



Approach to New Legislation on Accessory Dwelling Units and Parking Standards

Town Plan and Zoning Commission Discussion

March 15, 2022



Introduction

- BZR Working Group discussing Accessory Dwelling Units (ADU) and Parking Standards, as pertains to Public Act 21-29
- Public Act 21-29 requires two-step process to opt out of new state standards
 - 2/3 vote of the TPZ
 - 2/3 vote of Council
- ADU legislation becomes local law unless opt out by 1/1/23
- No time limit on opting out of parking provisions; however, the state law is currently in effect
- Seek to gauge TPZ's opinion on best approach to these two issues



What Are Accessory Dwelling Units?

- Dwelling units that are smaller, independent dwellings located on the same lot as a principal dwelling
- Offer an opportunity to diversify and increase housing supply without adding new public infrastructure or necessarily new construction
- Can reduce housing costs for tenants as well as provide income to owners, possibly enabling owners to stay in their homes longer
- Recent University of California Irvine study showed adding an ADU raised property value an average 40-60%
- Glastonbury has both permitted and unpermitted accessory apartments (145 identified in Assessor's data) – enabling a less arduous path to approval can help regulate and/or increase compliance



What Are Accessory Dwelling Units?



Source: CTMLS, Inc.



Oct 1, 2021 at 3:36:18 PM
71 Lakewood Cir
South Glastonbury CT 06073
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Glastonbury Planning Documents

- Public input during Affordable Housing Committee Workshop on 1/31 to remove barriers to accessory units
- Strategy 4.1.1 in DRAFT Affordable Housing Plan (2022-27) recommends enabling accessory apartments by right, consistent with new law
- 2018-28 Plan of Conservation and Development Housing Policies (h): “Continue to support opportunities for the establishment of accessory apartments in order to allow for a variety of housing opportunities.”
- Age-Friendly Community Action Plan (2021) Recommendation 4: “Encourage the creation of shared housing options for older residents who want to age in place, while living with their families;” Action Item 1: “Support the evaluation/ modification of any restrictive zoning to allow increased in-law housing options.”
- Affordable Housing Plan Community Survey (2021): 63% of respondents agreed that accessory dwelling units could be a good way to meet housing needs of a variety of people within existing houses.



State Law

Public Act No. 21-29

Section 1. Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

...

(b) As used in this chapter and section 6 of this act:

(1) "Accessory apartment" means 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;

...

(3) "As of right" means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;



State Law

Sec. 6. (NEW) (Effective January 1, 2022) (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;



State Law

- (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



State Law

(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.



State Law

(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.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.



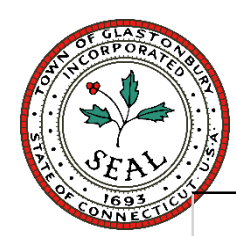
State Law

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, 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 of said subsections regarding allowance of accessory apartments, 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 provisions of said subsections 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 of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.



Existing Regulations and Units

- “Parental Dwellings” were established as a special permit use in 1983
- Those regulations were significantly amended in 1991 to become “accessory apartments” with further revisions in 2008 and 2019
 - Special permits have been required consistently
 - 2019 revisions distinguished between and added new standards for basement and semi-detached accessory units
- Of 145 existing single-family units identified as having an in-law apartment in Assessor’s data, 65 with permitting records
 - 9 were issued between 1984 and 1991, prior to significant regulation revision
 - Average 2.6 permits per year



Comparison of Existing Regs to PA 21-29

Existing Glastonbury Regulation	Requirements of PA 21-29
Accessory apartments enabled on any single-family lot in any zone	Accessory apartments enabled on any single-family lot in any zone
Allowed by Special Permit	As of Right Use
Allows construction, addition, or renovation of one subordinate accessory apartment as an integrated part of any existing single family dwelling. May be in basement, internal or semi-detached.	Enables attached, internal or detached accessory units.
Max. floor area of accessory unit: 800 sq ft	Max. floor area of accessory unit: Not to exceed 30% of the livable floor area of principal dwelling or 1,000 sq ft, whichever is less
Lot, Setbacks, Height, Architecture: Must meet zone standards	Lot, Setbacks, Height, Architecture: Cannot be more stringent than zone standards
Max. occupancy of accessory unit: 3; not more than 2 of whom may be adults	Max occupancy of accessory unit: None
Connection Between Units: Not required	Connection Between Units: Prohibited from requiring
Utilities: May be common or separate metering	Utilities: May be common or separate metering
Parking: one additional parking space required	Parking: one additional parking space required
Residency: Property owner must live in either principal or accessory unit	Residency: No provisions - presume owner occupancy can still be required
Affidavit: Require affidavit every two years and at time of sale that owner resides on property	Affidavit: Prohibited from requiring affidavits or periodic renewal of permits
Public Health: Health Dept. approval required for onsite sewage and well water supply, if used	Public Health: Health Dept. approval required for onsite sewage and well water supply, if used
Basement accessory units: finished space must conform to Building and Fire Codes with regard to egress; one internal access to principal unit <i>may</i> be provided.	Basement accessory units: No specific provisions. The finished space of all accessory units must conform to Building and Fire codes. Internal access between units cannot be required.
	Other: Prohibited from requiring: exterior door to accessory unit unless required by Building Code; certain type of relationship between occupants; or minimum age of occupants

