AN ACT CONCERNING TRANSIT-ORIENTED DEVELOPMENT.

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

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

(b) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall allow, as of right, housing developments with a minimum overall average 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, provided a municipality with multiple such stations may calculate overall average allowable gross density across all such stations.
(c) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, may impose parking requirements not to exceed one parking spot for any studio or one-bedroom dwelling unit, and two parking spots for each dwelling unit that contains two or more bedrooms for any housing development with a minimum overall average gross density of at least 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.

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

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

(f) The as of right permit application and review process for approval
of housing described in this section shall require that a decision on any
such application be rendered not later than sixty-five days after receipt
of such application by the applicable zoning official, except that an
applicant may consent to one or more extensions of not more than an
additional sixty-five days for each such extension or may withdraw such
application.

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

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

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

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

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

(2) (A) Prohibit the use of receptacles for the storage of items
designated for recycling in accordance with section 22a-241b or require
that such receptacles comply with provisions for bulk or lot area, or
similar provisions, except provisions for side yards, rear yards and front
yards; or (B) unreasonably restrict access to or the size of such
receptacles for businesses, given the nature of the business and the
volume of items designated for recycling in accordance with section 22a-
241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons;

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

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

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, of temporary health care structures for use by mentally or physically impaired persons if such structures comply with the provisions of said section, unless the municipality opts out in accordance with the provisions of subsection (j) of said section;
(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section 1</th>
<th>October 1, 2022</th>
<th>New section</th>
</tr>
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<tbody>
<tr>
<td>Sec. 2</td>
<td>October 1, 2022</td>
<td>8-2(d)</td>
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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.]