

Norwalk Planning & Zoning Commission

125 East Avenue
Norwalk, Connecticut



MEMORANDUM

August 19, 2022

TO: Planning & Zoning Commission - Louis Schulman, Chairman
FROM: Bryan Baker, Principal Planner
RE: #2022-30 R – Planning & Zoning Commission – Zoning regulations text amendment to Article 10 and Article 42 to revise Accessory Dwelling Unit (ADU) regulations

Commissioners,

The Planning & Zoning Commission voted to opt-out of the accessory dwelling unit (ADU) language that was included as part of Public Act No. 21-29 (PA 21-29) on 6/15/22. The Common Council has not yet held a vote on opting out of the language, and per request by the Economic & Community Development Committee (ECD), would like the Commission to establish updated regulations prior to the Council holding their vote.

Public comments at the Commission’s opt-out hearing and the ECD meeting have largely centered around a few concerns with the proposed language which the Commission should consider:

- Maximum allowed size:
 - o PA 21-29 allows ADUs to be a maximum size of 1,000sf or 30% of the single-family residence (SFR), whichever is less. The proposed regulation allows for a maximum size of 700sf, regardless of the existing or proposed SFR size.
 - o Increasing the overall allowed square footage to a maximum of 1,000sf will only impact the number of bedrooms within the ADU; a 700sf ADU will likely either be a studio or one-bedroom unit and increasing the size may allow for the possibility of having a two or three-bedroom unit.
 - o Proposed height standards and lot coverage requirements will remain in place.
- Owner occupancy requirement:
 - o PA 21-29 is silent on owner occupancy requirements, meaning that it is at the discretion of the municipality.
 - o Owner occupancy requirements may prevent absentee/corporate landlords but may also be considered an obstacle to increasing the number of ADUs and are difficult to enforce.
- Location and height:
 - o PA 21-29 allows for ADUs to have the same setbacks and height as the SFR. The proposed regulation allows for attached ADUs to have the same setbacks and height as the SFR but detached ADUs (DADUs) will have less restrictive side and rear yard setbacks, slightly more restrictive front yard setbacks and have a more restrictive maximum height.
 - o It is Staff’s opinion that the height and setbacks are consistent with urban planning best practices as evidenced below in materials from AARP and Desegregate CT:

