

Special Session
PA 25-1

Parking Provisions

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Statutory Parking Provisions – Table-Setting

Section 18: Changes 8-2 (Zoning Enabling Statute) to state that Zoning Regulations **SHALL NOT**:

“Require a minimum number of off-street motor vehicle parking spaces for any residential development Except as provided by Section 19 of this act”

Eliminates Opt-Out Provisions of PA 21-29 for local parking.

Statutory Parking Provisions – Table-Setting

Section 19 High Level Summary: Prohibits municipalities from rejecting an application solely for failing to conform with any requirement for off-street parking spaces for any residential development **with two limited exceptions:**

- **Exception 1** - Subsection (b) deals with larger developments over 16 units
- **Exception 2** - Subsection (d) deals with Conservation & Traffic Mitigation Districts

Section 19: (NEW) Except as provided in subsections (b) and (d) of this section, **no zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission shall reject an application for any residential development solely on the basis that such development fails to conform with any requirement for off-street motor vehicle parking spaces** unless such officer or commission finds that a lack of such parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions that have no substantial adverse impact on the viability of such development.

Situation #1 – Unrestricted Multifamily Under 16 Units

- Does not meet either of the exceptions that would allow zoning for required parking minimums
 - Is not over 16 units and
 - Is not located in a Conservation and Traffic Mitigation District
- Therefore, cannot regulate parking through zoning *and* cannot deny an application based on parking
- Developer can provide parking, and may where demand for parking as part of unit makeup is more marketable

Situation #2 – Multifamily Under 16 Units in a “Conservation and Traffic Mitigation District”

Notwithstanding the provisions of this section, any municipality, as defined in section 7-148 of the general statutes, **may adopt not more than two conservation and traffic mitigation districts** in which the municipality **may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units**, provided **(1) no such district shall be larger than four per cent of a municipality's land area, (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district, (3) any such zones may be contiguous**, and (4) the municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.

- **Can require parking at maximum levels of one space per studio/one-bedroom and two spaces per two+ bedroom units for small developments in CTMD**
- **Must allow applicant to propose alternative numbers via Parking Needs Assessment**
- **Must condition approval on the lower of the required parking or the Parking Needs Assessment figure**
- **To reject a lower parking needs assessment figure, you'd need to substantiate a finding that a lack of parking will have a “specific adverse impact” on public health and safety which cannot be mitigated through approval conditions that have no substantial impact on the viability of such development**

What's a “Conservation and Traffic Mitigation District”?

- (1) no such district shall be larger than four per cent of a municipality's land area,
- (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district,
- (3) any such zones may be contiguous, and
- (4) the municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.

What's a "Parking Needs Assessment"?

- Paid for by the proposed developer
- Shall include an analysis of
 - (1) available existing public and private parking that may be used by residents of the proposed development,
 - (2) public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking,
 - (3) projected future needs for off-street parking for such proposed development, and
 - (4) any relevant local traffic, parking or safety study

Situation #3 – Multifamily Over 16 Units

A municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains more than sixteen dwelling units, as defined in section 47a-1 of the general statutes, provided any such municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.

Such officer or commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding: (1) One such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or (2) the number of such spaces recommended for the development by the parking needs assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces.

- **Can** require parking at maximum levels of one space per studio/one-bedroom and two spaces per two+ bedroom units for large developments
- Must allow applicant to propose alternative numbers via Parking Needs Assessment
- Must condition approval on the **lower** of the required parking or the Parking Needs Assessment figure
- To reject a lower parking needs assessment figure, you'd need to substantiate a finding that a lack of parking will have a "specific adverse impact" on public health and safety which cannot be mitigated through approval conditions that have no substantial impact on the viability of such development

Market Reality Check

- Developers still need to lease units
- Connecticut still doesn't have a robust transit network in suburban/rural communities
- Towns don't need to allow on-street parking
- Market incentives are strong to provide sufficient access

