



General Assembly

January Session, 2021

**Raised Bill No. 6613**

LCO No. 4642



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING ACCESSORY APARTMENTS, MIDDLE HOUSING AND MULTIFAMILY HOUSING.***

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

1 Section 1. Section 8-1aa of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 As used in section 8-2, as amended by this act, and sections 3 and 4  
4 of this act:

5 (1) "Traprock ridge" means Beacon Hill, Saltonstall Mountain,  
6 Totoket Mountain, Pistapaug Mountain, Fowler Mountain, Besack  
7 Mountain, Higby Mountain, Chauncey Peak, Lamentation Mountain,  
8 Cathole Mountain, South Mountain, East Peak, West Peak, Short  
9 Mountain, Ragged Mountain, Bradley Mountain, Pinnacle Rock,  
10 Rattlesnake Mountain, Talcott Mountain, Hatchett Hill, Peak Mountain,  
11 West Suffield Mountain, Cedar Mountain, East Rock, Mount Sanford,  
12 Prospect Ridge, Peck Mountain, West Rock, Sleeping Giant, Pond Ledge  
13 Hill, Onion Mountain, The Sugarloaf, The Hedgehog, West Mountains,  
14 The Knolls, Barndoor Hills, Stony Hill, Manitook Mountain, Rattlesnake  
15 Hill, Durkee Hill, East Hill, Rag Land, Bear Hill, Orenaug Hills;

16 (2) "Amphibolite ridge" means Huckleberry Hill, East Hill, Ratlum  
17 Hill, Mount Hoar, Sweetheart Mountain;

18 (3) "Ridgeline" means the line on a traprock or amphibolite ridge  
19 created by all points at the top of a fifty per cent slope, which is  
20 maintained for a distance of fifty horizontal feet perpendicular to the  
21 slope and which consists of surficial basalt geology, identified on the  
22 map prepared by Stone et al., United States Geological Survey, entitled  
23 "Surficial Materials Map of Connecticut";

24 (4) "Ridgeline setback area" means the area bounded by (A) a line that  
25 parallels the ridgeline at a distance of one hundred fifty feet on the more  
26 wooded side of the ridge, and (B) the contour line where a ridge of less  
27 than fifty per cent is maintained for fifty feet or more on the rockier side  
28 of the slope, mapped pursuant to section 8-2, as amended by this act;

29 (5) "Development" means the construction, reconstruction, alteration,  
30 or expansion of a building; [and]

31 (6) "Building" means any structure other than (A) a facility as defined  
32 in section 16-50i or (B) structures of a relatively slender nature compared  
33 to the buildings to which they are associated, including but not limited  
34 to chimneys, flagpoles, antennas, utility poles and steeples; [.]

35 (7) "Accessory apartment" means a separate living unit that (A) is  
36 located on the same lot as a larger principal dwelling unit, (B) has a  
37 kitchen, (C) has a square footage that is not more than thirty per cent of  
38 the total square footage of the principal dwelling unit, (D) is not billed  
39 separately from the principal dwelling unit for utilities, and (E) complies  
40 with the building code and health and safety regulations;

41 (8) "Middle housing" includes duplexes, triplexes, quadplexes,  
42 cottage clusters and townhouses;

43 (9) "Cottage cluster" means a grouping of four or more detached  
44 dwelling units per acre, located around a common open area; and

45 (10) "Townhouse" means a residential building constructed in a

46 grouping of three or more attached units, each of which shares at least  
47 one common wall with an adjacent unit and has exterior walls on at least  
48 two sides.

