

# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Town Planner

### Memorandum

**To:** Town Plan and Zoning Commission  
**From:** Renata Bertotti, AICP – Town Planner  
**Date:** May 3, 2022  
**Re:** Petition # 19-22: Zoning Regulation Amendment – Section 6.13 and the proposed Opt-Out of PA 21-29

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Public Act 21-29, which passed July 1, 2021, states that zoning must allow one Accessory Dwelling Unit (accessory apartment) alongside or within a single-family house without the need for a public hearing or special permit. Newington may opt-out of this requirement through a two-step process requiring action by the Town Planning and Zoning Commission and the Town Council.

Newington already allows accessory apartments in our R-20 and R-12 zone, however, the way our regulations treat this use is not consistent with the provisions of the above-mentioned Public Act. For example, under our current regulations, we only allow attached apartments in existing homes and building additions, and regulate the use by the special permit, neither of which is compliant with the PA 21-29. At January 26 and February 9, 2022 TPZ Special Meetings regarding this issue I outlined some general inconsistencies between our current Section 6.13: Accessory Apartments regulation and the provisions of the governing General Statutes:

1. Our current zoning definition mandates internal doorway connection and prohibits detached apartments;
2. We require special permits;
3. Regulate minimum floor area;
4. Require interior and exterior doors; and our regulations
5. Allow set time limits for use and require renewal and transfer certification.

If we do not correct these inconsistencies or opt-out of PA 21-29 as outlined in the Act, the General Statutes will supersede our zoning regulations, and we will be required to sign zoning permits for applications for accessory apartments which meet our zoning setbacks, but do not have to meet other local zoning requirements. The TPZ has found that approach/avenue to be unacceptable and directed me to draft a regulation amendment which I have drafted in a way, which by the way it is proposed requires an opt-out of PA 21-29.

I am attaching the existing and proposed definitions and current and revised draft of Section 6.13 for your review.

**The Opt-out Process:**

The General Statutes allow the Towns to opt-out of the accessory apparent provision of Public Act, but we have to do so no later than January 1, 2023.

The Opt-out process requires:

- a. A hearing before the TPZ
- b. An affirmative two-third vote by the Commission to opt out
- c. Stating on the record the reasons for opting out, and
- d. Publication of decision notice; followed by
- e. An affirmative two-third vote by the Town Council.

**The Decision Process:**

The proposed regulation amendment requires an opt-out, and I will make a combined presentation; however, I recommend a separate vote be made for the opt-out of PA 21-29 independently of the adoption (or lack of adoption) of the proposed changes to the Section 6.13.