



General Assembly

February Session, 2022

Raised Bill No. 5429

LCO No. 3038



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING TRANSIT-ORIENTED DEVELOPMENT.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section,
2 (1) "as of right" means able to be approved in accordance with the terms
3 of a zoning regulation and without requiring that a public hearing be
4 held, a variance, special permit or special exception be granted or some
5 other discretionary zoning action be taken, and (2) "dwelling unit"
6 means any house or building, or portion thereof, that is occupied,
7 designed to be occupied, or rented, leased or hired out to be occupied,
8 exclusively as a home or residence of one or more persons, without age
9 restrictions, and suitable for families with children.

10 (b) Any zoning regulations adopted pursuant to section 8-2 of the
11 general statutes, as amended by this act, shall allow, as of right, housing
12 developments with a minimum overall average gross density of fifteen
13 dwelling units per acre located within a half-mile radius of any
14 passenger rail or commuter rail station or any bus rapid transit station,
15 provided a municipality with multiple such stations may calculate
16 overall average allowable gross density across all such stations.

17 (c) Any zoning regulations adopted pursuant to section 8-2 of the
18 general statutes, as amended by this act, may impose parking
19 requirements not to exceed one parking spot for any studio or one-
20 bedroom dwelling unit, and two parking spots for each dwelling unit
21 that contains two or more bedrooms for any housing development with
22 a minimum overall average gross density of at least fifteen dwelling
23 units per acre located within a half-mile radius of any passenger rail or
24 commuter rail station or any bus rapid transit station.

25 (d) The following lands are exempt from the requirements of
26 subsection (b) of this section: Roadways, railways, regulated inland
27 wetlands and watercourses areas, steep slopes of fifteen per cent or
28 more in grade change within a single lot, ledges, special flood hazard
29 areas defined by the Federal Emergency Management Agency,
30 wetlands defined in section 22a-29 of the general statutes, public
31 parkland, land subject to conservation or preservation restrictions as
32 defined in section 47-42a of the general statutes, coastal resources
33 protected by the Connecticut Coastal Management Act, areas necessary
34 for the protection of drinking water supplies, areas identified as likely
35 to be inundated during a thirty-year flood event by the Connecticut
36 Institute for Resilience and Climate Adaptation pursuant to the
37 institute's responsibilities to conduct sea level change scenarios
38 pursuant to subsection (b) of section 25-68o of the general statutes, and
39 areas that are not served by water and sewer infrastructure.

40 (e) Any development permitted pursuant to subsection (b) of this
41 section, which includes six or more dwelling units on one lot, shall set
42 aside not less than ten per cent of the dwelling units in a manner that
43 meets the requirements of (1) assisted housing as defined in section 8-
44 30g of the general statutes, or (2) affordable housing as defined in
45 section 8-30g of the general statutes. Any municipality may provide for
46 incentives, including, but not limited to, higher density development
47 standards, for developers that include assisted housing, as defined in
48 section 8-30g of the general statutes, in any such development.

49 (f) The as of right permit application and review process for approval

50 of housing described in this section shall require that a decision on any
51 such application be rendered not later than sixty-five days after receipt
52 of such application by the applicable zoning official, except that an
53 applicant may consent to one or more extensions of not more than an
54 additional sixty-five days for each such extension or may withdraw such
55 application.

56 (g) If a municipality fails to adopt new regulations or amend existing
57 regulations to comply with the provisions of this section prior to
58 October 1, 2022, any such noncompliant existing regulation shall be void
59 and such municipality shall approve or deny applications in accordance
60 with the requirements of this section until such municipality adopts or
61 amends a regulation in compliance with the provisions of this section.

62 (h) No municipality shall (1) use or impose standards to discourage
63 through unreasonable costs or delays the development of housing
64 developments described in this section, or (2) condition the approval of
65 such housing developments on the correction of a nonconforming use,
66 structure or lot.