Gray indicates local existing provisions generally consistent with state law, tan indicates provisions that differ



Potential Actions

- Option 1: Opt Out
 - 1a: Opt out and maintain existing accessory apartment regulation
 - 1b: Opt out and revise existing accessory apartment regulation in the spirit of Glastonbury plans/ policies and PA 21-29 to reduce regulatory hurdles
- Option 2 – Revise Regulations to Comply with PA 21-29

BZR Working Group recommending Option 1b



Accessory Apartment Reg Revisions

- Draft revisions to current Section 6.11
 - Attempt to compromise on detached units by enabling accessory apartments *in existing accessory structures only* with specific design standards
 - Revise maximum occupancy to one family
 - Revise maximum size to 1,000 sq ft
 - Prohibit use of accessory apartment for short-term rentals
 - Remove requirement for biennial affidavit of ownership

- Maintains Special Permit requirement



Accessory Dwelling Units (ADUs)

6.11 ~~Special Permit For An Accessory Apartment Within A Single Family Dwelling~~

6.11.1 Statement of Purpose

The Town of Glastonbury recognizes the public need for the provision of a variety of housing types including efficient and affordable housing for singles, couples, single parents with one child, elderly and new households. Throughout the Town, opportunities exist within underutilized and or large single family dwellings to create small accessory apartments to meet these needs. To accomplish this purpose and to protect the health, safety and welfare of existing neighborhoods, the following regulation is enacted.

6.11.2 The Town Plan and Zoning Commission may grant a Special Permit to allow one accessory apartment located on the same lot as one principal single family dwelling unit and used in a manner subordinate to the use of the principal dwelling unit~~the construction of, addition to, renovation of, and use and occupancy of a single family dwelling in any zone, in order to create one subordinate accessory apartment unit as an integrated part of said single family dwelling,~~ in accordance with the following performance standards.

6.11.3 Performance Standards

- a. Each accessory apartment unit shall have a maximum floor area of \$1,000 sq. ft. and shall contain at a minimum, a cooking area to include a kitchen sink, one full bathroom and not more than one bedroom. Enlargements of existing apartments, to a maximum of \$1,000 sq. ft., that only involve interior modifications, shall be subject to Section 12.10 of the Building Zone Regulations. Those enlargements involving exterior modifications/enlargements shall be subject to Section 12.9 of the Building Zone Regulations. **AMENDED EFFECTIVE AUGUST 1, 2008**
- b. Each accessory unit shall be limited to a maximum occupancy of ~~three persons, not more than two of whom may be adults~~one family.
- c. The resultant two dwelling units may have common utilities and may have separate metering devices.
- d. A minimum of one additional off-street parking space shall be provided for use by the occupant(s) of said accessory apartment.
- e. The property owner shall reside on the premises in either the primary single-family dwelling or in the accessory apartment unit.

- Change name to Accessory Apartment
 - enabling detached structure conversions
- Revise language on subordinate unit to remove integrated part of single-family, if enabling detached structure conversions
- Increase maximum permitted size to 1,000 sq ft, from current 800 sq ft
- Change maximum occupancy of accessory unit to one family



Accessory Dwelling Units (ADUs)

f. An approval notice from the Health Department on the adequacy of onsite sewage disposal and well water supply, if utilized, shall be required.

g. Accessory Apartment Forms

1. Basement Accessory Apartments - Basements may be converted to an accessory apartment subject to the following conditions:

- i.) The finished space shall conform to all applicable Town ordinances, as well, as the Building and Fire codes with regard to egress and the use of basements as habitable space;
- ii.) One internal access, while not required, may be provided between the accessory apartment and the primary dwelling.

2. Semi-Detached Accessory Apartments - For the purposes of this section, "a semi-detached accessory apartment" shall mean a unit that is outside of the existing footprint of the primary residence, which unit shares a common wall with the primary residence in accordance with these regulations. Semi-detached accessory apartments are permitted subject to the following conditions.

