



Town of Berlin

Planning and Zoning Department

240 Kensington Road
Berlin, Connecticut 06037
www.berlinct.gov

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

MEMORANDUM

To: Kate Wall, Town Clerk
From: Maureen K. Giusti, AICP, Town Planner MKG
Date: February 6, 2024

Re: Approved Text Amendment to the Berlin Zoning Regulations §XI.Q Special Regulations. Housing for elderly persons and §II.B. Definitions. Affordable housing. Regarding Support affordable housing development for senior citizens and modify the definition of affordable housing.

The attached text amendment, prepared by FHI Studio with the direction of Planning and Economic Development staff, of the Berlin Zoning Regulations was approved by the Berlin Planning and Zoning Commission on February 1, 2024

The Notice of Decision was posted with the Town Clerk on February 6, 2024 and published in the New Britain Herald on February 9, 2024

Per BZR §XVI.D the Effective Date of this amendment is February 10, 2024.

RECEIVED FOR RECORD
BERLIN TOWN CLERK
2024 FEB - 06 PM 52

Kate Wall
BERLIN, CT.

ADOPTED TEXT:

Bold Underlined Text: Added

~~Strikethrough~~ Text: Deleted

§ II.B Definitions

~~Affordable housing: Housing for which persons and families pay 30 percent or less of their annual income, where such income is less than or equal to the area median income for the town, as determined by the U.S. Department of Housing and Urban Development.~~

Affordable housing: Unless otherwise specified in these regulations, affordable housing units are units subject to binding recorded deeds containing covenants or restrictions that require such dwelling units be sold or rented at, or below, prices that will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Such covenant or restriction shall be for a duration of at least ninety-nine (99) years after issuance of a certificate of occupancy for the unit, which shall only be issued upon verification that the required deed covenant or restriction has been filed. In addition, such deed restrictions must at the time of filing comply with the income, rental or sale price limits, duration, and other requirements such that the unit satisfies the definition of an

affordable housing unit pursuant Section 8-30g of the Connecticut General Statutes effective at the time of filing.

§ XI. Special Regulations

Q. Housing for elderly persons. The purpose of this section is to promote the public health, safety and general welfare of the community by providing decent, safe and sanitary housing units for elderly persons (as defined in the Connecticut General Statutes § 8-113a(m)) at reasonable rents, to ensure housing facilities specially adapted for elderly persons as a public use in the public interest, and to allow housing for elderly persons within the town in accordance with the appropriate standards, conditions and safeguards as hereinafter set forth in this section. In order to afford the opportunity to the Berlin Housing Authority **or another housing provider** to provide "Housing for Elderly Persons" under Connecticut General Statutes § 8-112a et seq. (chapter 128, part VI), housing for the elderly where permitted as a ~~municipal~~ use shall be subject to site plan and a special permit approvals by the Commission in accordance with the requirements of Sections XII and XIII, subject to the following standards, conditions and safeguards set forth below:

1. **Conditions of establishment. Housing for elderly persons shall only be permitted if developed and operated by the Berlin Housing Authority or by a private for-profit or non-profit entity on land sold by the Town for such purposes.**
2. *Permitted uses.* Construction of residential dwelling units for the elderly under this section shall be permitted for detached dwellings, semidetached dwellings and attached dwellings such as apartments, garden apartments and townhouses, but not for hotels, motels, rooming houses, boarding houses and lodging houses or tourist homes. No elderly housing unit shall have more than two bedrooms and not more than 50 percent of elderly housing units shall be two-bedroom units. Rooms with closets shall be construed to be bedrooms.
3. **Affordability requirement. In addition to affordability requirements that may be imposed by state or federal funding sources, a minimum of 50 percent of housing units shall be comprised of affordable housing units as defined in Section II.B of these regulations. At least 25 percent of housing units shall be affordable housing units priced to be affordable to households earning 60 percent or less of the area median income.**
4. *Accessory uses.* Necessary accessory buildings, structures and uses including community buildings, facilities for maintenance, administration, off-street parking, storage facilities, and those facilities necessary to the operation of utility systems serving the development, may be permitted.
5. *Location.* All residential buildings shall be connected to public sewer and public water. All sites shall have access to an improved public road.
6. *Site area.* Each site shall have a minimum lot area of four acres. For each efficiency unit, the lot area shall be not less than 2,800 square feet, for each one-bedroom unit the lot area shall

be not less than 3,200 square feet, and for each two-bedroom unit the lot area shall be not less than 3,800 square feet. For each accessory building the lot area shall be not less than 5,000 square feet.

7. *Setbacks.* Setbacks for buildings and other structures shall be at least 50 feet from front and rear property lines. Side yards shall not be less than 20 feet.
8. *Height.* The maximum building height shall be 40 feet or 3 stories, whichever is less. (See definitions of Building Height)
9. *Dwelling unit design.* Each dwelling unit shall be designed and constructed to provide the necessary features that contribute to the safety, convenience, and aid to the residents. **Plans and drawings shall demonstrate that dwelling units are designed in compliance with the accessibility requirements and standards of the applicable International and State Building Codes and of the Fair Housing Act as specified in the US Department of Housing and Urban Development's Fair Housing Act Design Manual. A minimum of 10% of dwelling units shall be designed to meet the "Accessible" standard of ICC A117.1 Accessible and Usable Buildings and Facilities. Accessible units shall reflect the unit composition of the development as a whole with respect to unit size and number of bedrooms and should be indicated on relevant plans and drawings.**
10. *Recreation area.* Suitably equipped and adequately maintained recreation and open space shall be provided. A minimum of 150 square feet of usable open space shall be provided per dwelling unit. Recreation areas shall be well designed to impart a sense of containment or security and to provide group privacy.
11. *Landscaping and screening.* All buildings, structures and off-street parking areas shall be adequately screened from adjoining streets and properties with suitable landscaping and/or walls or fencing.
12. *Off-street parking.* There shall be provided at least 1.25 parking spaces for each dwelling unit.
 - a. Walks, ramps and driveways shall be designed to meet ADA requirements and to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five percent and two percent across slope.
 - b. All parking areas and active recreation areas shall be not less than ten feet from any building or 30 feet from any front lot line and 10 feet from any rear and side lot lines. Open parking areas, including access ways and driveways, shall be paved with hard-top surface upon a suitable subgrade in accordance with sound engineering design practices and town standards. The pavement area shall be adequately drained so as to prevent excessive accumulation of water, snow, and ice.
 - c. There shall be provided a safe and convenient system of drives, service access roads and walks, designed with such items as handrails and ramps. Such facilities shall be adequately lighted.
13. *Refuse areas.* Refuse and recycling areas shall be established and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.