



General Assembly

January Session, 2021

Raised Bill No. 6570

LCO No. 3614



Referred to Committee on TRANSPORTATION

Introduced by:
(TRA)

AN ACT CONCERNING TRANSIT-ORIENTED DEVELOPMENT AND MUNICIPAL ZONING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) On or before October 1, 2021, the
2 Commissioner of Transportation, in consultation with the
3 Commissioner of Housing, shall (1) identify five transit stations where
4 the associated parking lot is owned by the state, and (2) issue a request
5 for information for the construction of transit-oriented development on
6 such parking lots, provided the same number of parking spaces will be
7 maintained and at least twenty per cent of the development will be
8 affordable housing, as defined in section 8-39a of the general statutes.

9 (b) On or before February 1, 2022, the Commissioner of
10 Transportation shall submit, in accordance with section 11-4a of the
11 general statutes, a summary of the responses to the request for
12 information, along with any recommendations, to the joint standing
13 committee of the General Assembly having cognizance of matters
14 relating to transportation.

15 Sec. 2. Section 8-2 of the general statutes is repealed and the following

16 is substituted in lieu thereof (*Effective October 1, 2021*):

17 (a) (1) The zoning commission of each city, town or borough is
18 authorized to regulate, within the limits of such municipality, the
19 height, number of stories and size of buildings and other structures; the
20 percentage of the area of the lot that may be occupied; the size of yards,
21 courts and other open spaces; the density of population and the location
22 and use of buildings, structures and land for trade, industry, residence
23 or other purposes, including water-dependent uses, as defined in
24 section 22a-93; [,] and the height, size, location, brightness and
25 illumination of advertising signs and billboards. Such bulk regulations
26 may allow for cluster development, as defined in section 8-18.

27 (2) Such zoning commission may divide the municipality into
28 districts of such number, shape and area as may be best suited to carry
29 out the purposes of this chapter; and, within such districts, it may
30 regulate the erection, construction, reconstruction, alteration or use of
31 buildings or structures and the use of land. All [such] zoning regulations
32 shall be uniform for each class or kind of buildings, structures or use of
33 land throughout each district, but the regulations in one district may
34 differ from those in another district. [, and]

35 (3) Such zoning regulations may provide that certain classes or kinds
36 of buildings, structures or uses of land are permitted only after
37 obtaining a special permit or special exception from a zoning
38 commission, planning commission, combined planning and zoning
39 commission or zoning board of appeals, whichever commission or
40 board the regulations may, notwithstanding any special act to the
41 contrary, designate, subject to standards set forth in the regulations and
42 to conditions necessary to protect the public health, safety, convenience
43 and property values. [Such]

44 (b) Zoning regulations adopted pursuant to subsection (a) of this
45 section shall: [be]

46 (1) Be made in accordance with a comprehensive plan and in
47 [adopting such regulations the commission shall consider]

48 consideration of the plan of conservation and development [prepared]
49 adopted under section 8-23; [. Such regulations shall be]

50 (2) Be designed to lessen congestion in the streets; to secure safety
51 from fire, panic, flood and other dangers; to promote health and the
52 general welfare; to provide adequate light and air; to prevent the
53 overcrowding of land; to avoid undue concentration of population and
54 to facilitate the adequate provision for transportation, water, sewerage,
55 schools, parks and other public requirements; [. Such regulations shall
56 be]

57 (3) Be made with reasonable consideration as to the character of the
58 district and its peculiar suitability for particular uses and with a view to
59 conserving the value of buildings and encouraging the most appropriate
60 use of land throughout such municipality. Such regulations may, to the
61 extent consistent with soil types, terrain, infrastructure capacity and the
62 plan of conservation and development for the community, provide for
63 cluster development, as defined in section 8-18, in residential zones; [.
64 Such regulations shall also encourage]

65 (4) Encourage the development of housing opportunities, including,
66 but not limited to, opportunities for multifamily dwellings, consistent
67 with soil types, terrain and infrastructure capacity, for all residents of
68 the municipality and the planning region in which the municipality is
69 located, as designated by the Secretary of the Office of Policy and
70 Management under section 16a-4a; [. Such regulations shall also
71 promote]

72 (5) Promote housing choice and economic diversity in housing,
73 including housing for both low and moderate income households; [, and
74 shall encourage]

75 (6) Encourage the development of housing which will meet the
76 housing needs identified in the state's consolidated plan for housing and
77 community development prepared pursuant to section 8-37t and in the
78 housing component and the other components of the state plan of
79 conservation and development prepared pursuant to section 16a-26; [.

80 Zoning regulations shall be]

81 (7) Be made with reasonable consideration for their impact on
82 agriculture, as defined in subsection (q) of section 1-1; and

83 (8) Require fifty per cent of the area within a one-half mile radius of
84 a bus rapid transit station or passenger railroad station (A) allow for the
85 creation of as-of-right accessory apartments and residential buildings
86 containing at least four dwelling units or mixed-use buildings that allow
87 dwelling units, and (B) not be subject to mandatory minimum parking
88 requirements.

89 (c) Zoning regulations adopted pursuant to subsection (a) of this
90 section may: [be]

91 (1) Be made with reasonable consideration for the protection of
92 historic factors and shall be made with reasonable consideration for the
93 protection of existing and potential public surface and ground drinking
94 water supplies. On and after July 1, 1985, the regulations shall provide
95 that proper provision be made for soil erosion and sediment control
96 pursuant to section 22a-329; [. Such regulations may also encourage]

97 (2) Encourage energy-efficient patterns of development, the use of
98 solar and other renewable forms of energy, and energy conservation; [.
99 The regulations may also provide]

100 (3) Provide for incentives for developers who use passive solar
101 energy techniques, as defined in subsection (b) of section 8-25, in
102 planning a residential subdivision development. The incentives may
103 include, but not be limited to, cluster development, higher density
104 development and performance standards for roads, sidewalks and
105 underground facilities in the subdivision; [. Such regulations may
106 provide]

107 (4) Provide for a municipal system for the creation of development
108 rights and the permanent transfer of such development rights, which
109 may include a system for the variance of density limits in connection
110 with any such transfer; [. Such regulations may also provide]

111 (5) Provide for notice requirements in addition to those required by
112 this chapter; and [. Such regulations may provide]

113 (6) Provide for conditions on operations to collect spring water or
114 well water, as defined in section 21a-150, including the time, place and
115 manner of such operations. [No such regulations shall prohibit]

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

118 (1) Prohibit the operation of any family child care home or group
119 child care home in a residential zone; [. No such regulations shall
120 prohibit]

121 (2) Prohibit the use of receptacles for the storage of items designated
122 for recycling in accordance with section 22a-241b or require that such
123 receptacles comply with provisions for bulk or lot area, or similar
124 provisions, except provisions for side yards, rear yards and front yards
125 [. No such regulations shall] or unreasonably restrict access to or the size
126 of such receptacles for businesses, given the nature of the business and
127 the volume of items designated for recycling in accordance with section
128 22a-241b, that such business produces in its normal course of business,
129 provided nothing in this section shall be construed to prohibit such
130 regulations from requiring the screening or buffering of such receptacles
131 for aesthetic reasons; [. Such regulations shall not impose]

132 (3) Impose conditions and requirements on manufactured homes
133 having as their narrowest dimension twenty-two feet or more and built
134 in accordance with federal manufactured home construction and safety
135 standards or on lots containing such manufactured homes which are
136 substantially different from conditions and requirements imposed on
137 single-family dwellings and lots containing single-family dwellings; [.
138 Such regulations shall not impose]

139 (4) Impose conditions and requirements on developments to be
140 occupied by manufactured homes having as their narrowest dimension
141 twenty-two feet or more and built in accordance with federal

142 manufactured home construction and safety standards which are
143 substantially different from conditions and requirements imposed on
144 multifamily dwellings, lots containing multifamily dwellings, cluster
145 developments or planned unit developments; [. Such regulations shall
146 not prohibit]

147 (5) Prohibit the continuance of any nonconforming use, building or
148 structure existing at the time of the adoption of such regulations or
149 require a special permit or special exception for any such continuance;
150 [. Such regulations shall not provide]

151 (6) Provide for the termination of any nonconforming use solely as a
152 result of nonuse for a specified period of time without regard to the
153 intent of the property owner to maintain that use; [. Such regulations
154 shall not terminate]

155 (7) Terminate or deem abandoned a nonconforming use, building or
156 structure unless the property owner of such use, building or structure
157 voluntarily discontinues such use, building or structure and such
158 discontinuance is accompanied by an intent to not reestablish such use,
159 building or structure. The demolition or deconstruction of a
160 nonconforming use, building or structure shall not by itself be evidence
161 of such property owner's intent to not reestablish such use, building or
162 structure; and [. Unless such town opts out, in accordance with the
163 provisions of subsection (j) of section 8-1bb, such regulations shall not
164 prohibit]

165 (7) Prohibit the installation of temporary health care structures for
166 use by mentally or physically impaired persons [in accordance with the
167 provisions of section 8-1bb if such structures comply with the provisions
168 of said section.] pursuant to section 8-1bb, unless the municipality opts
169 out pursuant to subsection (j) of said section.

170 (e) Any city, town or borough which adopts the provisions of this
171 chapter may, by vote of its legislative body, exempt municipal property
172 from the regulations prescribed by the zoning commission of such city,
173 town or borough; but unless it is so voted municipal property shall be

174 subject to such regulations.

175 [(b)] (f) In any municipality that is contiguous to Long Island Sound
176 the regulations adopted [under] pursuant to subsection (a) of this
177 section shall be made with reasonable consideration for restoration and
178 protection of the ecosystem and habitat of Long Island Sound and shall
179 be designed to reduce hypoxia, pathogens, toxic contaminants and
180 floatable debris in Long Island Sound. Such regulations shall provide
181 that the commission consider the environmental impact on Long Island
182 Sound of any proposal for development.

183 [(c)] (g) In any municipality where a traprock ridge, as defined in
184 section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is
185 located, the regulations adopted pursuant to subsection (a) of this
186 section may provide for development restrictions in ridgeline setback
187 areas, as defined in said section. The regulations may restrict quarrying
188 and clear cutting, except that the following operations and uses shall be
189 permitted in ridgeline setback areas, as of right: (1) Emergency work
190 necessary to protect life and property; (2) any nonconforming uses that
191 were in existence and that were approved on or before the effective date
192 of regulations adopted under this section; and (3) selective timbering,
193 grazing of domesticated animals and passive recreation.

194 [(d)] (h) Any advertising sign or billboard that is not equipped with
195 the ability to calibrate brightness or illumination shall be exempt from
196 any municipal ordinance or regulation regulating such brightness or
197 illumination that is adopted by a city, town or borough after the date of
198 installation of such advertising sign or billboard pursuant to subsection
199 (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2021</i>	8-2

Statement of Purpose:

To (1) increase the number of transit-oriented developments with an affordable housing component, and (2) require a municipality's zoning regulations permit a greater density of housing within one-half mile of a bus rapid transit station or passenger railroad station.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]