49 Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed  
50 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

51 (a) The zoning commission of each city, town or borough is  
52 authorized to regulate, within the limits of such municipality, the  
53 height, number of stories and size of buildings and other structures; the  
54 percentage of the area of the lot that may be occupied; the size of yards,  
55 courts and other open spaces; the density of population and the location  
56 and use of buildings, structures and land for trade, industry, residence  
57 or other purposes, including water-dependent uses, as defined in  
58 section 22a-93, and the height, size, location, brightness and  
59 illumination of advertising signs and billboards. Such bulk regulations  
60 may allow for cluster development, as defined in section 8-18. Such  
61 zoning commission may divide the municipality into districts of such  
62 number, shape and area as may be best suited to carry out the purposes  
63 of this chapter; and, within such districts, it may regulate the erection,  
64 construction, reconstruction, alteration or use of buildings or structures  
65 and the use of land. All such regulations shall be uniform for each class  
66 or kind of buildings, structures or use of land throughout each district,  
67 but the regulations in one district may differ from those in another  
68 district, and may provide that certain classes or kinds of buildings,  
69 structures or uses of land are permitted only after obtaining a special  
70 permit or special exception from a zoning commission, planning  
71 commission, combined planning and zoning commission or zoning  
72 board of appeals, whichever commission or board the regulations may,  
73 notwithstanding any special act to the contrary, designate, subject to  
74 standards set forth in the regulations and to conditions necessary to  
75 protect the public health, safety, convenience and property values. Such  
76 regulations shall be made in accordance with a comprehensive plan and  
77 in adopting such regulations the commission shall consider the plan of  
78 conservation and development prepared under section 8-23. Such  
79 regulations shall be designed to lessen congestion in the streets; to

80 secure safety from fire, panic, flood and other dangers; to promote  
81 health and the general welfare; to provide adequate light and air; to  
82 prevent the overcrowding of land; to avoid undue concentration of  
83 population and to facilitate the adequate provision for transportation,  
84 water, sewerage, schools, parks and other public requirements. Such  
85 regulations shall be made with reasonable consideration as to the  
86 character of the district and its peculiar suitability for particular uses  
87 and with a view to conserving the value of buildings and encouraging  
88 the most appropriate use of land throughout such municipality. Such  
89 regulations may, to the extent consistent with soil types, terrain,  
90 infrastructure capacity and the plan of conservation and development  
91 for the community, provide for cluster development, as defined in  
92 section 8-18, in residential zones. Such regulations shall also encourage  
93 the development of housing opportunities, including opportunities for  
94 [multifamily dwellings, consistent with soil types, terrain and  
95 infrastructure capacity] (1) accessory apartments, which shall be  
96 permitted as of right in accordance with section 3 of this act, and (2)  
97 middle housing and multifamily dwellings containing four or more  
98 dwelling units, which shall be permitted as of right in accordance with  
99 section 4 of this act, for all residents of the municipality and the planning  
100 region in which the municipality is located, as designated by the  
101 Secretary of the Office of Policy and Management under section 16a-4a.  
102 Such regulations shall also promote housing choice and economic  
103 diversity in housing, including housing for both low and moderate  
104 income households, and shall encourage the development of housing  
105 which will meet the housing needs identified in the state's consolidated  
106 plan for housing and community development prepared pursuant to  
107 section 8-37t and in the housing component and the other components  
108 of the state plan of conservation and development prepared pursuant to  
109 section 16a-26. Zoning regulations shall be made with reasonable  
110 consideration for their impact on agriculture, as defined in subsection  
111 (q) of section 1-1. Zoning regulations may be made with reasonable  
112 consideration for the protection of historic factors and shall be made  
113 with reasonable consideration for the protection of existing and  
114 potential public surface and ground drinking water supplies. On and

