

MODIFIED
TEXT AMENDMENT TO EASTON ZONING REGULATIONS
OF THE TOWN OF EASTON
SECTION 4200 (PROPOSED)
MILL RIVER PARK DISTRICT

4200.1 Purpose and Intent

4200.1.1 It is the purpose and intent of this regulation to promote and authorize affordable housing development which will offer alternative housing for, among others, the less affluent members of the community who are elderly, the younger members of the community and town employees, by development at a greater density while minimizing certain improvements to reduce costs in the delivery of dwelling units and thereby encourage the construction of housing that is affordable as defined by state statutes and to assist in meeting the town's need for affordable residential alternatives.

4200.1.2 Any affordable housing development (AHD) constructed in a Mill River Park District (MRPD) shall be in full compliance with all of the requirements of this regulation as well as C.G.S. §8-30g.

4200.1.3 A building permit for the construction of all or any part of an affordable housing development in the MRPD shall be issued with either approval of a final site plan by the Easton Planning and Zoning Commission or by Court decision.

4200.1.4 An affordable housing development shall mean a proposed housing development which is a set aside development as stated in Connecticut General Statutes §8-30g.

4200.1.5 "Planned Affordable Housing Unit" means a set aside development in which not less than thirty (30%) percent of the dwelling units will be conveyed by deeds with covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty (30%) percent or less of their annual income, where such income is less than or equal to eighty (80%) percent of the median income. In a set aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen (15%) percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty (60%) percent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty (80%) percent of the median income.

4200.1.6. "Median Income" means after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development.

4200.1.7. "Declarant Monthly Payment," as used in connection with an Affordable Housing Unit for sale, shall mean the amount paid monthly for mortgage principal and interest, property taxes and insurance, and common charges in the case of ownership in a common interest community and utility costs, including hot water and electricity, but excluding telephone, internet connections and cable television. The maximum allowable monthly payment for an AHD unit 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, internet connections and cable television.

4200.1.8. Applicants shall provide a description of the projected sequence of construction that the affordable dwelling units will be built and offered for occupancy in an Affordability Plan.

4200.1.9. Applicants shall provide a model deed restriction and land use restrictions in the Affordability Plan.

4200.1.10. Applicant shall appoint an "Administrator", either an entity or individual who has the necessary experience and qualifications approved by the Town to comply with the income requirements per statute in its Affordability Plan.

4200. 2. Planned Affordable Housing Units

The Applicant shall submit to the Commission an Affordability Plan which outlines how the affordable units are to be provided and maintained and shall include but not limited to the following criteria:

a. Construction: Affordable Units shall be similar in construction quality and have the same exterior finish materials as the market rate units.

b. Dispersion: Affordable Units shall be equally distributed throughout the development. The site plan shall indicate the designation of affordable units to the satisfaction of the Commission.

c. Bedrooms: The developer proposes a "Set-aside Development" as defined by Section 8-30g (6) of the Connecticut General Statutes, affordable units to the satisfaction of the Commission.

d. Phasing: For developments built in phases, construction of the required affordable units shall be proportional to the market rate units constructed within each phase.

e. Affordability Plan: The applicant shall submit to the Commission an affordability plan pursuant to Section 8-30g of the Connecticut General Statutes or any amendment thereto:

- i. Initial sales/rental prices
- ii. Selection criteria to determine eligible persons or families for rental or purchase units.

- iii. Disposition of the ownership of lots upon which affordable units are built.
 - iv. A copy of resale/re-rent restrictions.
 - a. The criteria shall be predicated on preserving the units as affordable housing for a minimum prior of 40 years from the date of initial occupancy.
 - v. A Planned Affordable Housing Unit shall be occupied only by a purchaser's or tenant's residence. To the extent that subletting the affordable unit greater than the "maximum monthly payment" as defined above shall be strictly and specifically prohibited in the lease for each affordable unit.
- f. Covenants: Affordable Housing Units shall be sold or rented by instruments containing covenants or restrictions as referred to in Section 8-30g of the Connecticut General Statutes, which covenants shall run with the land and shall be enforced by the Town until its released by the Town.

4200.3 Site Plan Submission Requirements

In conjunction with the submission of an application for approval of text amendment and the approval of a zone change to MRPD for a Planned Affordable Housing Development, the applicant shall submit a conceptual site plan in accordance with C.G.S. §8-30g(c). Said conceptual site plan shall be substantially the same concept as the final site plan required to be submitted later under Section 4200.12 set forth herein. The final site plan may reflect any changes required by the Inland Wetlands Commission.

4200.4 Site and Location of Zone

The MRPD shall be restricted and located at 15 Plum Tree Lane, Easton, Connecticut, property description attached as Schedule A.

4200.5 Structures

There shall not be any building or structure erected, altered, occupied or used, arranged or designed to be used within this AHD for other than:

- a. The MRPD is limited to the construction of no greater than 19 townhouses within the Town of Easton and a single-family home.
- b. Amenities shall be restricted to the use by residents to the MRPD only.
- c. Curbs, concrete pads, fences, storm galleries catch basins, sewer and storm drainage pipe systems, walkways concrete or stone, dumpsters and signage.
- d. All storage shall be located within a building or an enclosed structure.
- e. All portions of the lots not used for buildings and other structures or for paved

driveways, sidewalks or off-street parking and loading areas shall be suitably landscaped.