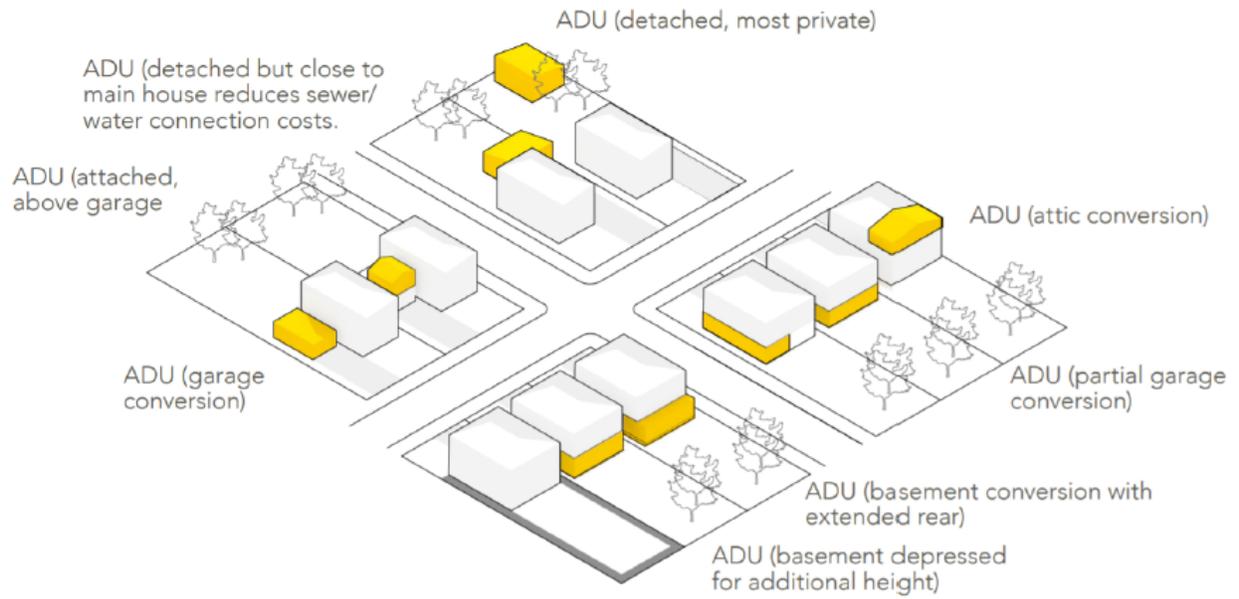


Image from AARP Connecticut presentation with CCM

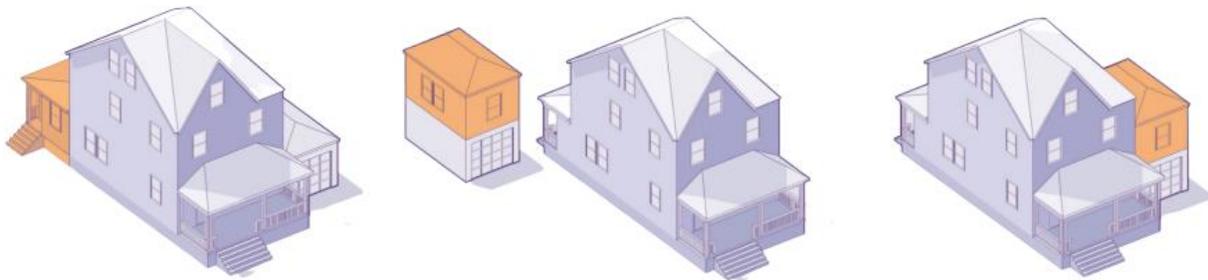


Image from DesegregateCT.org

Here is a summary of the existing ADU zoning regulations compared to the proposed ADU zoning regulations:

	Existing	Proposed
Zones	AAA, AA, A, B	All
Lot Size	Minimum as required in that specific zone*	N/A
Lot Width	Minimum as required in that specific zone	N/A
Location on Lot	Within existing SFR only	Within, attached to or detached from an existing or proposed SFR
Setbacks	Same as SFR	<u>For attached:</u> same as SFR <u>For detached:</u> 10' from side and rear property line, same as SFR for front setback provided that it shall not be located closer to the front property line than the existing or proposed SFR
Lot Coverage	Can only increase coverage by no more than 150sf	Up to the maximum coverage allowed in that specific zone
Maximum Size	700sf	700sf
Minimum Size	400sf	N/A
Maximum Height	Same as SFR	<u>For attached:</u> same as SFR <u>For detached:</u> 20'
Parking	One additional parking space	One additional parking space
Owner Occupancy	Required	Required

*B Zone requires 1.25 times the minimum lot size for an ADU to be permitted

Staff recommends that the Commission discuss the appropriate size and owner occupancy requirement considerations and then vote on the proposed ADU regulations.

A draft resolution is provided below:

Draft resolution to approve

**Whereas the Norwalk Planning & Zoning Commission (the Commission) held a public hearing on this application on August 24, 2022;*

**Whereas the proposed text amendment was referred to the Harbor Management Commission, Five Mile River Commission and the Western Connecticut Council of Governments (WestCOG) on July 20, 2022;*

**Whereas the proposed text amendment was referred to the Town of Darien, Town of New Canaan, Town of Westport and Town of Wilton, respectively, on July 21, 2022;*

**Whereas the Commission has received a finding of no regional impacts from WestCOG;*

**Whereas the Five Mile River Commission did not make a finding of inconsistency with their respective Plans;*

**Whereas the Harbor Management Commission did not make a finding of inconsistency with the Harbor Management Plan;*

**Whereas the Commission has received a finding of consistency with the Coastal Area Management Act from the Connecticut Department of Energy and Environmental Protection;*

**Whereas the Commission has found that the proposed text amendment is consistent with the Norwalk Plan of Conservation and Development;*

THEREFORE BE IT RESOLVED by the Norwalk Planning & Zoning Commission that application #2022-30 R – Planning & Zoning Commission – Zoning regulations text amendment to Article 10 and Article 42 to revise Accessory Dwelling Unit (ADU) regulations be **APPROVED**.

BE IT FURTHER RESOLVED that the approved language is the following:

§ 118-100. Definitions.

ACCESSORY DWELLING UNIT – a Dwelling Unit having habitable space not greater than 700 square feet which shares ownership and utility connections with the Principal Building; it may or may not be within an Accessory Building.

[Existing regulations deleted in their entirety and replaced with the following:] **§ 118-420. Accessory Dwelling Units. [Amended effective 1-27-1984; 9-26-1986; x-xx-2022]**

A. Purpose and intent.

- a. The intent of this regulation is to encourage the creation of accessory dwelling units in existing single-family zones for the purpose of providing rental housing for the elderly,

single persons and small families. Accessory dwelling units are further intended to enable the viability of Norwalk's single-family zones.

B. General.

- a. Accessory dwelling units shall be permitted on properties in all zones where the principal use of the property is a single-family dwelling and may be attached to or detached from a single-family dwelling provided that:
 - i. The accessory dwelling unit is located on the same lot as a single-family dwelling.
 - ii. A property shall be limited to one (1) accessory dwelling unit.
 - iii. The owner of the property must reside on the premises.
 - iv. The minimum rental duration shall be no less than six (6) continuous months.
 - v. Properties utilizing public sewer and/or water shall be subject to approval by Norwalk WPCA and the local water authority. Properties utilizing private water and/or septic systems shall be subject to approval by the Norwalk Health Department.

