



Town of Westport
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
www.westportct.gov

TO: To Whom It May Concern
FROM: PLANNING AND ZONING COMMISSION
DATE: September 3, 2020
SUBJECT: Explanatory Statement for Text Amendment #785, Removal of §4-5, Maximum Allowable Multi-Family Dwellings, §19B-8.9, Residential-Rental Housing Opportunity /Workforce Zone (R-RHOW) and §32-15B.18, Age Restricted Housing

Text Amendment Background

Section 4-5, Maximum Allowable Multi-Family Dwellings, was adopted as part of a larger group of amendments by the Planning and Zoning Commission with Amendment #298A (Appl. #83-565-A), which became effective on 8/29/83. The larger group of amendments were adopted for the following reasons:

1. To plug loopholes, tighten certain standards, eliminate conflicts and clear-up ambiguities in the regulations;
2. To make such revisions as are necessary to satisfy the requirements of State Statutes relative to historic factors, energy conservation and Coastal Area Management;
3. To further reduce adverse impacts from commercial development;
4. To provide additional safeguards and standards for uses in residential areas;
5. To reduce adverse impacts on environmentally sensitive lands;
6. To prevent the overcrowding of land; and
7. To promote the public health, safety and general welfare of the community.

The original regulation read as follows,

4-5 Maximum Allowable Multi-Family Dwellings

The total number of multi-family dwelling units in all zoning districts throughout the Town of Westport shall not exceed 10% of the total number of single-family dwellings within the Town of Westport as reported in the 1980 official U.S. Census of Housing Data for the Town of Westport.

Four amendments were approved by the Planning and Zoning Commission subsequent to its' adoption. In 1991, §4-5 was modified by Amendment #406 to substitute 1980 Census Data for "most recent" Census Data.

A major change to the regulation occurred in 2007 when Amendment #570 was adopted. This amendment exempted any existing and proposed multi-family affordable housing from the requirements of §4-5. The Resolution states “*the intended result of the amendment is to remove any obstacles that could prevent the creation of affordable dwelling units while simultaneously allowing for the residential housing inventory to remain predominantly low density single-family homes.*” This currently results in 296 dwelling units which are not included.

During the 9/1/16 work session, the Planning and Zoning Commission approved Amendments #714 and #715 which proposed a new Article §19B, Residential-Rental Housing Opportunity/Workforce Zone District (R-RHOW) as provided by Section 8-30g of the Connecticut General Statutes and located this new zoning district at 1177 Post Road East. The text amendment was adopted including language with exempts all dwelling units proposed within this zone from inclusion in the multifamily dwelling units subject to §4-5.

In 2016, the section was again modified by Text Amendment #721 (Appl. #16-033), this time to exempt the first 200 senior units from the multi-family housing cap. This currently results in 86 senior dwelling units which are not included.

Lastly, Amendment #739, adopted 10/12/17, modified to the section to exempt dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

The 2018 American Community Survey of the US Census reported that there are **9,289** single-family, detached dwelling units in Westport. Therefore **929** multi-family units are now permitted in Town.

The Planning & Zoning staff research has determined that there are 1,220 approved multi-family dwelling units in town. Of these, 286 units are affordable and meet §8-30g of the CT General Statutes, and 65 additional market rate units have been approved in the R-RHOW zoning district and are therefore, not included in the calculation of the cap. The remaining 869 multifamily units count toward the cap. Therefore, if you subtract the 869 approved affordable and market rate units from the 929 allowable, **60 additional market rate multi-family dwellings can be approved before the cap is reached.** See attach Multifamily Cap Memo and Spreadsheet, dated 8/28/20.

Two developments were approved by the court but have not been added to this list. (57,79 & 85 Post Road West/1, 19 & 37 Lincoln Street - 81units with 25 affordable and 122 Wilton Roads, 19 units with 6 affordable). **The addition of these market rate units to the calculation will exceed the 10% allowable multi-family units.**

Subcommittee Background

The Affordable Housing Subcommittee of the Planning and Zoning Commission was created at the Annual Meeting held in January 2018 by P&Z Member Danielle Dobin who offered to serve as Committee Chair. Additional members include Michael Cammeyer, Chip Stephens, Jon Olefson and Neil Cohn. The Subcommittee created the following Mission Statement and Committee Objectives:

Mission Statement:

To encourage the pro-active development and preservation of affordable housing choices for the present and future residents of Westport, including the development of affordable housing for families.

Objectives:

- *Work to spark a town-wide community conversation*
- *Engage the public in this debate with the goal of creating various affordable housing development strategies, specifically looking at public/private partnership as to how to achieve our next two to three certificates of compliance.*

During the 6/9/20 Subcommittee meeting, there was consensus that an amendment to remove §4-5 should be brought to the Planning and Zoning Commission. The Planning and Zoning Commission discussed the proposed amendment at their 6/11/20 work session and there was a sense of the meeting that the amendment should be submitted on behalf of the Commission.

Proposal

The amendment proposes deleting §4-5, Maximum Allowable Multi-Family Dwellings, in its' entirety as well as any references to the section including:

1. §19B-8.9, *Application Requirements, Residential-Rental Housing Opportunity /Workforce Zone (R-RHOW).*
2. §32-15B.18, *Exemptions, Age Restricted Housing (ARH).*

Benefits

Without any text change to §4-5, the only non-single family home development that will be permitted in the future shall be the development of affordable units. All other types of development, including townhomes, apartments and condominiums, will no longer be permitted.

The amendments are supported by the *2017 Plan of Conservation and Development* that cites increasing housing diversity to be an important goal:

Chapter 10, Guide Residential Development, states:

§10.1 Overview-Maintain the preponderance of single-family homes, increase housing diversity as to size of units and promote housing affordability; Pg. 79

§10.4, Monitor Changing Housing Needs; Pg. 85

§10.5, Continue to Address Housing Needs. Pg. 86

Recommendations to achieve these goals include:

- *“Seek ways to address changing housing needs while maintaining the character and integrity of Westport.” Pg. 85*
- *“Consider ways of integrating affordable and workforce housing in future projects.” Pg. 85*
- *“Continue to address housing needs in Westport (affordable, aged, special needs, ADA). Pg. 88*
- *“Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.” Pg. 88*

Attachments:

Proposed Text Amendment, dated 9/3/20

History of §4-5, dated 9/3/20

Multifamily Cap Memo and Spreadsheet, dated 8/28/20