



## Legislation Text

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**File #:** 22-193, **Version:** 2

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### AGENDA REQUEST GENERAL DISCUSSION ITEM

**Subject:**

MOTION to adopt a proposed “*Resolution of the Ledyard Town Council to Opt-Out of Public Act 21-29 Regarding Multi-Family Parking Spaces And Accessory Apartments*” as contained in the draft dated October 17, 2022.

**Background:**

Connecticut Public Act 21-29 (PA 21-29) modified 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.

PA 21-29 also modified Section 8-2 of the Connecticut General Statutes to establish specific provisions regarding zoning regulations for accessory apartments. Unless a municipality votes to opt out of PA 21-29 the local zoning regulations would be required to adhere to the PA 21-29 provisions regarding multi-family parking spaces and accessory apartments.

Municipality may opt out of the parking spaces and accessory apartment provisions of section 8.2 of the CT General Statutes, as amended by January 1, 2023.

On October 13, 2022 the Ledyard Planning and Zoning Commission unanimously voted to opt-out from the parking spaces and accessory apartment provisions of Section 8-2 of the CT General Statutes, as amended by the applicable provisions of PA 21-29 and forwarded their action to the Town Council

Municipalities (Town Council) may opt out of the parking spaces and accessory apartment provisions of section 8.2 of the CT General Statutes, as amended by January 1, 2023.

**Additional Background:**

The LUPPW Committee has been keeping an eye on the Planning & Zoning Commission’s work regarding Public Act #21-29

The Planning & Zoning Commission May 12, 2022 Public Hearing regarding a proposed Zoning Regulation revision pertaining to Accessory Dwelling Units was continued to June 14, 2022 and continued again to June 28, 2022.

Should the Planning & Zoning Commission decided to adopt the proposed Accessory Dwelling Units Regulation, they would then decide to Opt-Out of Public Act #21-29.

The Planning & Zoning Commission’s proposed Accessory Dwelling Units Regulation currently complied with

the State's Accessory Dwelling Units Regulation provided in Public Act #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*".

The Planning & Zoning Commission has recognized by having their own Accessory Dwelling Units Regulation that it would provide Ledyard with flexibility in the future to add other restrictions such as minimum lot requirements, etc.

If Ledyard does not Opt-Out of Public Act #21-29 they would be locked into the State's Accessory Dwelling Unit Regulations.

**Meeting Action Detail:**

**Town Council Meeting 11/09/2022**

File #: [22193 <https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142>](https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142) Version: 2

Type: General Discussion

Title: MOTION to adopt a proposed "*Resolution of the Ledyard Town Council to Opt-Out of Public Act 21-29 Regarding Multi-Family Parking Spaces And Accessory Apartments*" as contained in the draft dated October 17, 2022.

Moved: Paul Seconder: Rodriguez

Action: Approve

Minute Note:

DRAFT: 10/17/2022

Res: 004-2022/Nov\_\_\_\_

RESOLUITON  
OF THE LEDYARD TOWN COUNCIL  
TO OPT-OUT OF PUBLIC ACT 21-29  
REGARDING PARKING SPACES AND ACCESSORY APARTMENTS

**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 single, duplex and 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 single, duplex and multi-family parking spaces and

accessory apartments.

**WHEREAS**, no municipality may opt out of the parking spaces and 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 parking spaces and accessory apartments,

**WHEREAS**, although the Ledyard Planning and Zoning Commission has adopted Regulations to comply section 8.2 of the CT General Statutes, as amended by PA 21-29, it desires to retain local zoning control over the regulation of multi-family parking spaces and accessory apartments in the future by opting out of the provisions of PA 21-29 regarding parking and accessory apartments,

**WHEREAS**, on October 13, 2022 the Ledyard Planning and Zoning Commission unanimously voted to opt-out from the parking spaces and accessory apartment provisions of Section 8-2 of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

NOW, THEREFORE, BE IT RESOLVED, the Ledyard Town Council hereby votes opts out from the parking spaces and accessory apartment provisions of Section 8-2 of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

Adopted by the Ledyard Town Council on: \_\_\_\_\_

\_\_\_\_\_  
Kevin J. Dombrowski, Chairman

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**BACKGROUND** The Town of Ledyard’s (Town) Zoning Regulations pertaining to Accessory Apartments were amended (effective August 4, 2022) to comply with the requirements contained in PA 21-29 for accessory apartments. Revisions of the Zoning Regulations also modified parking requirements for multi-family developments to be consistent with PA 21-29. To retain the local zoning control of parking requirements for multi-family developments and accessory apartment regulations, as local circumstances may dictate in the future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

Discussion: Councilor Paul stated the Planning & Zoning Commission approved the Zoning Regulations Update, which included Ledyard’s Regulations for Accessory Dwelling Units (ADU) and Parking for Multi-Family Developments. He stated the new Zoning Regulations became effective on September 28, 2022. He explained by Ledyard having their own Accessory Dwelling Units (ADU) Regulations that the town would be able to Opt-Out of the State’s ADU Regulations; and it would provide the town with more flexibility in regulating the Accessory Dwelling Units in our community. He stated for Ledyard to finalize opting-out of Public Act 1-29 that Town Council action was required.