C. Location and yards.

- a. The location of a **detached** accessory dwelling unit shall be as follows:
 - i. Front setback: The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1, provided that the accessory dwelling unit is not located closer to the front property line than the single-family dwelling;
 - ii. Side and rear setback: 10' minimum, except that detached accessory structures in existence prior to the effective date of these regulations that are within the side and/or rear setback are permitted to be used as an accessory dwelling unit provided that all other standards under Article 42, Accessory Dwelling Units, are met.
- b. The location of an **attached** accessory dwelling unit shall be as follows:
 - i. The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1.

D. Height limits.

- a. The maximum height of a **detached** accessory dwelling unit shall be as follows:
 - i. 15 feet when located 20 feet or less from a side or rear property line;
 - ii. 20 feet when located more than 20 feet from a side and rear property line.
- b. The maximum height of an **attached** accessory dwelling unit shall be as follows:
 - i. The same as permitted by Section 118-230. Schedule limiting height and bulk of buildings and size of lot. Residential. City of Norwalk. Part 1.

E. Maximum size.

- a. Attached and detached accessory dwelling units shall not exceed 700 square feet in floor area.

F. Design standards.

- a. An accessory dwelling unit, whether attached or detached, shall be designed to maintain the architectural design, style and appearance of the existing single-family dwelling located on the property.
- b. All accessory dwelling units must be located on and affixed to a permanent foundation.

G. Prohibited structures.

- a. Mobile homes, recreational vehicles, travel trailers, shipping containers, storage containers and any other wheeled or transportable structures shall not be used as an accessory dwelling unit.
- H. Parking.
 - a. Three (3) off-street parking spaces shall be provided: two (2) spaces per principal dwelling and one (1) space per accessory dwelling unit. Such parking shall comply with all applicable sections of Article 120, Off-Street Parking and Loading Regulations.
- I. Procedure for approval.
 - a. Applications for accessory dwelling units shall be subject to approval by the Zoning Enforcement Officer.
 - b. A certificate in the form of an affidavit which verifies that the owner continues to reside on the premises, the minimum rental duration and all other conditions met at the time of the original application remain unchanged shall be submitted to the Zoning Enforcement Officer by January 31 of each year.

BE IT FURTHER RESOLVED that the reasons for this action are:

1. To achieve Plan of Conservation and Development Goal 1 listed in Chapter 4: Housing Choice & Healthy Lifestyles: *“Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms,”* by:
 - a. Enacting a policy to *“Support housing policies that provide housing for Norwalk’s households across a range of preferences and household incomes,”* and the policy to *“Maintain the predominately single-family character of established single-family neighborhoods;”* and
 - b. Enacting a policy to *“Promote diverse housing types, such as townhouses, condos, live-work units and rental apartments in Norwalk’s urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts where appropriate and through redevelopment,”* by:
 - i. The action to *“Encourage redevelopment in mixed-use clusters, including housing, of suburban-style commercial land uses along major corridors such as Route 1...The City should take a proactive approach to the redevelopment that will happen over the next ten years with new zoning and design standards, and support for alternative transportation and mixed-income housing;”* and
 - ii. The action to *“Identify potential markets for downsizing by empty-nesters and aging seniors who want to stay in Norwalk and encourage housing for that market;”* and
 - iii. The action to *“As part of the zoning re-write, explore innovative housing types such as cottage communities and create zoning and design standards,”* and
2. To achieve the Plan of Conservation and Development strategy to *“Seek solutions to provide sufficient safe and affordable housing for low-income and very low-income residents;”* and
3. To achieve Plan of Conservation and Development Goal 2 listed in Chapter 4: Housing Choice & Healthy Lifestyles: *“Incorporate healthy lifestyles in city design and improvements,”* by:
 - a. Enacting a policy to *“Prepare an Aging in Norwalk report to identify future needs to provide a supportive city environment for seniors to help them age in place,”* and

4. To achieve Plan of Conservation and Development Goal 3 listed in Chapter 12: Future Land Use, Urban Design & Zoning: *“The user-friendly zoning ordinance is consistent with the future land use map and achievement of the vision and goals of the POCD,”* by:
 - a. Enacting a policy to *“Modernize the Zoning Ordinance and the development approval process to achieve the goals of the POCD,”* by:
 - i. The action to *“Rewrite the Zoning Ordinance to reflect contemporary best practices in administration and user-friendliness and to be consistent with the POCD...including [an] analysis of how well the regulations implement established City Policy, and how well the regulations integrate with other ordinances and initiatives to meet public expectations [and a] summary of ‘best practices’ for key issues;”* and

BE IT FURTHER RESOLVED that the effective date of this action is September 2, 2022.