- i.) The semi-detached accessory apartment unit shall be externally and internally constructed and maintained in such a manner as to retain the appearance and character of the structure as a single-family dwelling and shall be structurally and architecturally compatible to the existing single-family dwelling in terms of style and design;
- ii.) The scale of the semi-detached accessory apartment shall be secondary to that of the primary residence;
- iii.) Building materials, including siding, exterior walls and roofs, shall be compatible with the primary dwelling in terms of style, design, texture and pattern;

- No changes to standards for basement or semi-detached forms



Accessory Dwelling Units (ADUs)

- iv.) The placement and design of windows, doors, and any decorative architectural elements shall follow a compatible style as the primary structure
- v.) One internal access, while not required, may be provided between the accessory apartment and the primary dwelling.

vi.) The finished space shall conform to all applicable Town ordinances as well as the Building and Fire codes with regard to egress.

3. Converted Existing Accessory Structure Apartments – Existing accessory structures, such as garages, on lots that comply with all requirements for the zone in which it is located may be converted or enlarged to accommodate an accessory apartment as follows:

i.) The accessory structure must have been permitted and constructed prior to the effective date of this Section 6.11.3 (3) [or insert date].

ii.) The accessory structure must meet all applicable setbacks.

ii.) The accessory apartment unit shall be externally and internally constructed and maintained in such a manner as to retain the appearance and character of the existing accessory structure as accessory to the principal dwelling.

ii.) The accessory apartment may use an existing street-facing front façade entrance when the entrance is located a minimum of 20 feet behind the wall plane of the front façade of the principal dwelling, or install a new entrance to the existing detached structure for the accessory dwelling unit facing the side, rear, or interior of the lot.

iii.) Stairways to a second floor accessory apartment shall not be visible from a public street.

- Add a new form – conversion of existing accessory detached structures with specific standards
 - Only existing, conforming structures
 - Must appear as accessory
 - Front entrance, only is set behind principal structure, otherwise side or rear entrance
 - No stairways to second floor visible from street



Accessory Dwelling Units (ADUs)

h. Accessory apartments shall not be used for short-term rentals.

6.11.4 The Town Plan and Zoning Commission shall consider and apply the criteria set forth in Section 12 of these Regulations in the consideration and granting of a Special Permit. Additionally, the applicant shall provide notice to all abutters within 100 feet of the premises by regular mail with certificates of mailing no less than 10 days prior to the public hearing.

~~6.11.5 The owner and occupant of said primary single family dwelling shall, initially and every two years thereafter and when the dwelling is sold, execute and file an affidavit with the Zoning Enforcement Officer stating that the owner continues to occupy the main dwelling or accessory apartment. AMENDED EFFECTIVE JULY 13, 2019~~

- New standard for all types of units – not to be used as short-term rentals
- Remove affidavit provision – owner occupancy still a standard (6.11.3(e) above)



Anecdotal Information from Other Towns

- Glastonbury – 13,500 Total Housing Units
 - Since 1983, average <3 accessory apartments per year
- Ridgefield – 9,700 Total Housing Units
 - Since 2000, average 8-10 accessory apps per year with 3-4 of those in detached structures
 - Initially, accessory apartment regs required special permit; have converted to require a zoning permit
 - No marked change in applications as a result of switching permit type
- Stonington – 9,500 Total Housing Units
 - Enabled ADUs as-of-right in 2018, and have received about 24 applications since
 - Enabled detached ADUs by special permit in 2018 – no applications



Thoughts on Opting Out of ADU Law?





Parking Standards – State Law

■ Public Act 21-29

Sec. 4. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

...
(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

...
(9) 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, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

...
Sec. 5. (NEW) (*Effective October 1, 2021*) 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 provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units, 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 provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.



Glastonbury Planning Documents

- 2018-28 Plan of Conservation and Development (POCD) Transportation Policies (k): “Work proactively with owners of parcels containing multiple business/ commercial uses to ensure there is adequate parking for all existing and proposed uses.”
- POCD Transportation Policies (l): “Reduce reliance on the automobile in the Town Center Area by adding to, and expanding upon public transportation options, whenever possible.”
- POCD Transportation Policies (m): “Evaluate existing parking regulations and develop standards that address newer uses where appropriate.”



Existing Residential Parking Standards

Existing Glastonbury Regulations	Requirements of PA 21-29
9.11 (b) Dwellings: one parking space for each dwelling unit	1 space/ studio or one-bedroom unit, 2 spaces/ two-or-more-bedroom units
4.13.6 (i) Town Center - Residential:	
Single-family Dwelling: 2 spaces/ unit	
Two-Family Dwelling: 2 spaces/ unit	
Multiple Dwelling: 1 space/studio unit, 1.5 spaces/one-bedroom unit; 2 spaces/ two-or-more-bedroom units	
4.17.2 c(ii) Adaptive Redevelopment Zone	
1.5 spaces/ residential unit	

- Affects multifamily in Town Center and ARZ
- Assume most single-family and two-family dwellings have two or more bedrooms
- Cannot enforce 1.5 spaces per one-bedroom in Town Center multifamily or 1.5 spaces per unit in ARZ unless opt out



Thoughts on Opting Out of Parking Law?

