Zoning Regulations Review

Amendments for Public Act 25-1

City of Derby

Derby, Connecticut

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Introduction

The City of Derby is preparing to amend its Zoning Regulations to address the recent passage of Public Act 25-1: An Act Concerning Housing Growth, herein referred to as PA 25-1. While this Act addresses a broad range of housing topics, some of which will require future actions by municipalities and commissions, there are two key zoning changes related to housing and parking standards required by this Act. These requirements, effective July 1, 2026, address transit community middle housing and reduces municipalities' authority over minimum parking requirements for residential development. This memorandum focuses on the following statutory requirements and recommends amendments for addressing each:

- **Requirement #1:** Zoning shall allow for the development of a transit community middle housing development, or a mixed-use development, on any lot that is zoned for commercial or mixed-use development, subject only to summary review.
- **Requirement #2:** Zoning shall not require a minimum number of off-street motor vehicle parking spaces for any residential development with sixteen (16) dwelling units or less; however, minimum parking may be regulated for developments greater than seventeen (17) dwelling units.

Summary of Proposed Amendments

The following listing summarizes the amendments proposed for the City's Zoning Regulations to address the minimum requirements from Public Act 25-1.

- **Recommendation #1**: Adopt the State's definitions for transit community middle housing and mixed-use development and amend related definitions as necessary.
- **Recommendation #2:** Clarify that Business Zones are Commercial.
- **Recommendation #3**: Add Article XX: Middle Housing Dwelling Standards.
- **Recommendation #4:** Add Middle Housing Dwellings as a permitted use in all four business zones and amend multifamily housing density and special exception uses where applicable.
- **Recommendation #5:** Amend minimum parking requirements for residential uses to align with new requirements, based on dwelling unit count and bedroom types, and allow for the submittal of a Parking Needs Assessment as an option for reduced parking requirements.
- **Recommendation #6:** Amend miscellaneous parking requirements throughout the Regulations for alignment with Recommendation #5 and the newly required ratios.

Detailed information for each recommendation is provided on the following pages.

Recommendation #1: Adopt the State's definitions for transit community middle housing and mixed-use development and amend related definitions as necessary.

Reasoning: PA 25-1 establishes definitions for middle housing and mixed-use developments, as follows:

- Transit Community Middle Housing. A residential building containing not less than two dwelling units but not more than nine such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters.
- Mixed-Use Development: A development containing both residential and non-residential uses in any single building.

The City of Derby should adopt both definitions. *Dwelling, Middle Housing* would be a new term in the Regulations, whereas *Mixed-Use Development* could replace the current definition of *Multiuse Building*. Additionally, because the definition for middle housing addresses the density range of 2-9 units, it is recommended that the definition for *Dwelling, Multifamily* be adjusted to reflect a density range of 10 or more units moving forward. This adjustment would require realignment throughout the City's Regulations, for example, in permitted and special exception uses across the districts.

Recommendation #2: Clarify that Business Zones are Commercial and establish them as the basis for these amendments

Reasoning: PA 25-1 requires that middle housing or mixed-use be permitted by summary review in all commercial or mixed-use districts. The City's Regulations establish *business* zones, which include the:

- B-1 Zone
- B-2 Zone
- Center Design Development Zone (CDD Zone)
- Center Residence (CR) Zone

These districts should remain the focus of the recommended amendments herein. To further clarify in the event of use of these regulations, it is suggested that business zones now *also* be referred to as *commercial* zones, in the zoning district's list outlined on Page 44 of the Regulations.

Recommendation #3: Add Article XX: Middle Housing Dwelling Standards to address requirements for a middle housing development.

Reasoning: While PA 25-1 requires a municipality to allow middle housing by summary review within all commercial zones, it does also allow the municipality to establish the standards in which middle housing proposals must meet. Therefore, it is recommended that the City adopt a new Article within the Zoning Regulations that clearly outlines the following types of standards for such development:

- Density: As related to public infrastructure and/or subsurface sewage disposal systems.
- Lot & Building Standards: Equal to or greater than that of the zoning district and/or similar uses.
- Mixed-Use: Provisions encouraging or requiring a mixed-use nature, if desired.

