

ADOPTED 2/15/2022  
PUBLISHED 2/17/2022

**RESOLUTION TO OPT OUT OF THE PROVISIONS OF  
CONN. GEN. STAT. §8-2 (D)(9), AS AMENDED BY THIS PA 21-29, §4,  
REGARDING LIMITATIONS ON “PARKING SPACES FOR DWELLING UNITS”**

**WHEREAS**, Connecticut Public Act 21-29, effective October 1, 2021, §8-2 (d)(9) of the General Statutes establishing limitations on parking spaces for dwelling units; and

**WHEREAS**, a municipality, by vote of its legislative body may opt out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4, regarding limitations on “Parking Spaces for Dwelling Units”, provided the planning and zoning commission pursuant to PA §5, (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 sections 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 a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered; and

**WHEREAS**, the planning and zoning commission of the City of Derby, has complied with the requirements of § 5 of Public Act 21-29 prior to acting upon this resolution.

**NOW THEREFORE BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEBRY**, that it declares its affirmative decision to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by Public Act 21-29 concerning limitations on parking spaces for dwelling units;

**BE IT FURTHER RESOLVED THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF DERBY** bases this decision and declaration on multiple factors including (1) the density of occupation and concentration of structures in many of Derby's residential districts; (2) the existing zoning regulations adequately address the parking needs for the City of Derby; and (3) the failure of Public Act 21-29 to provide the Planning and Zoning Commission of the City of Derby, the Board of Aldermen and Alderwomen and the people of the City of Derby with enough flexibility to regulate the parking needs in a way that is compatible with the goals of the Derby Zoning Regulations and its Plan of Conservation and Development.

**AND BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DERBY**, that by adoption of this resolution, the Planning and Zoning Commission of the City of Derby votes to opt-out of the provisions of this law, with the recognition that such opt-out shall not be valid and effective until the Board of Aldermen and Alderwomen, as the legislative body of the City of Derby, also holds a vote to opt-out of the provisions of Conn. Gen. Stat. §8-2 (d)(9), as amended by this PA 21-29, §4; and

**BE IT FURTHER RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DERBY** that the city clerk be directed to publish notice of the passage of this resolution in a newspaper having substantial circulation in the City of Derby not later than fifteen (15) days after this Resolution has been adopted, and following the publication of this Resolution, refer this matter to the Board of Aldermen and Alderwomen for discussion and action.

Dated at Derby, Connecticut this 15<sup>th</sup> day of February 2022.

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Ted Estwan  
Chairman, Planning and Zoning Commission

ATTEST:

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Marc Garofalo, MPA, CCTC  
Derby City Clerk