Mr. Tony Capon, 37 Silas Dean Highway, Ledyard, Planning & Zoning Commission Chairman provided some background, noting that Councilor Paul accurately summarized the process in accordance with Public Act 21-29. He stated the Planning & Zoning Commission’s plan was always to adopt Zoning Regulations for Accessory Dwellings and then they would consider opting out of Public Act 21-29. He stated the Planning & Zoning Commission strongly supported Accessory Dwelling Units; noting that they were part of a broader housing policy, explaining that Ledyard needed more housing alternatives. He explained the Accessory Dwelling Unit Regulations the Planning & Zoning Commission adopted were in all respect consistent with the requirements of Public Act 21-29. He stated by having their own Accessory Dwelling Unit Regulations that it would provide Ledyard flexibility to make adjustments should there be some unintended consequences down the line. He noted as their Land Use Attorney stated, the Accessory Dwelling Unit

was a significant piece of Legislation, noting that these things often end up in court. He stated they may find out in years to come that the Courts may say what Public Act 21-29 means was not what it really means. Therefore, he stated by Ledyard adopting their own Accessory Dwelling Unit Regulations that it would provide them flexibility to address issues as they come up. He noted the town needed to Opt-Out of Public Act 21-29 by January 1, 2023.

VOTE: 7 - 0 Approved and so declared

Action: Approved

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### LUPPW Cmt Meeting 11/07/2022

File #: [22193](#)

<https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142>

Version: 2

Type: General Discussion

Title: MOTION to adopt a proposed “*Resolution of the Ledyard Town Council to Opt-Out of Public Act 21-29 Regarding Multi-Family Parking Spaces And Accessory Apartments*” as contained in the draft dated October 17, 2022.

Moved: Rodriguez    Second: Paul

Action:        Recommend to Approve

Minute Note:

DRAFT: 10/17/2022

Res : 004-2022/Nov \_\_\_\_

RESOLUITON  
OF THE LEDYARD TOWN COUNCIL  
TO OPT-OUT OF PUBLIC ACT 21-29  
REGARDING PARKING SPACES AND ACCESSORY APARTMENTS

**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 single, duplex and 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 single, duplex and multi-family parking spaces and accessory apartments.

**WHEREAS**, no municipality may opt out of the parking spaces and 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 parking spaces and accessory apartments,

**WHEREAS**, although the Ledyard Planning and Zoning Commission has adopted Regulations to comply section 8.2 of the CT General Statutes, as amended by PA 21-29, it desires to retain local zoning control over the regulation of multi-family parking spaces and accessory apartments in the future by opting out of the provisions of PA 21-29 regarding parking and accessory apartments,

**WHEREAS**, on October 13, 2022 the Ledyard Planning and Zoning Commission unanimously voted to opt-out from the parking spaces and accessory apartment provisions of Section 8-2 of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

NOW, THEREFORE, BE IT RESOLVED, the Ledyard Town Council hereby votes opts out from the parking spaces and accessory apartment provisions of Section 8-2 of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

Adopted by the Ledyard Town Council on: \_\_\_\_\_

\_\_\_\_\_  
Kevin J. Dombrowski, Chairman

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**BACKGROUND** The Town of Ledyard’s (Town) Zoning Regulations pertaining to Accessory Apartments were amended (effective August 4, 2022) to comply with the requirements contained in PA 21-29 for accessory apartments. Revisions of the Zoning Regulations also modified parking requirements for multi-family developments to be consistent with PA 21-29. To retain the local zoning control of parking requirements for multi-family developments and accessory apartment regulations, as local circumstances may dictate in the future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

Moved by Councilor Rodriguez, seconded by Councilor Paul

Discussion: Chairman Dombrowski stated the Planning & Zoning Commission approved the Zoning Regulations Update, which included Ledyard’s Regulations for Accessory Dwelling Units (ADU) and Parking for Multi-Family Developments. He stated the new Zoning Regulations became effective on September 28, 2022. He explained by Ledyard having their own Accessory Dwelling Units (ADU) Regulations that the town would be able to Opt-Out of the State’s ADU Regulations; and it would provide the town with more flexibility in regulating the Accessory Dwelling Units in our community. He stated Town Council action was required to final the process for Ledyard to Opt-Out of Public Act 21-29.

Mr. Tony Capon, 37 Silas Dean Highway, Ledyard, Planning & Zoning Commission Chairman provided some background, noting that Chairman Dombrowski accurately summarized the process in accordance with Public Act 21-29. He stated the Planning & Zoning Commission’s plan was always to adopt Zoning Regulations for Accessory Dwellings and then they would consider opting out of Public Act 21-29. He stated the Planning & Zoning Commission strongly supported Accessory Dwelling Units; noting that they were part of a broader housing policy, explaining that Ledyard needed more housing alternatives. He stated Ledyard’s Zoning

Regulations for Accessory Dwelling Units were in conformance with Public Act 21 -29.