- Affordability: Provisions encouraging or requiring an affordability component, if desired.
- Site Development: Including adequate buffering, vehicular and pedestrian connectivity, etc.
- Approval Procedures: Requirement for site plan approval only, *without* a public hearing.

The addition of this new Article would allow the City to adopt a comprehensive regulation for middle housing developments with the least amount of disruption to the existing format of the broader Zoning Regulations, making it easier to amend in the future as needed. Details regarding the above components should be discussed further as to the extent to which middle housing developments should be regulated.

Recommendation #4: Add Middle Housing Dwellings as a permitted use in all four business zones and amend multifamily housing density where applicable.

Reasoning: PA 25-1 requires that middle housing dwelling be permitted by summary review in all commercial districts, as identified in Recommendation #2 of this report. As such, it is recommended that the permitted uses list for each business district be updated accordingly, with the following suggested text:

- Permitted Uses: Middle Housing Dwellings, in accordance with Article XX (Middle Housing Dwelling Standards).

This text ensure that middle housing is permitted but also ties the amendment directly to the proposed Article addressed in Recommendation #3 above. By tying this directly to the new proposed Article XX, the regulations are kept organized and allow for detailed regulations to be housed in one section.

Additionally, some complementary adjustments are needed for other permitted and special exception uses across these business districts. These include ensuring that multifamily housing now reflects the updated density of 10 or more units, as suggested in Recommendation #1, and refining special exception uses in the CDD and CR districts as needed for compliance with PA 25-1. One example of such is that the CDD district requires a special exception for townhomes; however, townhomes now fall under the definition of middle housing and are therefore required to be permitted by summary review only.

Recommendation #5: Amend minimum parking requirements for residential uses to align with new requirements, based on dwelling unit count and bedroom types, and allow for the submittal of a Parking Needs Assessment as an option for reduced parking requirements.

Reasoning: According to PA 25-1, municipalities shall no longer require a minimum parking requirement for residential developments with less than 16 dwelling units. Developments with 16 or more dwelling units may be required to provide parking, provided it does not exceed a ratio of 1 parking space per studio or 1-bedroom unit, or 2 spaces per 2-bedroom unit or larger. As such, parking for residential uses need to be updated accordingly.

- Residential uses providing 16 dwelling units or less: No minimum parking required.
- Residential uses providing 17 dwelling units or more: 1 space per studio or 1-bedroom unit and 2 spaces per 2-bedroom unit or larger, unless the applicant provides a Parking Needs Assessment (see below).

In addition, PA 25-1 establishes that an applicant may submit a Parking Needs Assessment demonstrating that a reduction in parking may be warranted, and that the Commission shall approve the lesser of the two