4200.6 Density

The density of the MRPD shall be governed by the necessity to use existing parcels of land so as to afford the economic feasibility of providing the greatest number of affordable housing units for the parcel of land to be designated as MRPD. The density of the within MRPD shall be not more than 19 townhouse units in Easton and a single-family house.

4200.7 – Zoning Site Data Table

4200.7.1	
Minimum Lot Area	1 Acre
Building Minimum From Street	10'
Building Minimum Side Yard	0'
Building Minimum Rear Yard	0'
Building Maximum Height	35'

4200.8 Utility & Road Requirements

Utilities: All visible, above-grade utility structures, including but not limited to electrical control panels, meter, back flow prevention devices, transformer, etc., shall be sufficiently screened from view with landscaping. All proposed electric utility wires shall be placed underground.

Lighting: All lighting utilized for illumination of buildings and grounds shall aim downward and meet the specifications of the International Dark Sky Association and shall be fully cut-off fixtures. No parking lot lighting shall exceed 20 feet in height.

4200.8.1 The MRPD affordable housing development shall be serviced by public sewer and water or demonstrate the ability to provide private sanitary sewer system and private well to service the development.

- a. All utilities shall be underground.

4200.9 Application for Zone Change Approval

An application for zone change to a MRPD shall include:

4200.09.1 A conceptual site plan prepared by either a licensed architect, a registered land surveyor or a registered civil engineer, which shall:

- a. Define the location of the areas to be used for residential purposes.

- b. Set forth the proposed density of the dwelling units.
- c. Show driveway, parking and building.
- d. Property Survey Map.

4200.09.2 Preliminary building plans illustrating

- a. typical floor plan.
- b. typical elevations.

4200.10 Standards for Zone Change Approval

The Zoning Commission may approve a petition for a change of the existing zone to a MRPD if it complies with the following:

4200.10.1 The development project conforms to the purposes set forth in Section 4200.1-4200.10 and C.G.S. §8-30g.

4200. 11 - Standards for Final Site Plan Approval

Once a zone change and text amendment has been approved, the applicant is required to file a final site plan prepared and stamped by a licensed surveyor or civil engineer.

The final site plan submitted shall be approved if it complies with the regulation and/or if it complies with the requirements of Connecticut General Statutes §8-30g.

- a. Driveways: All driveways shall be asphalt or concrete pavers.
- b. Walkways & Stoops: All walks and stoops shall be brick, flagstone, stone, concrete or asphalt.
- c. Mailboxes, Trash Containment Areas: Mailboxes, trash containment areas and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.
- d. Size: No building shall exceed four residential stories of units level. Parking spaces located below residential areas shall not be considered a residential floor.
- e. Siding and Roofing: Acceptable exterior surface treatments are simulated wood cedar siding “cedar impressions” of earth tones or Hardiplank clapboard siding, vinyl windows insulated with Low E, cedar shingles, brick facing, vertical cedar, stucco, or other similar materials. Fiberglass shingle roofs. Unacceptable materials include but are not

limited to, prefabricated metal, asbestos shingles, pine, plastic, vinyl or aluminum siding.

f. Unit Mix: Any structure containing dwellings within the AHD shall meet the following:

In accordance with Connecticut General Statutes §30-269 and §30-273 at least ten percent (10%) of all dwelling units in an AHD shall be accessible to and adaptable for persons with disabilities or handicaps as defined in the American with Disabilities Act, 42 U.S.C. §12101, and the federal Fair Housing Act, 42 U.S.C, §3600.

g. Lighting: Exterior lighting shall be provided and maintained within the AHD at all access points to the streets, parking areas, building entrances, 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 any public highways and abutting properties.

h. Fire Safety: All buildings shall be designed and constructed in accordance with the 2022 Connecticut Fire Prevention Code and subject to Fire Marshall's approval.

SCHEDULE A

BEGINNING AT THE INTERSECTION OF THE COMMON LINE OF 5 & 15 PLUMTREE LANE AND THE EASTON – TRUMBULL TOWN LINE.

THENCE N 50°51'11" W A DISTANCE OF 217.12' ALONG THE COMMON LINE OF 5 & 15 PLUMTREE

THENCE N 14°48'56" E A DISTANCE OF 247.69' ALONG THE CENTER LINE OF THE MILL RIVER

THENCE N 84°33'39" E A DISTANCE OF 373.00' ALONG NORTH LINE OF 15 PLUMTREE LANE;

THENCE S 06°23'41" E A DISTANCE OF 206.70' ALONG THE EAST LINE OF 15 PLUMTREE LANE;

THENCE S 54°29'08" W A DISTANCE OF 355.42' ALONG THE NORTH STREET LINE OF PLUMTREE LANE;

TO THE POINT OF BEGINNING,

HAVING AN AREA OF 128350.3 SQUARE FEET, 2.947 ACRES