Mr. Capon went on to explain that the Planning & Zoning Commission wanted to opt-out of Public Act 21-29 for the following reasons: (1) There may be unintended consequences as a result of Public Act 21-29 that they were not aware of at this time; and (2) the Planning & Zoning Commission would like to have the flexibility to make adjustments to the Accessory Dwelling Units Regulations should they find the need to do so.

Chairman Dombrowski stated many other towns were also opting-out of Public Act 21-29.

Councilor Paul stated he read the Accessory Dwelling Units Zoning Regulations noting that they were well done. He thanked the Planning & Zoning Commission for their work in drafting the Regulations and their guidance relative to opting-out of Public Act 21, 29.

VOTE: 2 - 0 Approved and so declared.

Action:           Recommend to Approve

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### **LUPPW Cmt Meeting 10/03/2022**

File #: [22193](#)

<https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142>

Version: 1

Type: General Discussion

Title: Continued discussion regarding Public Act #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".

Action:           Continued

#### **Minute Note:**

Administrative Assistant Roxanne Maher stated in speaking with Land Use Director Juliet Hodge that she indicated that the Planning & Zoning Commission would be taking action to recommend the Town Council opt-out of Public Act 21-29 *Accessory Apartments and Parking Provision of CT Public Act 21-29 (PA 21-29)* at their October 13, 2022 meeting and would subsequently forward their action to the Town Council.

Chairman Dombrowski stated in accordance with Public Act 21-29 the Opt-Out Process was required to be completed by December 31, 2022. He stated to finalize this process that Town Council action was required.

Chairman Dombrowski went on to note that the Planning & Zoning Commission approved the Zoning Regulations Update, which included Ledyard's Regulations for Accessory Dwelling Units (ADU). He stated the new Zoning Regulations became effective on September 28, 2022. He explained by Ledyard having their own Accessory Dwelling Units (ADU) Regulations that the town would be able to Opt-Out of the State's ADU Regulations; and it would provide the town with more flexibility in regulating the Accessory Dwelling Units in

our community.

Chairman Dombrowski concluded by explaining to *Opt-Out of the Public Act #21-29 ADU* that it would require a two-thirds vote of the Town Council.

Action: [Continued](#)

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## **LUPPW Cmt Meeting 9/19/2022**

File #: [22193](#)

<https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142>

Version: 1

Type: General Discussion

Title: Continued discussion regarding Public Act #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".

Action: [Continued](#)

### **Minute Note:**

Chairman Dombrowski reported at their September 8, 2022 meeting the Planning & Zoning Commission approved the Zoning Regulations Update, which included Ledyard's Regulations for Accessory Dwelling Units (ADU). He stated the new Zoning Regulations would become effective on September 28, 2022. He explained by Ledyard having their own Accessory Dwelling Units (ADU) Regulations that the town would be able to Opt-Out of the State's ADU Regulations; and it would provide the town with more flexibility in regulating the Accessory Dwelling Units in our community.

Chairman Dombrowski went on to explain the next step in the process was for the Planning & Zoning Commission to vote to recommend the Town Council *Opt-Out of Public Act #21-29 (Accessory Dwelling Units)*. He stated that he would expect the Planning & Zoning Commission's recommendation to *Opt-Out of Public Act #21-29* to be presented to the LUPPW Committee in the coming weeks. He stated to *Opt-Out of the Public Act #21-29 ADU* that it would require a two-thirds vote of the Town Council.

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## **LUPPW Cmt Meeting 8/1/2022**

File #: [22193](#)

[https://ledyardct.legistar.com/LegislationDetail.aspx?](https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142)

[ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142](https://ledyardct.legistar.com/LegislationDetail.aspx?ID=5741907&GUID=00E3BA57-516C-4B6C-AF8F-7C069AD09142)

Version: 1

Type: General Discussion

Title: Continued discussion regarding Public Act #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".

Action: [Continued](#)

#### Minutes Note:

Chairman Dombrowski stated at their July 28, 2022 meeting the Planning & Zoning Commission approved Application PZ#22-7RA regarding comprehensive revisions to all sections of the Zoning Regulations, which also included proposed Regulations for Accessory Dwelling Units (ADU). He explained the next step in the process was for the Planning & Zoning Commission to vote to forward a recommend to the Legislative Body (Town Council) to Opt-Out of State's "*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*".

The LUPPW Committee noted by Ledyard having their own Accessory Dwelling Unit Regulations (ADU) that the Town would have more flexibility going forward and would not be locked into the State's Accessory Dwelling Unit (ADU) Regulations.

Chairman Dombrowski stated that he would expect the Planning & Zoning Commission's recommendation to *Opt-Out of Public Act #21-29* to come before the LUPPW Committee at their September 13, 2022 meeting. He stated to *Opt-Out of the Public Act #21-29 ADU* that it would require a two-thirds vote of the Town Council.

Action: [Continued](#)