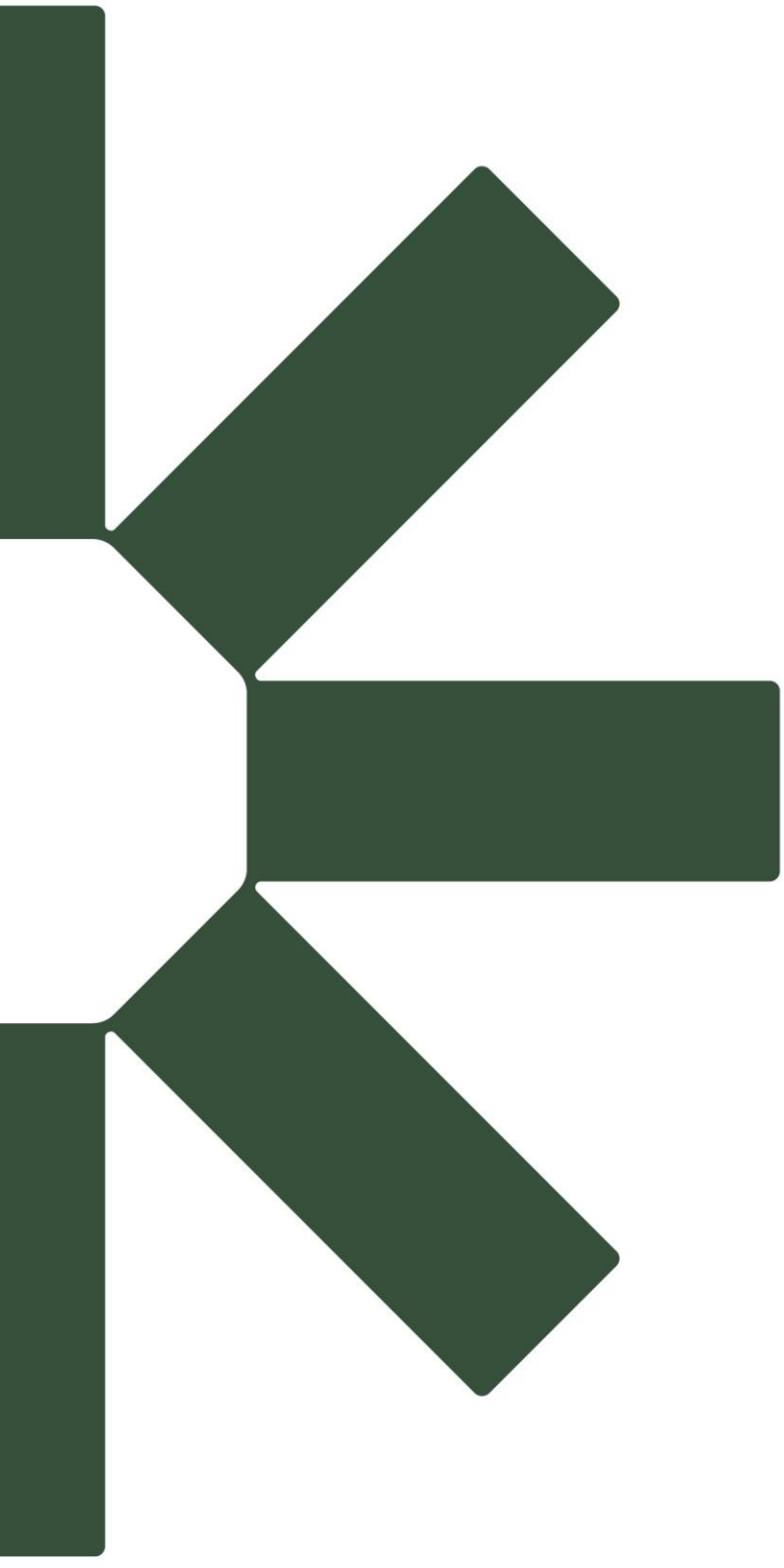
(the minimum required by the Regulations, or that which is proven by the Parking Needs Assessment) in the case of a residential development. The requirements for a parking needs assessment are outlined in the legislation and include:

- Describe the proposed development, including its use, gross floor area, the required parking under these Regulations, and the anticipated parking generation for the proposed development
- Analyze the available existing public and private parking, public transportation services, and other mobility options that may be used by the proposed development and mitigate the need for off-street parking;
- Projected future needs for off-street parking for the proposed development; and
- Any relevant local traffic, parking or safety study.

It is suggested that the City of Derby adopt the use of a parking needs assessment as a means for reducing the required parking for residential developments at a minimum; however, the City may wish to consider this assessment as a means for doing so for all uses within the City, similar to the special exception reduction currently outlined in Article VII, §195-54.

Recommendation #6: Amend miscellaneous parking requirements throughout the Regulations for alignment with Recommendation #5 and the newly required ratios.

Reasoning: Recommendation #5 addresses the broader requirement for updating minimum parking requirements related to residential uses; however, there are miscellaneous parking provisions found throughout the regulations that require amendments to maintain consistency and alignment. For example, the MDD and CDD includes special parking ratios for multifamily dwellings (ranging from 1 space per unit to 1.75 spaces per unit) which are no longer aligned with the statutory requirements of PA 25-1.



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