115 after July 1, 1985, the regulations shall provide that proper provision be  
116 made for soil erosion and sediment control pursuant to section 22a-329.  
117 Such regulations may also encourage energy-efficient patterns of  
118 development, the use of solar and other renewable forms of energy, and  
119 energy conservation. The regulations may also provide for incentives  
120 for developers who use passive solar energy techniques, as defined in  
121 subsection (b) of section 8-25, in planning a residential subdivision  
122 development. The incentives may include, but not be limited to, cluster  
123 development, higher density development and performance standards  
124 for roads, sidewalks and underground facilities in the subdivision. Such  
125 regulations may provide for a municipal system for the creation of  
126 development rights and the permanent transfer of such development  
127 rights, which may include a system for the variance of density limits in  
128 connection with any such transfer. Such regulations may also provide  
129 for notice requirements in addition to those required by this chapter.  
130 Such regulations may provide for conditions on operations to collect  
131 spring water or well water, as defined in section 21a-150, including the  
132 time, place and manner of such operations. No such regulations shall  
133 prohibit the operation of any family child care home or group child care  
134 home in a residential zone. No such regulations shall prohibit the use of  
135 receptacles for the storage of items designated for recycling in  
136 accordance with section 22a-241b or require that such receptacles  
137 comply with provisions for bulk or lot area, or similar provisions, except  
138 provisions for side yards, rear yards and front yards. No such  
139 regulations shall unreasonably restrict access to or the size of such  
140 receptacles for businesses, given the nature of the business and the  
141 volume of items designated for recycling in accordance with section 22a-  
142 241b, that such business produces in its normal course of business,  
143 provided nothing in this section shall be construed to prohibit such  
144 regulations from requiring the screening or buffering of such receptacles  
145 for aesthetic reasons. Such regulations shall not impose conditions and  
146 requirements on manufactured homes having as their narrowest  
147 dimension twenty-two feet or more and built in accordance with federal  
148 manufactured home construction and safety standards or on lots  
149 containing such manufactured homes which are substantially different

150 from conditions and requirements imposed on single-family dwellings  
151 and lots containing single-family dwellings. Such regulations shall not  
152 impose conditions and requirements on developments to be occupied  
153 by manufactured homes having as their narrowest dimension twenty-  
154 two feet or more and built in accordance with federal manufactured  
155 home construction and safety standards which are substantially  
156 different from conditions and requirements imposed on multifamily  
157 dwellings, lots containing multifamily dwellings, cluster developments  
158 or planned unit developments. Such regulations shall not prohibit the  
159 continuance of any nonconforming use, building or structure existing at  
160 the time of the adoption of such regulations or require a special permit  
161 or special exception for any such continuance. Such regulations shall not  
162 provide for the termination of any nonconforming use solely as a result  
163 of nonuse for a specified period of time without regard to the intent of  
164 the property owner to maintain that use. Such regulations shall not  
165 terminate or deem abandoned a nonconforming use, building or  
166 structure unless the property owner of such use, building or structure  
167 voluntarily discontinues such use, building or structure and such  
168 discontinuance is accompanied by an intent to not reestablish such use,  
169 building or structure. The demolition or deconstruction of a  
170 nonconforming use, building or structure shall not by itself be evidence  
171 of such property owner's intent to not reestablish such use, building or  
172 structure. Unless such town opts out, in accordance with the provisions  
173 of subsection (j) of section 8-1bb, such regulations shall not prohibit the  
174 installation of temporary health care structures for use by mentally or  
175 physically impaired persons in accordance with the provisions of  
176 section 8-1bb if such structures comply with the provisions of said  
177 section. Any city, town or borough which adopts the provisions of this  
178 chapter may, by vote of its legislative body, exempt municipal property  
179 from the regulations prescribed by the zoning commission of such city,  
180 town or borough; but unless it is so voted municipal property shall be  
181 subject to such regulations.

182       Sec. 3. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulations  
183 adopted pursuant to section 8-2 of the general statutes, as amended by

184 this act, shall:

185 (1) Designate locations within the municipality in which accessory  
186 apartments are allowed, provided at least one accessory apartment shall  
187 be allowed as of right on each lot that contains a single-family dwelling  
188 and no such accessory apartment shall be required to be an affordable  
189 accessory apartment;

190 (2) Allow accessory apartments to be attached to or located within the  
191 proposed or existing principal dwelling, or detached from the proposed  
192 or existing principal dwelling and located on the same lot as such  
193 dwelling;

194 (3) Set a maximum net floor area for an accessory apartment of not  
195 less than thirty per cent of the net floor area of the principal dwelling, or  
196 one thousand square feet, whichever is less, except that such regulations  
197 may allow a larger net floor area for such apartments;

198 (4) Require setbacks, lot size and building frontage less than or equal  
199 to that which is required for the principal dwelling;

200 (5) Provide for height, landscaping and architectural design  
201 standards that do not exceed any such standards as they are applied to  
202 single-family dwellings in the municipality;

