

TOWN OF GREENWICH, CT – Planning & Zoning Commission

WHEREAS, Connecticut Public Act 21-29 (PA 21-29) modifies Section 8-2 of the Connecticut General Statutes to limit the number of parking spaces which may be required by zoning regulations for multi-family developments.

WHEREAS, PA 21-29 further modifies Section 8-2 of the Connecticut General Statutes to establish specific provisions regarding zoning regulations for accessory apartments.

WHEREAS, unless a municipality affirmatively votes to opt out therefrom, local zoning regulations would be required to adhere to the PA 21-29 provisions regarding multifamily parking spaces and accessory apartments.

WHEREAS, no municipality may opt out of the accessory apartment provisions of section 8-2 of the CT General Statutes, as amended by PA 21-29, on or after January 1, 2023,

WHEREAS, The Planning and Zoning Commission of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the PA 21-29 provisions regarding limitations on parking spaces and accessory apartments,

WHEREAS, the Greenwich Planning & Zoning Commission desires to retain local zoning control over the regulation of minimum parking requirements and accessory apartments by opting out of the provisions of PA 21-29 regarding parking spaces and accessory apartments,

NOW, THEREFORE, BE IT RESOLVED, the Greenwich Planning & Zoning Commission hereby opts out from the minimum parking requirement and accessory apartment provisions of Section 8-2, of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

BACKGROUND

The Town of Greenwich (Town) Zoning Regulations are not materially different from the standards contained in CT Public Act 21-29 for minimum dwelling unit parking and accessory apartments.

To retain the local zoning control of its parking and accessory unit regulations, as local circumstances may dictate in future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

Minimum Parking Requirements

As detailed below, the Town of Greenwich requires a slightly greater number of onsite parking spaces per dwelling unit in residential developments than would be permissible under PA 21-29.

Greenwich's higher onsite parking standards reflect a low availability of on street parking in much of the Town. Narrow streets in the higher density zones are a major contributing factor.

Parking vehicles on site lessens traffic congestion and increases safety under these circumstances.

PA 21-29 states that zoning regulations may 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.

Section 6-155 of Greenwich Zoning regulations provides the following parking standards:

Residential Developments:

- (a) Dwelling with one or two bedrooms*: one garage space for each dwelling and one outdoor space for each dwelling.
- (b) Dwelling with three or more bedrooms*: one garage space for each dwelling and 1.6 outdoor spaces for each dwelling.
- (c) Studio apartments*: one garage space for each dwelling and 0.6 outdoor spaces for each dwelling.

Mixed Used Residential-Commercial Developments:

One space per dwelling unit unless a greater or lesser number is deemed appropriate by the Planning & Zoning Commission.

Section 6-110 (e)(3) of the Greenwich Zoning Regulations provides the following parking standards:

Residential only Developments with Below Market Rate Units (mixed use follows Section 6-155 above):

- a) Dwelling with studio or one Bedroom: 1 parking space per bedroom;
- b) Dwelling with Two Bedrooms: 1.25 parking space per bedroom;
- c) Dwellings with three or more Bedrooms: 1.5 parking spaces per bedroom

Accessory Apartments

The Greenwich Zoning Regulations and PA 21-29 differ in only one area. The statute requires that no accessory apartment shall be required to be an affordable apartment. Greenwich allows accessory apartments 'as of right' as long as they are occupied by tenants who are senior or disabled or earn 80% or below of local state area median income.

As such, Greenwich's regulation is more comprehensive in that it addresses specific socio-economic needs in the community.

PA 21-29 states that

(a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall

- (1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;
- (2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

(c) A municipality shall not

(1) condition the approval of an accessory

apartment on the correction of a nonconforming use, structure or lot, or

(2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not

(1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or

(2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

Section 6-99 of the Greenwich Zoning Regulations contain the following in regard to accessory apartments:

Standards:

- 1) Conversion to an accessory dwelling unit is eligible in a structure constructed within lawful setbacks in the RA-4, RA-2, RA-1, R-20, R-12, or R-7 zone.
- 2) The floor area of the converted unit within a single-family dwelling shall not exceed 1,200 square feet or 35% of the gross floor area of the original Dwelling, whichever is less.
- 3) The floor area of the converted unit within an accessory building shall not exceed 700 square feet (however, upon good demonstrated cause, the Planning and Zoning Commission, or its designee may approve a floor area of the converted accessory building of up to 800 square feet).
- 4) The owner of record must reside in either the accessory dwelling unit or the primary dwelling. An affidavit acknowledging the residency is required from the property owner.
- 5) The primary dwelling unit and the accessory dwelling unit shall comply with Connecticut State building, health, and fire prevention codes.
- 6) No additional driveway (curb cut) shall be created for the primary purpose of serving the accessory dwelling unit.
- 7) There must be at least one off-street parking space on an appropriate solid surface, dedicated to the accessory dwelling unit.
- 8) Attached ground floor garage space in a Dwelling may be converted to living space to accommodate an accessory apartment only if there is the required, non-tandem, off-street parking provided on the property.
- 9) If the property is not on Town sewers, the property owner or his designee must obtain the Health Department endorsement that the septic system is adequate to accommodate the accessory unit. If the property is on Town sewers, they must obtain DPW Sewer Division endorsement that the sewer connection is adequate to accommodate the accessory unit. These endorsements must be submitted to the Planning and Zoning Office.

Procedures:

- 1) Accessory apartments are allowed 'as of right' in the applicable residential zones. Planning & Zoning Commission approval is not necessary.
- 2) Accessory apartments are allowed only when they or the principal dwelling unit are occupied by tenants
 - a. whose earnings are equal to or less than 80% of the area median adjusted for family size as determined by the United States Department of Housing and Urban Development for the Stamford Statistical Metropolitan Area (SMSA) or
 - b. who are medically certified as disabled or
 - c. who are over 62 years of age.
- 3) When the accessory units are to be utilized as 'affordable' they are to be deed restricted for a minimum of 10 years for rents qualifying under the 80% local area median income limits.

Municipal Opt Out Process

Section 5 and Section 6, Subsection (f) of PA 21-29 both state that the Zoning Commission or combined Planning and Zoning Commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions regarding limitations on parking spaces and accessory apartments respectively of PA 21-29, provided such commission:

- (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out,
- (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes,
- (3) states upon its records the reasons for such decision, and
- (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions regarding parking minimums and accessory dwelling units of section 8-2 of the general statutes, as amended by PA 21-29,

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