposal plan or plans; and
  - (d) Proposed water supply plan or plans.
  - (6) An “affordability plan” as required by Connecticut General Statutes §8-30g.

**Q. Application Procedure for HOD Site Plan Approval.**

Following the Commission’s determination of eligibility of the parcel for housing opportunity development, the owner of record, or his or her properly designated agent, shall file an application for Site Plan Approval under

Subsection 9.1.C of these regulations, together with the additional documentation prescribed in that section, for the construction and maintenance of an HOD on land so designated, together with application fees as follows:

1. Base application fee equal to \$25 per unit proposed in the development.
2. Public hearing fee equal to ½ of the base application fee.
3. Public hearing legal notice fee of \$60.
4. Decision legal notice fee of \$30.
5. State environmental fee - \$30.

In addition to the requirements for application in Subsection 9.1.C, and to the extent permitted under §8-30g of the Connecticut General Statutes and to protect the public health, safety and welfare of the future residents of the HOD community, the Commission shall consider the proposed HOD plan under the following additional criteria:

- (1) The retention and protection of designated wetlands, rivers, streams, ponds, vernal pools, swamps, floodplains and other designated water bodies;
- (2) The protection of aquifers and other similar potential sources of potable water;
- (3) The protection of significant woodlands;
- (4) The protection of hillsides and of terrains deemed susceptible to erodability or the creation of turbidity or siltation (especially land over 20% in slope);
- (5) The protection of sites, buildings or structures of historic or archaeological significance; and
- (6) The protection of any other significant environmental and ecological asset.

Notwithstanding the requirements of Subsection 9.1.C<sup>3</sup> for review by the Planning Director, the Commission shall approve, disapprove, or approve with modifications a site plan application under these HOD provisions. The Commission shall hold a public hearing on the Site Plan Application.

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<sup>3</sup> Section 324.0, shown in the applicant's proposal, was in the zoning regulations in effect through 4/30/07, changed to Section 9.1.C in the updated zoning regulations adopted effective 5/1/07.

**R. Requirements for Housing Opportunity Units.**

The following requirements shall apply to HOD Units:

(1) HOD units shall be of a construction quality that is comparable to market-rate units within the development.

(2) The HOD units shall be built on a pro rata basis as construction proceeds.

(3) In conjunction with an application for approval of a site plan for an HOD development, the applicant shall submit an "Affordability Plan", as required by Conn. Gen. Stat. §8-30g, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this Section, notice procedures to the general public of the availability of affordable units, procedures for verification and periodic confirmation of unit occupancy income, and compliance with affordability requirements.

(4) A violation of the regulations contained in this Section shall not result in a forfeiture or reversion of title, but the Ridgefield Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including §8-12.