203 (6) Be prohibited from requiring (A) a passageway between any such  
204 accessory apartment and any such principal dwelling, (B) an exterior  
205 door for any such accessory apartment, except as required by the  
206 applicable building or fire code, (C) more than one parking space for  
207 any such accessory apartment, or fees in lieu of parking otherwise  
208 allowed by section 8-2c of the general statutes, (D) a familial, marital or  
209 employment relationship between occupants of the principal dwelling  
210 and accessory apartment, (E) age restrictions with respect to occupants  
211 of the accessory apartment, (F) separate billing of utilities otherwise  
212 connected to, or used by, the principal dwelling unit, or (G) periodic  
213 renewals for permits for such accessory apartments; and

214 (7) Be interpreted and enforced such that nothing in this section shall  
215 be in derogation of the applicable building code or other requirements  
216 applicable where a private sewerage system is being used, provided  
217 approval for any such accessory apartment shall not be unreasonably  
218 withheld.

219 (b) The as of right permit application and review process for approval  
220 of accessory apartments shall require that a decision on any such  
221 application be rendered not later than sixty-five days after receipt of  
222 such application by the applicable zoning commission, except that an  
223 applicant may consent to one or more extensions of not more than an  
224 additional sixty-five days or may withdraw such application.

225 (c) No municipality shall (1) condition the approval of an accessory  
226 apartment on the correction of a nonconforming use, or (2) require the  
227 installation of fire sprinklers in an accessory apartment if such  
228 sprinklers are not required for the principal dwelling located on the  
229 same lot or otherwise required by the fire code.

230 (d) No municipality, special district, sewer or water authority shall  
231 (1) consider an accessory apartment to be a new residential use for the  
232 purposes of calculating connection fees or capacity charges for utilities,  
233 including water and sewer service, unless such accessory apartment  
234 was constructed with a new single-family dwelling on the same lot, or  
235 (2) require the installation of a new or separate utility connection  
236 directly to an accessory apartment or impose a related connection fee or  
237 capacity charge.

238 (e) If a municipality fails to adopt new regulations or amend existing  
239 regulations to comply with the provisions of this section, any  
240 noncompliant existing regulation shall become null and void and such  
241 municipality shall approve or deny applications for accessory  
242 apartments in accordance with the requirements for regulations set  
243 forth in the provisions of this section until such municipality adopts or  
244 amends a regulation in compliance with this section. No municipality  
245 shall use or impose additional standards beyond those set forth in this

246 section.

247 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulations  
248 adopted pursuant to section 8-2 of the general statutes, as amended by  
249 this act, shall allow, as of right, two or more types of middle housing or  
250 multifamily housing containing four or more dwelling units in at least  
251 fifty per cent of the lot area within a one-quarter mile radius of the  
252 primary commercial center in any municipality with one or more  
253 commercial centers or a population of seven thousand five hundred or  
254 more.

255 (b) The calculation of lot area described in subsection (a) of this  
256 section shall include the square footage of total lot area, excluding  
257 roadways, sidewalks, railways, regulated inland wetlands and  
258 watercourses, slopes of fifteen per cent or more in grade change within  
259 a lot, ledges, tidal wetlands and other coastal resources.

260 (c) Any housing allowed pursuant to subsection (a) of this section that  
261 includes ten or more residential units shall set aside at least ten per cent  
262 of such residential units as assisted housing, as defined in section 8-30g  
263 of the general statutes.

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

270 (e) No municipality shall condition the approval of middle housing  
271 or multifamily housing on the correction of a nonconforming use.

272 (f) If a municipality fails to adopt new regulations or amend existing  
273 regulations to comply with the provisions of this section, any  
274 noncompliant existing regulation shall become null and void and such  
275 municipality shall approve or deny applications for middle housing or  
276 multifamily housing in accordance with the requirements for

277 regulations set forth in the provisions of this section until such  
278 municipality adopts or amends a regulation in compliance with this  
279 section. No municipality shall use or impose additional standards  
280 beyond those set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1aa
Sec. 2	<i>October 1, 2021</i>	8-2(a)
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	New section

**Statement of Purpose:**

To require municipal zoning commissions to adopt regulations allowing accessory apartments, middle housing and multifamily housing.

*[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.]*