



Town of Lyme Public Act 25-1 Zoning Compliance Update

Date: 6/2/26

Recommended Middle Housing Amendment

Purpose: The purpose of this amendment is to comply with the middle housing requirements and restrictions of Public Act 25-1.

Description: This recommended amendment does the following:

- Provides a definition of mixed-use middle housing.
- Adds mixed-use middle housing as a permitted use in the C-40 zone.
- Amends the Article 11 Site Plan regulations to enable the site plan requirements to satisfy the summary review requirements of the Public Act by prohibiting public hearings and limiting discretionary zoning reviews.
- Provides standards for mixed-use middle housing development.
- Amends conflicting regulations.

Geographic Extents: C-40 zone

Context: Public Act 25-1 requires that “transit community middle housing or mixed-use development” be allowed on any lot that is zoned for “commercial or mixed-use development, subject only to summary review”. Transit community middle housing is defined as “a residential building containing not less than two dwelling units but not more than nine such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters”. Summary review is an approval process that is comparable to a site plan application and prohibits the requirement of a public hearing or special permit. The Act becomes effective July 1, 2026.

If These Amendments are not Adopted:

While Public Act 25-1 does not penalize municipalities for failing to amend zoning, in practice the consequences are significant: loss of regulatory control, greater legal exposure, more permissive outcomes by default, administrative uncertainty, reduced ability to leverage incentives. Not amending zoning does not avoid the law, it shifts control from local regulation to statutory minimums and case-by-case interpretation. More specifically, if these amendments are not adopted:

1. Both transit community middle housing and mixed-use development will be allowed by summary review (or equivalent) in any commercial or mixed-use zone and potentially in any residential zone that is zoned to allow commercial or mixed-use uses.
2. The town may not be able to require the applicant to submit more than a site plan in addition to any basic information that would otherwise be submitted as part of a zoning permit or certificate of zoning compliance application, and it will not be clear or certain that Commission approval will be required.
3. The town may not be able limit the number of dwelling units in a mixed-use development or the size of the non-residential component of a mixed-use development that are subject to approval by summary review (or equivalent).
4. The town will not be able to apply standards specific to middle housing or mixed-use such as the location of dwelling units within a building or housing affordability requirements.



5. There will be a lack of clarity regarding what form of middle housing is allowed, where it is allowed, and the proper application requirements and procedures.
6. The town/Commission may have limited defensible grounds to deny or condition applications.
7. Applicants will be positioned to interpret the Public Act in their favor, and the town will be in a reactive position.

Recommended Zoning Amendments

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1. Add definition of mixed-use middle housing to § 315-2.2 Definitions as follows:

MIXED-USE MIDDLE HOUSING — A building containing between 2 and 9 dwelling units and a non-residential use.

2. Add mixed-use middle housing as a permitted use in C-40 zone by adding the following Item J to § 315-6.2 and prohibit waiver of the site plan:

J. Mixed-use middle housing in conformance with § 315-8.6 of these regulations (site plan requirement shall not be waived).

3. Amend § 315-7.11 as follows:

§ 315-7.11. Number of family dwelling units per lot.

With the exception of mixed-use middle housing developments, ~~n~~No more than two family dwelling units may be built on one lot.

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4. Add new § 315-8.6 Mixed-Use Middle Housing as follows:

§ 315-8.6. Mixed-Use Middle Housing.

Purpose. Mixed-use middle housing is intended to provide compliance with CGS § 8-2s, as amended by Public Act 25-1, which requires that zoning regulations allow for the development of a transit community middle housing development or a mixed-use development, on any lot that is zoned for commercial or mixed-use development, subject only to summary review. The summary review requirement, which allows for the requirement of a site plan but prohibits a special permit or public hearing requirement, is satisfied through a Site Plan approval requirement in accordance with § 315-11 of these Regulations.