67 Sec. 2. Subsection (d) of section 8-2 of the 2022 supplement to the
68 general statutes is repealed and the following is substituted in lieu
69 thereof (*Effective October 1, 2022*):

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

72 (1) Prohibit the operation of any family child care home or group
73 child care home in a residential zone;

74 (2) (A) Prohibit the use of receptacles for the storage of items
75 designated for recycling in accordance with section 22a-241b or require
76 that such receptacles comply with provisions for bulk or lot area, or
77 similar provisions, except provisions for side yards, rear yards and front
78 yards; or (B) unreasonably restrict access to or the size of such
79 receptacles for businesses, given the nature of the business and the
80 volume of items designated for recycling in accordance with section 22a-

81 241b, that such business produces in its normal course of business,
82 provided nothing in this section shall be construed to prohibit such
83 regulations from requiring the screening or buffering of such receptacles
84 for aesthetic reasons;

85 (3) Impose conditions and requirements on manufactured homes,
86 including mobile manufactured homes, having as their narrowest
87 dimension twenty-two feet or more and built in accordance with federal
88 manufactured home construction and safety standards or on lots
89 containing such manufactured homes, including mobile manufactured
90 home parks, if those conditions and requirements are substantially
91 different from conditions and requirements imposed on (A) single-
92 family dwellings; (B) lots containing single-family dwellings; or (C)
93 multifamily dwellings, lots containing multifamily dwellings, cluster
94 developments or planned unit developments;

95 (4) (A) Prohibit the continuance of any nonconforming use, building
96 or structure existing at the time of the adoption of such regulations; (B)
97 require a special permit or special exception for any such continuance;
98 (C) provide for the termination of any nonconforming use solely as a
99 result of nonuse for a specified period of time without regard to the
100 intent of the property owner to maintain that use; or (D) terminate or
101 deem abandoned a nonconforming use, building or structure unless the
102 property owner of such use, building or structure voluntarily
103 discontinues such use, building or structure and such discontinuance is
104 accompanied by an intent to not reestablish such use, building or
105 structure. The demolition or deconstruction of a nonconforming use,
106 building or structure shall not by itself be evidence of such property
107 owner's intent to not reestablish such use, building or structure;

108 (5) Prohibit the installation, in accordance with the provisions of
109 section 8-1bb, of temporary health care structures for use by mentally or
110 physically impaired persons if such structures comply with the
111 provisions of said section, unless the municipality opts out in
112 accordance with the provisions of subsection (j) of said section;

113 (6) Prohibit the operation in a residential zone of any cottage food
114 operation, as defined in section 21a-62b;

115 (7) Establish for any dwelling unit a minimum floor area that is
116 greater than the minimum floor area set forth in the applicable building,
117 housing or other code;

118 (8) Place a fixed numerical or percentage cap on the number of
119 dwelling units that constitute multifamily housing over four units,
120 middle housing or mixed-use development that may be permitted in the
121 municipality;

122 (9) Require more than one parking space for each studio or one-
123 bedroom dwelling unit or more than two parking spaces for each
124 dwelling unit with two or more bedrooms, unless the municipality opts
125 out in accordance with the provisions of section 8-2p; [or]

126 (10) Be applied to deny any land use application, including for any
127 site plan approval, special permit, special exception or other zoning
128 approval, on the basis of (A) a district's character, unless such character
129 is expressly articulated in such regulations by clear and explicit physical
130 standards for site work and structures, or (B) the immutable
131 characteristics, source of income or income level of any applicant or end
132 user, other than age or disability whenever age-restricted or disability-
133 restricted housing may be permitted; [.] or

134 (11) Prohibit the as of right development of housing developments
135 with a minimum overall average gross density of fifteen dwelling units
136 per acre that are located within a half-mile radius of any passenger rail
137 or commuter rail station or any bus rapid transit station, in accordance
138 with the provisions of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section
Sec. 2	October 1, 2022	8-2(d)

Statement of Purpose:

To allow for the as of right development of housing with a minimum overall gross density of fifteen dwelling units per acre located within a half-mile radius of any passenger rail or commuter rail station or any bus rapid transit 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.]