

The background features a series of concentric circles in light gray, some solid and some dashed, creating a ripple effect. A prominent red callout box with a downward-pointing arrow is centered on the page. Inside this box, the text is written in white, sans-serif font.

Accessory Apartment and Parking
Regulations: Public Act No. 21-29

What is Public Act No. 21-29?

- “An act concerning the zoning enabling act, accessory apartments, training for certain land use officials, municipal affordable housing plans and a commission on Connecticut’s development and future.”
- Revises Section 8-1 – 8-13 of the Connecticut General Statutes (Zoning)
- Defines an accessory apartment as:
 - “a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations”
- “Zoning regulations shall not...require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms...”

Zoning regulations shall...

- Designate zones where accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains an SFR
- Allow accessory apartments to be attached or within the existing SFR or detached from the SFR
- Set a max net floor area of not less than 30% of the net floor area of the SFR or 1,000sf, whichever is less
- Require setbacks, lot size and building frontage less than or equal to what is required for the SFR
 - And lot coverage greater than or equal to what is required for the SFR
- Provide for height, landscaping and architectural design standards that do not exceed the standards as applied to SFRs
- Be prohibited from requiring:
 - A passageway between the apartment and the SFR
 - An exterior door for the apartment, unless required by the Building or Fire Code
 - Any more than one parking space for the apartment (or fees in lieu of)
 - A familial, marital or employment relationship with the SFR owner
 - A minimum age requirement
 - Separately billed utilities
 - Periodic renewals for permits

How do these changes affect Norwalk?

WHERE WE COMPLY

- Designate zones where accessory apartments are allowed
- Allow accessory apartments to be attached to or within the SFR
- Require setbacks and building frontage less than or equal to that which is required for SFRs
- Require no more than one parking space for an accessory apartment
- Not require a familial, marital or employment relationship between accessory apartment occupant and SFR owner
- Not require separately billed utilities
- Allow accessory apartments as of right

WHERE WE NEED REVISIONS

- Allow detached accessory apartments
 - If allowed, height, setbacks and building coverage must be the same as what is required for the SFR
- Set a max floor area of 30% of the SFR or 1,000sf, whichever is less
 - We currently allow a max floor area of 700sf
- Require lot sizes less than or equal to that which is required for SFRs
 - In the B Residence Zone, we require lot sizes to be 1 ¼ times the minimum lot size in order to permit an accessory apartment
- Require periodic renewals of permits*
 - We require annual affidavits to be submitted

Where are accessory apartments allowed?

Note: Norwalk's accessory apartment regulations were adopted in 1982. There are currently 259 accessory apartments in Norwalk.



Areas in green allow accessory apartments, areas not in green allow for multifamily housing or are industrial zones

Next steps

- The Planning Commission and Zoning Commission must decide on whether detached accessory apartments should be permissible
 - If yes, Staff recommends opting out of the statutory language to reduce the allowable height of a detached accessory apartment
 - As written, the allowable height of a detached accessory apartment cannot be less than what is allowed for an SFR (35')
 - Consider allowing detached accessory apartments at heights consistent with other accessory structures (15')
 - If no, the City must initiate the opt out process
- Other reasons to opt out:
 - Should any problems occur as a result of the statutory language, the City would be limited on how to resolve issues through regulation changes
 - Keeps the regulatory power at the municipal level
 - Norwalk-specific language can be adopted in concurrence with the Zoning Regulations re-write
- Reasons to opt in:
 - The City does not foresee any issues arising as a result of the statutory language



Parking changes

How the State's parking language compares to ours

STATE LANGUAGE

- “Zoning regulations shall not...require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms...”

OUR CURRENT STANDARD

- For multi-family residences: 1.3 parking spaces per unit*
 - *For developments of 10 units or more, minimum required parking can be reduced to one parking space per unit if the developer pays a 1% construction cost fee into the city's affordable housing fund and provides 10% of the units at 80% SMI

Real World Parking Scenarios

Address	# of Units	Studios	One-bed	Two-bed	Three-bed	Public Act 21-29 Parking	Existing Zoning Parking	Parking Provided
467 West Ave (The Pinnacle)	393	6	213	149	25	567 spaces	510 spaces	- 393 for residential - 560 required - 576 provided
230 East Ave (Brim & Crown)	189	26	113	50	0	239 spaces	246 spaces	- 246 for residential - 267 required - 320 provided
10 Monroe St	150	46	72	30	2	182 spaces	195 spaces	- 150 for residential - 150 required - 157 provided
150-300 Glover Ave (Bldg. C) (The Curb)	294	56	176	62	0	326 spaces	383 spaces	- 383 required - 469 provided
12 Van Zant St	5	0	0	5	0	10 spaces	7 spaces	- 7 required - 10 provided
93 Winfield St	11	0	0	11	0	22 spaces	15 spaces	- 15 required - 22 provided
124 East Ave	10	0	2	8	0	18 spaces	13 spaces	- 17 required - 33 provided

Next steps

- The Planning Commission and Zoning Commission must decide on whether to adopt the state's new parking standards or continue with our existing regulations
- Makes the most sense to opt out and if any revisions are needed for multifamily dwelling parking, to handle that as part of the zoning regulation re-write
- When applied, the new parking standards show varying results
 - Many developers take advantage of the reduction in parking via providing a workforce housing fee
 - The state's language may incentivize more studio and one-bedroom units whereas our regulations may incentivize more two-bedroom and three-bedroom units
 - Is the market determining what is appropriate for the individual developments?

Procedural information

ACCESSORY APARTMENTS

- The language specific to accessory apartments is effective on January 1, 2022, however, **municipalities have until January 1, 2023, to opt out**
- How does a municipality opt out?
 - The Zoning Commission (or combined Planning & Zoning Commission) may initiate opting out with a 2/3 vote after the Commission has:
 - Held a public hearing regarding opting out; and
 - Affirmatively decides to opt out; and
 - States upon the record the reasons for opting out; and
 - Publishes notice of such decision in a newspaper within 15 days after the decision is made
 - The municipality's legislative body (Common Council), by a 2/3 vote may complete the opt out process
- On January 1, 2023, no municipality may opt out of any of the statutory language regarding accessory apartments

PARKING

- The language specific to parking is effective on October 1, 2021, however municipalities can opt out
- The process to opt out is the same as mentioned above under accessory apartments
- No deadline to opt out included in the statute