- A. Applicability of Regulations. All mixed-use middle housing applications shall be subject to all applicable zoning and land use regulations.
- B. Standards. In addition to other requirements of these Regulations, the following standards, conditions, and procedures are applicable to the establishment of all mixed-use middle housing developments:
 - (1) Type of Construction. Mixed-use middle housing projects may include new construction, additions to existing buildings, or the redevelopment of existing buildings.
 - (2) Number of Units. No fewer than 2 and no more than 9 dwelling units shall be permitted per lot.
 - (3) Building Configuration. Only one building per lot may contain residential units.
 - (4) Location of Residential Units. Dwelling units may be located only on upper floors or at the rear or sides of the building so as to preserve the street-fronting first floor for nonresidential use.
 - (5) Ratio Of Uses: The floor area of the non-residential use shall not exceed the residential floor area within the mixed-use middle housing building. The calculation of the non-residential use floor area shall be limited to space used exclusively by the non-residential use.
 - (6) Non-Residential Use. The non-residential use shall be limited to those uses allowed in the zone in which the mixed-use middle housing building is located.
 - (7) Entrances and Circulation.
 - (a) Separate and clearly defined building entrances shall be provided for residential and non-residential uses.
 - (b) Internal circulation shall be designed to minimize conflicts between residents, patrons, employees, and service functions.
 - (8) Parking. No off-street parking for residential units shall be located within the required front yard.
 - (9) Outdoor Space and Amenities. A minimum of 100 square feet of usable outdoor space per dwelling unit shall be provided for residents. Such space may be provided as private or common space and may include balconies, courtyards, terraces, porches, patios, or rooftop amenity areas.
 - (10) Equipment and Service Areas. Mechanical equipment, loading areas, and service functions shall be located and screened to minimize visibility from public streets and impacts on residential units and neighboring properties.



5. Amend § 315-11.1 as follows to establish that the site plan requirement will satisfy the summary review requirement:

§ 315-11.1. Purpose.

A site plan is required for certain uses in order to determine the conformity of a proposed activity with these regulations. The site plan shall be prepared with due consideration for the purpose and intent of these regulations, including protection of public health, safety, comfort and convenience, coordination with and improvement of vehicular and pedestrian access, provision of adequate drainage and utilities, appropriate lighting and landscaping, protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical, and maintenance of architectural harmony with the surrounding area. **These site plan requirements are also intended to satisfy the summary review requirements of CGS § 8-2r for projects subject to summary review approval.** Article 11 establishes procedural and informational requirements for site plans.

6. Amend § 315-11.2.A(1) as follows to specify that mixed-use middle housing projects are not exempt from the site plan requirement:

- A. Unless otherwise specified in these regulations, a site plan is required for all proposed uses or changes of use, except the following:
 - (1) A family dwelling unit, except **if within a mixed-use middle housing building or if** as subject to special permit review under Article 14, Conservation District, or where the proposed use is within 100 feet of tidal wetlands, coastal bluffs and escarpments. Applications for family dwellings must include the information required in § 315-10.3A. In addition, a site plan may be required by the Commission or its representative (ZEO) when topography, soils, existing development, mixed uses or other factors make it infeasible to properly determine conformance with the Zoning Regulations without a site plan.

7. Amend § 315-11.2.B as follows to prohibit a waiver of the site plan requirement by the ZEO for mixed-use middle housing.

- B. Waiver of site plan requirements. In addition to uses and activities specifically exempted elsewhere in these regulations, the ZEO may waive requirements for a site plan if the ZEO determines that a proposed activity will not affect existing traffic circulation, nor result in an increase in the need for parking, nor shall there be any significant exterior change to a building or site, nor shall such new activity have an impact on surrounding properties and the neighborhood substantially different from the existing use from which the change is requested. The site plan may not be waived for **mixed-use middle housing developments**, coastal site plans, or for special permit uses.

8. Amend § 315-11.4.B to prohibit public hearings to be held for mixed-use middle housing site plan approvals as follows:

- B. Official date of receipt. When a site plan is not waived in its entirety, the official date of receipt of the site plan application shall be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Zoning Enforcement Officer, or 35 days, whichever is sooner. **With the exception of mixed-use middle housing applications,** ~~a~~At its discretion, the Commission may hold a public hearing on any site plan.



9. Amend § 315-11.5.C. to clarify and limit the Commission's authority to impose additional requirements on a mixed-use middle housing development as follows:

C. Additional requirements. Additional information may be required when such information is necessary in determining conformance with these regulations **except that in the case of mixed-use middle housing applications, such requirements shall be limited to providing information as necessary to determine compliance with these Regulations so as not to constitute a discretionary zoning action.** The Commission, or the ZEO acting as the Commission's delegate, may require the following additional information: